

**TOWN OF RIDGEWAY
TOWN BOARD MEETING
SEPTEMBER 21,2020, 7 P.M.**

THOSE PRESENT:

Brian Napoli
Jeffrey Toussaint
Mary Woodruff
David Stalker
Duane Payne

Town Supervisor
Councilman
Councilman
Councilman
Councilman

John Olinger
Karen Kaiser
Laurie Kilburn
Patricia Laszewski
Kathy Bogan
Dan Wolf

Highway Superintendent
Town Clerk
Deputy Town Clerk
Assessor
Town Attorney
Code Enforcement Officer

Others:

Curtis Jakubec
Chris Crafts

Resident
Resident

The meeting was called to order by Supervisor Napoli at 7 P.M. with the reciting of the pledge of allegiance.

RESOLUTION NO.92-09/21/2020

RESOLUTION: TO ACCEPT THE
AGENDA FOR THE SEPTEMBER 21,2020
MEETING.

Offered by Councilman Stalker who moved its adoption.
Seconded by Councilman Toussaint.

Adopted:

5 Yes

0 No

Resolved to accept the agenda for the September 21,2020 Town Board meeting.

RESOLUTION NO.93-09/21/2020

RESOLUTION TO ACCEPT THE MINUTES OF THE AUGUST 17,2020 TOWN BOARD MEETING AS PRESENTED.

Offered by Councilman Toussaint who moved its adoption.
Seconded by Councilman Payne.

Adopted:

5 Yes

0 No

Resolved to accept the agenda for the Town board meeting of August 17,2020 as presented.

COMMUNICATIONS:

- Sales tax received: \$91,534.12.
- Rabies air drop.
- Ridge Road bridge replacement update.4.5 months.
- Health insurance update for 2021.
- Comptroller Office: Fiscal Stress Score: "0".

DATE OF NEXT MEETINGS:

- Workshop: October 13th ,7 P.M. Town Hall
- Board meeting: October 19th , 7 P.M., Town Hall

OLD BUSINESS:

RESOLUTION NO. 94-09/21/2020

RESOLUTION: UPDATE TOWN PROCURMENT POLICEY. ADDITION OF "PIGGYBACK" CLAUSE.

Offered by Councilman Woodruff who moved its adoption.
Seconded by Councilman Stalker

Adopted:

5 Yes

0 No

Resolved to update the Town of Ridgeway Procurement Policy with the addition of the "Piggyback "clause.

Adopted:

5 Yes

0 No

PROCUREMENT POLICY

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

WHEREAS, this policy only applies to the procurement of goods and services less than \$20,000.00 for all goods and services and less than \$35,000 for public works contracts, and

WHEREAS, this policy does not regulate or alter in any way the competitive bidding practices to the NYS General Municipal Law which allows for a municipality to piggyback or use a contract that has been extended to another municipality or division of government or a New York State contract under the appropriate circumstances as outlined in said Municipal law.

WHEREAS, comments have been solicited from those officers of the town involved with procurement:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Ridgeway 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 General Municipal Law, Section 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supp or equipment needed in a given fiscal year. That estimate shall include the canvas of other town 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 other documentation supporting the purchase history.

Guideline 2. All purchase of (a) supplies or equipment which will exceed \$20,000.00 in the fiscal year or (b) public works contracts over \$35,000.00 shall be formally bid pursuant to General Municipal Law, Section 103 and 104.

Guideline 3. All estimated purchases of:

- a) Less than \$20,000.00 but greater than \$10,000.00, require a written request for a proposal and written/fax quotation from three (3) vendors.
- b) less than \$10,000.00 but greater than \$3,000.00, requires an oral request for the goods and oral/fax quotation from two vendors.
- c) Less than \$3,000.00 but greater than \$1,000.00, are left to the discretion of the Purchaser.

All estimated Public Works contracts of:

- a) Less than \$35,000.00 but greater than \$20,000.00, requires a written request for a proposal and a fax/proposal from three (3) contractors.
 - b) Less than \$20,000.00 but greater than \$10,000.00, require a written request for a proposal and fax/proposal from two (2) contractors.
 - c) Less than \$10,000.00 and greater than \$1,000.00, are left to the discretion of the Purchaser.
-

Any written request for a proposal 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 guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works 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 lowest bidder. If a bidder is deemed responsible, facts supporting the judgement shall also be documented and file with the record supporting the procurement.

Guideline 5. 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.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposal or quotations 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 government agency;
- G. Goods purchased at auction;
- H. Goods purchased for less than \$250.00;
- I. Public works contracts for less than \$500.00.

