

Minutes of the Town Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on June 4, 2009 at 7:30PM

Present: John Burke, Supervisor
Geraldine Gianzero, Councilwoman
Amidee Haviland and Carlton Levine, Councilman

Absent: None

Also Present: Richard Liberth, Attorney for the Town; David Levinson and David Hasin, Town Justices; Robert Kwiatkowski, Police Chief; Michael Queenan, Village Mayor; Sandra Capriglione, Village Zoning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to accept the minutes of the regular meeting held May 21, 2009.

ADOPTED	AYES	3	Burke, Haviland, Levine
	ABSTAIN	1	Gianzero

b. Approval of Abstract:

Motion was offered by Supervisor Burke, seconded by Councilwoman Gianzero, to approve Abstract 12, Vouchers #20091136 - #20091226 (voiding Voucher 20091213 – Check 19307) totaling \$122,587.91.

ADOPTED	AYES	4	Burke, Gianzero, Haviland, Levine
	NOES	0	

EXTRA ITEM – Appointment of Technical Support Assistant:

Motion was offered by Councilwoman Gianzero, seconded by Councilman Levine, to appoint Dawn McFarland to the position of part-time (16 hours) Technical Support Assistant effective on or about June 4, 2009, pending Civil Service approval and the signing of all Town required documents. This position is classified as Grade 9A/Step 1A and pays \$15.64/hour.

ADOPTED	AYES	4	Burke, Gianzero, Haviland, Levine
	NOES	0	

EXTRA ITEM – Budget Modification:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to approve a modification to the budget of the Parks Department by increasing A3821 (Solutions Program Grant) by \$5,000 and increasing A7110.450 (2009 Solutions Program) by \$4,500, increasing A7110.108 (Salaries – Solution Program) by \$460 and increasing A9030.802 (FICA-Solutions Program) by \$40.

ADOPTED	AYES	4	Burke, Gianzero, Haviland, Levine
	NOES	0	

c. Discussion – Judges Concerns about Court Facilities:

Justices Levinson and Hasin wrote a letter to the Town Board stressing their “shear frustration” with the court facilities, noting the court is not accessible to the physically challenged, is unsafe in the event of fire, and has no real facilities to accommodate jurors or restrooms. They also feel there is a lack of security during the day to protect the court staff. Based on this letter, Charles Apotheker, Supervising Judge of the 9th District Town and Village Courts, appeared before the Board this evening stating he agrees the court facilities are unacceptable and should be addressed. He noted that the State has grant money available (up to \$30,000) to assist with the planning of new facilities. He also stated an

assessment was done by his office and he submitted the results to the Board members. Supervisor Burke stated one issue raised in the letter by the Town Justices was the lack of security during the working day. He visited several courthouses (Towns of Monroe, Tuxedo and Cornwall, Villages of Highland Falls and Sloatsburg) the past few weeks and was able to walk through the halls, the courtroom and to the court clerks without being stopped or questioned. Cornwall had bullet retardant windows, which is something that may be considered. He also noted that it is not unusual for the court facilities to be located on the second floor, with only Highland Falls having access with an elevator. He added that the Town Board is fully aware of the possible dangers, pointing out that customers for the court must first pass the Town Clerk's Office, then the Assessor's Office before getting to the Justice Court. He then cited some improvements the Board has been able to do to thus far: 1) obtained a magnetometer and funded a salary for a court attendant; 2) with the Village Mayor had the Zoning Board meetings moved to the 2nd Wednesday so there is no conflict with DA night; 3) made the meeting room available for individuals to sit while waiting to be called before the bench; 4) with the Police Chief increased the presence of police; 5) with the Justices hired a special prosecutor so cases move more swiftly. Most recently the Board is looking to obtain a credit card processing machine, at no cost to the Town, so court fines can be paid easier. Supervisor Burke further noted that a grant in the amount of \$2 million has been submitted to Congressman John Hall for the construction of a municipal building to house both the Town and Village offices. The Board has also begun building a reserve for a new building as well. The other members of the Town Board stated they are doing what they can but noted there are financial restraints due to the economy. Both Justice Hasin and Levinson thanked Supervisor Burke for making an effort by visiting neighboring courthouses but added they felt he should have gone to ones that have similar case loads as Woodbury, suggesting Newburgh or New Windsor.

II. Old Business:

a. Revised Procurement Policy:

Supervisor Burke explained that, due to the current economy, the Board decided to review the current procurement policy, which was created in July 1992. Councilman Haviland stated he had asked for the time to review the policy and make recommendations, which he acknowledged he failed to do. He did feel that if a purchase is made from a "sole source" documentation should be submitted with the voucher noting exactly why this was a sole source purchase/situation. He also feels that a historical analysis be conducted as well as a cost/competitive analysis for all written bids received. Clerk Potvin noted that the policy proposed this evening was written by the State with the Board adjusting the purchase parameters. She further stated the analysis would be something compiled after the bidding is done, which is not part of the actual procurement policy but a step required by the Board. She added that the Board should designate who would be responsible for the preparing of these analyses, suggesting Councilman Haviland as this is the field he has experience in. With no further comments, a motion was offered by Councilman Levine, seconded by Councilman Haviland, to adopt the following revised procurement policy:

WHEREAS, General Municipal Law (GML) 104-b requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the Town involved with procurement;

NOW, THEREFORE, BE IT

RESOLVED that the Town of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. "Purchaser" is defined as every Town official, board, department head or other personnel with the requisite purchasing authority

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$10,000 or (b) public works contracts over \$20,000 shall be formally bid pursuant to GML 103.

