

**Town of Shandaken
County of Ulster
State of New York
Monday August 20, 2012**

Town Board met this date at 1pm for a Public Hearing & Meeting as noted in legal notice to hear all in favor of or those opposed to Resolution Amending Town of Shandaken Procurement Policy & to open and award bids for Phoenicia Water district plans for "High Street Loop" Project.

Pledge of Allegiance

Roll Call

Members Present: **Doris Bartlett, Board Member**
 Alfred Higley, Jr., Board Member
 Jack Jordan, Board Member
 Robert Stanley, Supervisor
 Vincent Bernstein, Board Member

Recording Secretary: **Joyce Grant, Town Clerk**

Supervisor Stanley opened the public hearing to hear comments on Resolution 2012-135. Kathy Nolan asked what differences the new procurement policy would include.

After there were no other comments, on a Stanley/Jordan motion the board closed the Special Hearing & opened the Special Meeting to open bids for the Phoenicia Water High Street Loop Construction Plan.

Supervisor Stanley stated to the board that the Shandaken Cemetery Assoc. is looking for someone else to take over maintenance to the Cemetery since they don't have enough money to maintain it.

On a Stanley/Jordan motion, the Town Board unanimously voted to Enter in a Contract with EWP Projects for Fox Hollow & High Street Pump Station work.



Town of Shandaken Town Board Meeting Agenda
Public Hearing/Special Meeting
Monday, August 20, 2012

PUBLIC HEARING- Procurement Policy Update

1. Pledge of Allegiance
2. Roll Call
3. Communications
4. Public Comments
5. Board Discussion
6. Adjourn

SPECIAL MEETING

1. Call To Order
2. Roll Call
3. Communications
4. Public Comment on Resolutions
5. Motions:
6. Resolutions:
 - 134) **Town Board** – Approve Neg-Dec for Procurement Policy Amendments
 - 135) **Town Board** – Approve Procurement Policy Amendments
 - 136) **SAFARI** – Postpone Bid Openings – Set Spcl. Mtgs.-Mon., Aug.27th &31st
 - a. Sites 2&9-Stony Clove, Site 4-Warner Creek
 - 137) **SAFARI** – Advertise for bids for Chichester Stream Work
 - a. Site 5-Warner Creek
 - 138) **Phoenicia Water**– Open/ award bids for Phoenicia “High Street Loop”
 - 139) **SAFARI** – Approve Licensing Agreement w/ Ulster County for Stream Work
7. Open Public Comment
8. Meeting Adjournment

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RESOLUTION #: 134-12

OFFERED BY: Bernstein

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS
ON THE ENVIRONMENT FROM THE ADOPTION OF
AMENDMENTS TO THE TOWN PROCUREMENT POLICY (LOCAL LAW #3 OF 2012)**

WHEREAS, the Town Board of the Town of Shandaken is adopting Amendments to THE Town Procurement Policy (Chapter 41-Town of Shandaken Code) (Local Law #3 of 2012); and

WHEREAS, the possible environmental impacts of the adoption of the amendments have been considered by the Town Board; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of the Amendments to the Town Procurement Policy for the Town of Shandaken will not have significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to discharge the Board's responsibility as lead agency for this action including, but not limited to, the issuance of a negative declaration consistent with this resolution.

AND MOVE ITS ADOPTION

Seconded by: Higley

Roll Call: 5 AYES

617.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Shandaken	2. PROJECT NAME Town of Shandaken Procurement Policy Amendments
3. PROJECT LOCATION: Municipality Town of Shandaken County Ulster	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 7209 Rte. 28 PO Box 134 Shandaken, NY 12480	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amendments to the Town of Shandaken Procurement Policy - Chapter 41 of Town of Shandaken Code	
7. AMOUNT OF LAND AFFECTED: Initially N/A acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: N/A	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: Town of Shandaken Town Board	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Town of Shandaken Town Board Date: 8/20/12 Signature: Robert A. Stanley	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="margin-left: 40px;">No</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p>	
<p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.</p>	
<p>Town Board of the Town of Shandaken</p> <hr/> <p style="text-align: center;">Name of Lead Agency</p>	<p>8/20/12</p> <hr/> <p style="text-align: center;">Date</p>
<p>Robert A. Stanley</p> <hr/> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>Town Supervisor</p> <hr/> <p style="text-align: center;">Title of Responsible Officer</p>
 <hr/> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<hr/> <p style="text-align: center;">Signature of Preparer (If different from responsible officer)</p>

