

REGULAR MEETING – ATHENS TOWN BOARD – August 2, 2021

Deputy Supervisor Michael Ragaini called the regular meeting of the Athens Town Board to order on August 2, 2021, at 7:00 p.m. with the Pledge of Allegiance to the Flag, at the Village of Athens Volunteer Fire House.

The following people were present: Deputy Supervisor Michael Ragaini; Councilmember Mary H. Brandow; Councilmember Anthony Paluch; Councilmember Shannon Spinner; Highway Superintendent John J. Farrell and Town Clerk Linda M Stacey. (Supervisor Robert F. Butler was absent.)

These people were also present: Attorney George McHugh; Bookkeeper/Budget Officer Don Pierro; Town Justice E. Timothy Mercer; Barbara Trembacz; Theresa Cardinale; Fran McCusker; Michael and Robert Brunner.

The following bills were audited by the Board and ordered paid:  
General Abstract #15, vouchers # 336 through #360 inclusive for \$33,125.18.  
Highway Abstract #15, vouchers # 115 through #118 inclusive for \$6,665.36.

Deputy Supervisor Ragaini called for approval on the minutes of July 19, 2021.

Councilmember Shannon Spinner made a motion seconded by Councilmember Mary H. Brandow to approve the minutes of July 19, 2021 as read. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

Councilmember Shannon Spinner made a motion seconded by Councilmember Mary H. Brandow to approve the Town Clerk's Report as presented. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

Highway Superintendent John J. Farrell reported that they finished the CHIPS sealing. It went well. He said the guide rail project would be next. He has been working with the engineer and they are waiting on prices.

The Ambulance Contract between the Town of Catskill and the Town of Athens was

brought up for discussion and signing.

Discussion followed on the fees: Fees due from the Town of Athens for services rendered as set forth in paragraph 1, during 2022 shall be \$109,105 and during 2023 \$117,000.

Paragraph #5: This means that Catskill will bill only if the patient has insurance and Catskill will accept whatever payment is received from the insurance company. The insured may also be subject to their respective co-payment if applicable. If someone uses the ambulance service and has no insurance they will be billed at 100 % (This was added to section #5.)

Mr. Pierro stated that this contract needs to pass at least one year.

Councilmember Shannon Spinner made a motion seconded by Councilmember Mary H. Brandow that the Town Board passes the Town of Catskill / Town of Athens Ambulance Contract for one year (2022) with the changes listed above, and authorizes the Supervisor to sign it and return it to Catskill. Ayes-3 (Brandow; Ragaini; Spinner) Noes-1 (Paluch) Absent-1 (Butler) Abstentions-0

The Employee Handbook was reviewed by the Board; Sections # 705 and Section 708 were discussed.

Councilmember Mary H. Brandow seconded by Councilmember Shannon Spinner to adopt the Employee Handbook with changes as presented. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1(Butler) Abstentions-0

The Town Board was presented a Procurement Policies and Procedures document which was review and then voted on.

On the motion of Councilmember Shannon Spinner seconded by Councilmember Anthony Paluch the following **RESOLUTION #2021-42 PROCUREMENT POLICIES AND**

**PROCEDURES** was adopted as follows:

1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, Sub-section 103. Every officer, board department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or the other documentation supporting the purchase activity.

2. *All purchases of supplies or equipment which will exceed \$20,000.00 in the fiscal year or public works over \$35,000.00 shall be formally bid pursuant to GML, paragraph 103.*

3. All estimated purchases of supplies or equipment of:

Less than \$ 20,000.00 but greater than \$3,000.00 requires a written request for a proposal (RFP) and written/fax quotes from three (3) vendors based on departmental recommendations, and shall be approved by the Town Board.

Less than \$3,000.00 but greater than \$1,000.00 requires a written request for the goods and written/fax quotes from two (2) vendors based on departmental recommendations and shall be approved by the Town Board.

Less than \$1,000.00 but greater than \$200.00 requires an oral request for the goods and oral/fax quotes from two (2) vendors which shall be approved by the Town Supervisor.

Less than \$200.00 but greater than 0 are left to discretion of purchaser and shall be approved by the Supervisor.

4. ALL estimated Public Works to include Highway Department contracts of:

Less than \$35,000.00 but greater than \$10,000.00 requires a written RFP and fax/proposal from three (3) contractors based on departmental recommendations and shall be approved by the Town Board.

Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax/proposal from two (2) contractors based on departmental recommendations and shall be approved by the Town Board.

Less than \$3,000.00 but greater than \$500.00 is left to the discretion of the Purchaser and shall be approved by the Town Superintendent of Highways.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

5. The lowest responsible proposal or quote shall be awarded the contract 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 judgement shall also be documented and filed with the record supporting the procurement.

6. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

7. *Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances.*

- a. Acquisition of professional service;
  - 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 under federal, state, or county contract;
  - h. Goods purchased at auction;
- Documentation should be provided which details why procurement is not subject to competitive bidding:
- ❖ Description of facts giving rise to emergency;
  - ❖ Description of professional services;
  - ❖ Copies of state or county contracts;
  - ❖ Description of sole source item and how such determination was made.

8. *This policy shall be reviewed annually by the Town Board.*

Ayes- 4(Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

On the motion of Councilmember Mary H. Brandow seconded by Councilmember Shannon Spinner the following RESOLUTION #2021-43 to approve Attorney George D. McHugh, P.C.'s Letter of Engagement filed on July 9, 2021 for the Zoning Board of Appeals and the with an Article 78 proceeding filed on July 9, 2021 for the Zoning Board of Appeals and the Code Enforcement Officer, Albert Gasparini, on behalf of Dresser properties (Peck) in Greene County Supreme Court.

Ayes- (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

A letter of Thanks was received from the Town of Coxsackie Mayor, Mark Evans for the Town Highway Department's response to Coxsackie's call for assistance when they suffered a Microburst with 100 mph winds on July 7, 2021.

Clerk to advertise for Community Foundation members and for Planning and Zoning Members.

Councilmember Anthony Paluch made a motion seconded by Councilmember Shannon Spinner to move Planning Board member Don Andrews up to fill the vacant seat of Planning Board member Fred Dedrick (due to his passing) which expires December 31, 2023. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

A letter was received from Boy Scout Troop 45, Coxsackie/Athens, N.Y. announcing the achievement of the rank of Eagle Scout by Addison Vota. His Eagle Court of Honor will be held on August 28, 2021, at 1:00 pm at the Athens Fire House. The Supervisor and Town Board were invited to attend, and to speak.

Mr. Micheal Campbell came before the Board to present two letters. The first letter was sent to the Supervisor and the Board members RE: the Legal status of roadway-565 Potic Mountain Road. This was sent by Mr. Campbell's Attorney. The second letter was a copy of a letter which was sent to Mr. Campbell's Attorney, from Greene County Director of Emergency Services, John P. Farrell, Jr. referring him to the Town of Athens. Discussion followed.

Councilmember Anthony Paluch made a motion seconded by Councilmember Shannon Spinner to move ZBA Member Eric Nelson to Vice Chairman with the same expiration term (12/31/2021), on the Zoning Board of Appeals, so that someone will be able to run the ZBA meetings if the Chairman is unable to make. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

As there was no further business to come before the meeting a motion to adjourn was made by Councilmember Shannon Spinner seconded by Councilmember Mary H. Brandow. Ayes-4 (Brandow; Ragaini; Paluch; Spinner) Noes-0 Absent-1 (Butler) Abstentions-0

Meeting adjourned at 7:50 P. M.