

November 8, 2012 – Workshop Meeting and Budget Public Hearing

The Gardiner Town Board met this evening at 7:00 PM at the Gardiner Town Hall for their workshop session and budget public hearing. Supervisor Zatz and Councilmen Koenig, Mele, Reynolds and Wiegand were all present. There were approximately 22± audience members.

ANNOUNCEMENTS

Nov. 12 – Town Hall closed in observance of Veterans Day.

Nov. 12 – Dog Park is scheduled to close for the season.

HURRICANE SANDY RELIEF

The Gardiner Reformed Church has been designated as a collection center for Hurricane Sandy Relief items. Cleaning supplies, bottled water and blankets are among many items accepted.

PUBLIC HEARING – LOCAL LAW PROCUREMENT POLICY

At 7:05 PM the Town Clerk read the legal notice for a public hearing on the amendment of the Town's Procurement Policy.

Supervisor Zatz read the key changes and threshold increases. He then opened the hearing up to the public for questions and/or comments. There being none, the hearing was held opened as the Board moved forward with other agenda items.

BID OPENING – THREE(3) HIGHWAY EQUIPMENT CAB & CHASSIS

The legal notice for the 2013 cab & chassis bids was read at 7:10 PM by the Town Clerk. Three bids were received – Mid Hudson Mack in the amount of \$320,178.54, Navistar, Inc in the amount of \$292,196.07 and Utica General Truck in the amount of \$357,720. All bids were turned over to the Superintendent of Highways for review. The bid will be awarded at next week's meeting.

BID OPENING – HIGHWAY EQUIPMENT TRUCK BODIES

The second bid was opened after the Town Clerk read the legal notice at 7:15 PM. Two bids were received both from Amthor Welding as follows: Two (2) multipurpose dump bodies - \$135,126, one (1) standard dump body \$49,997. These bids were also turned over to the Superintendent of Highways for his review. Bids will be awarded at next week's meeting.

CLOSE PUBLIC HEARING – LOCAL LAW PROCUREMENT POLICY

At 7:35 PM on motion of Councilman Mele, seconded by Councilman Wiegand and carried, the public hearing on the Procurement Policy was closed. Board members reviewed the short form SEQR and authorized the Supervisor to sign it on motion of Councilman Koenig, Seconded by Councilman Mele and carried.

ADOPT LOCAL LAW – PROCUREMENT POLICY

Offered by Councilman Mele

SECTION 1. TITLE

This local law shall be known as "A Local Law Amending Chapter 48 of the Town Code of the Town of Gardiner - Procurement Policy."

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law, the Town Law and General Municipal Law §104-b

SECTION 3. PURPOSE AND FINDINGS

The Town of Gardiner desires to comply with the requirements of general municipal law §104-b with respect to maintaining a procurement policy that is up-to-date and reflects a policy of good and efficient government through appropriate or competitive purchasing and procurement.

From time to time is necessary to update the various thresholds in the procurement policy to reflect the current thresholds set forth in State Law and to make such other adjustments as are necessary to ensure that public funds are appropriately expended.

SECTION 4.

Chapter 48 - Procurement Policy of the Town of Gardiner Code is hereby amended by deleting in the provisions located at §48-2 and replacing them as follows:

§ 48-2. Procedures for determining whether procurements are subject to bidding.

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

- A. Determine whether the procurement is a purchase contract or a contract for public works. Formal competitive bidding is required for all purchase contracts above \$20,000 and contracts for public works above \$35,000.

In general, a purchase contract is one which involves the acquisition of commodities (e.g. materials, supplies, or equipment). In general, a public works contract involves the provision of services, labor or construction. Where a contract involves both, it should be reviewed on a case-by-case basis and a determination made as to the “total character” of the contract. This analysis may turn on whether there is only an incidental amount of services or commodities in proportion to the entire contract.

If a determination is made that competitive bidding is not required, the following guidelines must be followed.

- B. Purchasing and procurement practices for the Town of Gardiner at the following thresholds are:
- (1) Purchase contracts equal to or below \$20,000.
 - (a) Under \$500: No quote required.
 - (b) \$500 - \$3,999: Two verbal quotes.
 - (c) \$4,000 - \$20,000: Three written quotes.
 - (2) Contracts for public works equal to or below \$35,000.
 - (a) Under \$1,000: No quote required.
 - (b) \$1,000 - \$9,999: Three written quotes.
 - (c) \$10,000 - \$35,000: Public notice seeking written quotes.

Chapter 48-Procurement Policy of the Town of Gardiner Code is hereby amended by adding a new section which shall be referred to as §48-9 as follows:

§ 48-9. Individuals responsible for purchasing and their titles.