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RESOLUTION #: 135-12

OFFERED BY: Jordan

**RESOLUTION ADOPTING THE AMENDMENTS TO THE TOWN PROCUREMENT POLICY
(LOCAL LAW #3 OF 2012)
FOR THE TOWN OF SHANDAKEN**

WHEREAS, the Town Board for the Town of Shandaken has reviewed and extensively considered the proposed Amendments to the Town Procurement Policy (Chapter 41-Shandaken Town Code) (Local Law #3 of 2012);

WHEREAS, the Town Board issued a negative declaration with respect to the adoption of the amendments and determined that the proposed law will not have a significant adverse impact on the environment;

WHEREAS, the adoption of the amendments to the Procurement Policy is consistent with the Negative Declaration;

WHEREAS, the Town Board noticed a Public Hearing held on the 20th day of August, 2012 at 1p.m. to provide the public with an opportunity to comment on the proposed amendments and allowed written comments to be submitted up until 1p.m on August 20th, 2012;

WHEREAS, the Town Board has also solicited the comments of involved agencies and the public;
and

WHEREAS, the comments received have been given due consideration by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the amendments to the Town Procurement Policy (Chapter 41 of the Shandaken Town Code), being Local Law No. 3 of 2012, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

AND MOVE ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

Chapter 41. PROCUREMENT POLICY

[HISTORY: Adopted by the Town Board of the Town of Shandaken 2-8-1995. Amendments noted where applicable.]

§ 41-1. Purpose.

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing Board is adopting internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103, or of any other general, special or local law.

§ 41-2. Determination of whether procurements subject to bidding.

The procedures for determining whether a procurement of goods and 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. Procedure.

- (1) Purchase contract for supplies and/or equipment in excess of twenty thousand dollars.
- (2) Contract for public works in excess of thirty-five thousand dollars.

B. Documentation: written quotations or proposals.

§ 41-3. Statutory exceptions from policies and procedures.

Except for procurement made pursuant to General Municipal Law § 103, Subdivision 3 (through county contracts) or § 104 (through state contracts); State Finance Law § 175-b *Editor's Note: Former § 175-b of the State Finance Law, added by the Laws of 1945, Chapter 299, § 2, as amended, was repealed by the Laws of 1995, Chapter 83, § 33. See now State Finance Law § 162, Subdivision 6.* (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans' workshops), Correction Law § 186 (articles manufactured in correctional institutions) or the items excepted herein (see § 41-7), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law § 104-b.

§ 41-4. Methods of competition for non-bid procurement.

The methods of procurement to be used are as follows:

A. County contracts.

B. Emergencies.

C. Professional service.

D. Insurance.

E. Secondhand equipment from other governments.

§ 41-5. Adequate documentation.

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. For contracts involving supplies or equipment in excess of three thousand dollars but less than twenty thousand dollars and for contracts for public works in excess of ten thousand

- dollars but less than thirty five thousand dollars there shall be a written specification request and written quotes from three vendors.
- B. For contracts for public works in excess of three thousand dollars but less than ten thousand dollars there shall be an oral or written specification request and written quotes from two vendors.
 - C. For contracts for supplies and equipment and for contracts for public works in excess of one thousand dollars but less than three thousand dollars there shall be an oral specification request and oral or written quotes from two vendors.
 - D. For contracts for supplies and equipment and contracts for public works less than one thousand dollars the contract may be awarded at the discretion of the entity making the purchase.
 - E. All quotes are to be documented in writing by the Department head or the designee making the request.
 - F. If Department head or designee have a failure in meeting guidelines set forth above then Department head or designee are required to document in writing reasons for failure in process. (i.e., low reply rate, etc.)

§ 41-6. Awards to other than lowest responsible dollar offerer.

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons such an award furthers the purpose of General Municipal Law § 104-b as set forth hereinabove shall be documented as follows:

- A. There must be documentation and justification of the reason why the purchase is in the best interest of the governmental unit.

§ 41-7. Items excepted from policies and procedures by Board.

The Board sets forth the following circumstances when or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Town of Shandaken.

- A. Emergencies.
- B. No competition.
- C. Small procurement under one thousand dollars.

§ 41-8. Input from officers.

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

§ 41-9. Annual review.

The governing Board shall annually review these policies and procedures. The Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

§ 41-10. Unintentional failure to comply.

The unintentional failure to fully comply with the provisions of General Municipal Law § 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Shandaken or any officer or employee thereof.

EFFECTIVE DATE: This Law shall become effective immediately upon filing of same in the Office of the Secretary of State after being approved by the qualified voters.