Guideline 3. Purchase of goods of a single item or purchase of multiple quantities of the same item shall follow the following:

Less than \$10,000 but greater than \$5,000	Three written quotes with documentation
Less than \$5,000 but greater than \$2,500	Two verbal quotes with documentation
Less than \$2,500	Left to discretion of the Purchaser

Purchase of public work/services contracts shall follow the following:

Less than \$20,000 but greater than \$12,500	Three written quotes with documentation
Less than \$12,500 but greater than \$8,000	Two written quotes with documentation
Less than \$8,000 but greater than \$3,000	Two verbal quotes with documentation
Less than \$3,000	Left to discretion of the Purchaser

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for that quotes have been received by using the form provided by the Town. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of proposals/quotes shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole-Source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$2,500;

- (i) Public work/services for less than \$3,000.

Guideline 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
NOES 0

b. Joint Monroe/Harriman Fire District Real Property Request:

A request was received from Attorney Frank Simeone representing the Steering Committee (that was created regarding the establishment of a joint fire district for the Town of Monroe and the Villages of Harriman and Monroe) regarding empowering the Board of Fire Commissioners with the authority to acquire real property interests. Each of the Boards of the municipalities involved has been asked to relinquish its ability to require the new joint fire district to obtain the permission of the Towns/Villages prior to acquiring real property interests. Attorney Simeone stated in his letter that he feels this restriction would severely hamper the new joint fire district in carrying out its fire protection responsibilities. Attorney Liberth stated it is hard to say how giving up this ability would affect the residents of Woodbury. Councilman Levine stated he does not feel comfortable giving up this right without knowing what could happen. Councilwoman Gianzero stated she agrees and would like to know how the Town Board of Monroe and Village Boards of Harriman and Monroe acted on this request. Supervisor Burke agrees that giving up this ability without further information would not be responsible to the residents of Woodbury. It was decided that no action would be taken on this request.

c. Authorize Supervisor to Sign – OCCD Grant Application:

Motion was offered by Councilman Haviland, seconded by Councilwoman Gianzero, to authorize the Supervisor to sign the grant application and all required documents relating to the Orange County Community Development FY2010 grant program. It was noted that \$17,050 was applied for to do renovation to the Senior Center restrooms.

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
NOES 0

III. New Business:

a. Congregation Bnai Yoel Request to be Removed from Refuse District:

A request was received from the Congregation Bnai Yoel (411 County Route 105; 225-1-45.2) to be removed from the refuse district since they have never had pick-up. They would also like to be reimbursed for the taxes they paid over the past two years for refuse collection. Correspondence was received from the Refuse Department stating that the current carter does not collect refuse from this location and neither did the past carter. This property is currently charged as a single unit for the caretaker's house, which is occupied all-year. Clerk Potvin reminded the Board that a public hearing on the refuse district assessment roll is held annually with personal notification of said hearing sent to each member of the district. If they are being charged incorrectly, that is the opportunity to come before the Board and request that it be amended. Additionally, this property is being charged as a single-family residence and should have been receiving service all along. The Board decided to table this issue until further research is conducted.

b. Schedule Special Meeting for Interviews – Town Board Vacancy:

Since some members did not have their calendars with them to set a date, Supervisor Burke stated he will coordinate with them over the next few days and call a special meeting, as Town Law permits him to do.

c. Dial-A-Bus Announcement:

Supervisor Burke announced that Town of Monroe Dial-A-Bus will begin services in Woodbury starting the middle of July. The bus will run on Tuesdays and in the beginning will consist of a couple of trips to ShopRite, Wal-Mart, Stop and Shop, etc. The plan is to start small and grow with demand. The Transportation Director will be meeting with Senior Center Director Sadie Thompson to discuss details. He then thanked all the individuals that were involved in bringing this valuable service to Woodbury.

IV. Public Comment:

Chief Kwiatkowski wanted to clarify for the Boards knowledge that the court attendant does not work for his department. The policies followed by the court attendant are not made by the Police Department. However, the Police Department does fully support the court attendant and his duties.

9:10PM – Executive Session:

Motion was offered by Councilwoman Gianzero, seconded by Councilman Levine, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item of personnel relating to the salaries of non-union employees.

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
 NOES 0

There were no minutes of the executive session recorded.

After the executive session, a motion was offered by Councilwoman Gianzero, seconded by Supervisor Burke, to give all non-union employees a ½% salary increase effective January 1, 2009. The following employment titles qualify: Deputy Town Clerk, Confidential Secretary to the Highway Superintendent, Deputy Tax Collector, Clerk to the Supervisor, Temporary Clerk to the Justice Court, Temporary Clerk to the Town Clerk, Park Director and Library Director.

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
 NOES 0

V. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Haviland, seconded by Councilman Levine, to adjourn the meeting at 9:35PM.

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
 NOES 0

A closed session with the attorney was held after adjournment.

Desiree Potvin, Town Clerk