<u>Entity</u>	<u>Individual Responsible for Purchasing</u>
Town Board	Town Supervisor
Assessor	Town Supervisor
Dog Control	Town Supervisor
Bookkeeping	Town Supervisor
Town Clerk's Office	Town Clerk
Tax Collector's Office	Tax Collector
Highway Department	Highway Superintendent
Planning Board	Chairman
Zoning Board of Appeals	Chairman
Town Court	Town Justice
Building Department	Building Inspector
Code Enforcement	Code Enforcement Officer
Transfer Station	Transfer Station Manager
Env. Conserv. Commission	Chairman

Parks & Recreation	Chairman
Library	Library Director
Open Space Commission	Chairman
Town Entities not on this List	Town Supervisor

SECTION 5. VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Gardiner hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect after adoption by the Town Board and upon filing in the office of the New York State Secretary of State.

Seconded by Councilman Koenig and carried.

PUBLIC HEARING – 2013 BUDGET

The Town Clerk read the legal notice for the 2013 Budget at 7:20 PM. Councilman Mele proposed a change to the Building Inspector's salary to an increase of \$24,495. All Board members agreed.

Supervisor Zatz opened the hearing to the public for questions and comments.

Gale Foster – member of the Open Space Commission spoke about requesting a \$45,000 budget for the Open Space Commission. Mrs. Foster stated that \$45,000 is needed for the Hess Farm project. The goal of the commission is to raise the funds to reimburse the Town. Mrs. Foster also asked the Board to consider a property transfer tax to be used for open space funding.

Pam O'Dell – read a statement about her views of the Open Space funding.

Jack Habersberger – objects to any open space funding done with taxpayers money.

Janet Kern – investing in open space is a benefit to everyone in town. She hopes the Town Board will consider the request of the Commission.

Jim Freer – opposed to the funding especially in these hard times.

Marion Kells – is opposed to open space funding with taxpayers money. The money should come from fund raising just as they did with the Kiernan Farm.

Marc Moran – Chairman of the Open Space Commission. Spoke in support of open space funding, the open space law and the benefits to the Town that open space will bring.

Pam O'Dell – suggested using a bonding agent to utilize the money from the referendum adopted several years ago just for open space funding.

Harold Chorny – believes open space supports property values.

Gale Foster – stated that she believes the bond referendum has expired.

Supervisor Zatz – commented that the auditor from the State Comptroller's Office actually said that it was still available and is in effect ten (10) years from the date of adoption.

Henry Tortora – stated that open space is good in a town, but is opposed to any new building on the property. Spoke about a printing plant being constructed on property here in Gardiner.

David Straus – is in favor of open space funding. Commented on what would happen if the Hess Farm was developed.

Jack Habersberger – asked what organization the grant money is coming from.

Irwin Cantor – supports open space and believes that preserving open space is in the eye of the beholder.

Bill Barrett – if funding cannot be raised privately, then it is obvious that there should be no interest in preserving the farm.

Mike Kruglinski – believes it is a small contribution for taxpayers and a big asset to the Town.

Marion Kells – suggested the Open Space Commission pay the Town back with money they fund raise.

Jack Habersberger – if businesses are interested let them raise the money.

Marc Moran – Open Space Commission is an entity of the Town. They have no fiduciary responsibility. He clarified what the commission is all about.

Harold Chorny – it is short sighted to focus on the cost to the taxpayers.

Scott Bittner – asked if the Town supervisor received a raise.

Janet Kern – asked the Town Board to increase the funding for the ECC. It was reduced to \$500 and she feels this figure is not adequate for the Board to address projects before them. She protests the cut in the budget.

Kathy Hudson – supports adding the \$1,000 back into the ECC budget line.

There being no further discussion, Councilman Mele made a motion to table the public hearing to next week's meeting. Councilman Reynolds seconded it. All others voted nay. Motion failed.

CLOSE PUBLIC HEARING - 2013 BUDGET

At 8:10 PM, on motion of Councilman Wiegand, seconded by Councilman Koenig and carried, the public hearing was closed. Councilman Mele voted nay.

PRIVILEGE OF THE FLOOR

Henry Tortora – the budget should be voted on by all residents.

Pam O'Dell – questioned the status of the ZBA issue she brought forth some months ago regarding a vote taken that was changed outside of a meeting. The wrong information was passed onto to Planning Board.

Councilman Mele – is still working with the ZBA chairman on this.

Jack Habersberger – does not object to what open space preservation is doing, but does object to its misrepresentation.

Jim Freer – is concerned with public safety, in particular vehicles parking on Main Street over the white line.

Jack Habersberger – on Election Day a woman tripped and fell out of the front door. He suggested that a “step down” sign be placed on the door.

EXECUTIVE SESSION

At 8:20 PM the meeting was adjourned to Executive Session on motion of Councilman Wiegand, seconded by Councilman Koenig and carried, for the purposes of discussing litigation. The Board will return to regular session only to adjourn.

LEAVE EXECUTIVE SESSION AND ADJOURN

On motion of Councilman Reynolds, seconded by Supervisor Zatz and carried, the meeting was adjourned at 8:52 PM.

Respectfully submitted,

Michelle Mosher
Town Clerk