RESOLUTION #136- 12

OFFERED BY Stanley

RESOLUTION ESTABLISHING TOWN BOARD SPECIAL MEETINGS

WHEREAS, the Town of Shandaken needs to conduct certain Town business in a timely fashion concerning Stream Projects, and;

WHEREAS, the Town, due to extenuating circumstances, would like to extend the bidding for two Stream Projects currently out to bid and will add a previously redacted project to the list of projects to be bid;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1 pm on Monday, August 27, 2012** for the purpose of conducting business related to opening bids for Stream Projects

BE IT FURTHER RESOLVED, that the Town of Shandaken Town Board, will conduct a Special Meeting at **1 pm on Friday, August 31, 2012** for the purpose of conducting business related to awarding bids for the following Stream Projects: Chichester Sites 2, 3 & 9; Warner Creek Site 5, Warner Creek Confluence

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

RESOLUTION #137- 12

OFFERED BY Higley

**RESOLUTION ADVERTISING FOR CONSTRUCTION WORK
FOR TOWN FLOOD RECOVERY WORK**

WHEREAS, the Town of Shandaken is in need of construction work in order to repair and stabilize portions of the Warner Creek following damages that occurred due to Tropic Storms Irene and Lee; and

WHEREAS, the amount needed to pay for such services are reimbursable to the Town from NRCS;

THEREFORE BE IT RESOLVED, that the Town of Shandaken advertise for independent construction bids for the following projects:

A – Warner Creek Site 5, Warner Creek Confluence

BE IT FURTHER RESOLVED, that any person(s) interested in applying for such work must attend a mandatory pre-bid meeting at the Shandaken Town Hall located at 7209 Rte. 28, Shandaken, NY 12480 on Thursday, August 23, 2012 @ 2pm for site visits. Responsible bidders must attend the site visit specific to the job they are bidding; and

BE IT FURTHER RESOLVED, that any person(s) interested in bidding on such may view, starting Monday, August 20, 2012 during regular business hours, engineering drawings at the Ulster County Soil and Water Conservation District Office located at 6375 Rte. 28, Phoenicia, NY 12464 and, upon appointment, at the Shandaken Highway Garage Office located at 7209 Rte. 28, Shandaken, NY 12480. Bidders will be provided bid packets on Thursday, August 23, 2012 at 2pm during the mandatory site visit with bids to be received no later than 12pm on Friday, August 31, 2012 in the Town of Shandaken Town Clerk's Office, PO Box 67. The Town of Shandaken reserves the right to reject any and all bids.

AND MOVES ITS ADOPTION

Seconded by: Stanley

Roll Call: 5 AYES

RESOLUTION #138- 12

OFFERED BY Bernstein

**RESOLUTION AWARDING BID TO ENGINEERING AND DESIGN FIRM
FOR PHOENICIA WATER DISTRICT CONSTRUCTION PLAN**

WHEREAS, the Phoenicia Water District in 2011 created an Engineer's Preliminary Report (EPR); and

WHEREAS, the EPR highlighted certain projects that would be of benefit to the district and its users; and

WHEREAS, the Phoenicia Water Committee would like to proceed with certain projects described within the EPR, specifically requesting that the Phoenicia Water District expend available funds to complete a supply system loop from High Street across the Woodland Valley Bridge (High Street Loop), and;

WHEREAS, the Town of Shandaken advertised for bids from Engineering and Construction Design Firms to assist them in creating a construction plan for the High Street Loop in the Phoenicia Water District at the August 6, 2012 Town Board Meeting and that all bids be received no later than 12pm on August 20, 2012.

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorize the Supervisor

to enter into contract with ____CHAZEN COMPANIES____from____TROY, NY____ for the bid price of \$_7,400.00__.

AND MOVES ITS ADOPTION

Seconded by: Higley

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Roll Call: 5 AYES

RESOLUTION #139- 12

OFFERED BY Bartlett

RESOLUTION AUTHORIZING LICENSE AGREEMENT
WITH ULSTER COUNTY FOR STREAM WORK

WHEREAS, the Town of Shandaken has several stream projects in Chichester for stream bank stabilization and Emergency Watershed Protection, and;

WHEREAS, the County of Ulster, State of New York owns a portion of property adjacent to these projects, and;

WHEREAS, they require a licensing agreement;

THEREFORE BE IT RESOLVED, that the Town of Shandaken Town Board authorizes the Supervisor to enter into a licensing agreement with **Ulster County Legislature** to allow the Town to enter and utilize Ulster County owned properties for the completion of these projects

AND MOVES ITS ADOPTION

Seconded by: Bernstein

Roll Call: 5 AYES

All business pertinent having been discussed the Town Board adjourned at 2:10 on a Stanley/Bernstein motion.