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

PIGGYBACKING CONTRACTS

Q:

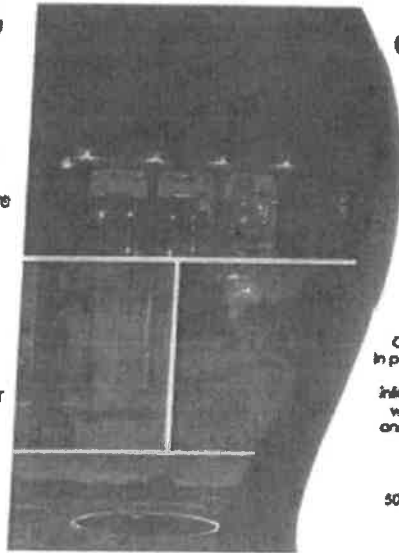
When can a town "piggyback" off a contract?

A:

We all know about state competitive bidding laws (or at least I do): purchase contracts over \$20,000 and public works contracts over \$35,000 are subject to competitive bidding rules found in General Municipal Law § 103 unless an exception or exemption applies. One of the most common exceptions that we get asked about is piggybacking which refers to using or "piggybacking" off a contract that's been extended to another municipality or division of government. Most commonly, towns will piggyback off a New York State contract or a contract with another municipality. With respect to state contracts, New York State Office of General Services ("OGS") makes certain state contracts available for local governments to use. This allows towns to purchase things such as fuel, vehicles and heavy equipment at the same price and under the same terms and conditions as New York State. Think of it like this, New York State has done the heavy lifting – they needed an item, went through the procurement rules that apply to the state, entered into a contract for that item and now towns can use that same contract for the same item without having to go through the competitive bidding process. For a list of contracts and more information on using state contracts, visit www.nysdpr.ogs.ny.gov/.

The other type of piggybacking most frequently used by towns is when they purchase off "other government contracts"; however, unlike piggybacking off a state contract, there are three conditions that have to be met in order for a town to piggyback off "other government contracts." First, the contract must have been let by the United States or its agencies, or any other political subdivision or district in the U.S. In other words, if a contract is between a vendor and a private entity, it is not available for piggybacking. If the contract is with a vendor and another government, like the state of Minnesota, or maybe your neighboring town, you might be able to piggyback off it so long as the two other conditions are met. The second prerequisite that must be met is the contract must have been made

available for use by other governmental entities. This is usually found in the contract itself with a clause that says other government entities are allowed to use this contract. Mere representations from the vendor saying piggybacking is allowed are insufficient to meet this condition. Finally, the contract must have been let to the lowest responsible bidder or on the basis of best value and in a manner that is consistent with General Municipal Law § 103. Let's say that Minnesota bought a truck and there is a clause in the contract saying other municipalities can use the contract, it is incumbent on the town who wants to buy that truck to make sure that Minnesota's purchasing laws align with New York's competitive bidding principals. The Office of the State Comptroller has a helpful handout, available here <http://www.osc.state.ny.us/localgov/pubs/piggybackinglaw.pdf>, to help local governments determine if other government's bidding laws are consistent with General Municipal Law § 103. Some towns might hear from national purchasing cooperatives and want to know if they can purchase off contracts listed there. We suggest with your town attorney to ensure the three conditions for piggybacking have been met. ☐



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TALK OF THE TOWNS 1-18

RESOLUTION NO.95-09/21/2020

RESOLUTION: APPROVE BUDGET
REPORT#7 FOR WD#14.

Offered by Councilman Stalker who moved its adoption.
Seconded by Councilman Woodruff.

Resolved to approve Budget report #7 for Wd#14.

RESOLUTION NO. 96-09/21/2020

RESOLUTION TO SET A PUBLIC HEARING
FOR THE 2021 BUDGET FOR OCTOBER
19,2020.

Offered by Councilman Woodruff who moved its adoption.
Seconded by Councilman Toussaint.

Adopted:

5 Yes

0 No

Resolved to set the public hearing for the 2021 budget for October 19,2020.

FORM E

RURAL DEVELOPMENT (RD) PROJECT BUDGET/COST CERTIFICATION

Project Name: Types of Highway Date: 08/20/20 Report No.: 7
(State Budget No. 11)
 Author:
 Estimator:

Fund(s) Source	Amount	Other Fund(s) Source(s)	Amount
RD Loan	\$14,000.00	Other Source:	
RD Loan		Other Source:	
RD Grant	\$750,000.00	Other Source:	
RD Grant		Other Source:	
SUB TOTAL	\$1,854,000.00	SUBTOTAL:	\$0.00
		TOTAL:	\$1,854,000.00

ITEM	APPROVED BUDGET	MODIFIED BUDGET	PREVIOUS EXPENDITURES	EXPENDITURES THIS PERIOD	EXPENDITURES TO DATE	BALANCE REMAINING
A. ADMINISTRATIVE						
1. Legal	\$1,600.00	\$1,600.00	\$7,866.00		\$7,866.00	\$5,244.00
2. Bonding	\$14,000.00	\$14,000.00	\$0.00		\$0.00	\$14,000.00
3. Net Interest	\$7,000.00	\$7,000.00	\$0.00		\$0.00	\$7,000.00
4. Fiscal Coordination	\$10,000.00	\$10,000.00	\$468.60		\$468.60	\$9,531.40
5. Project Management	\$17,700.00	\$17,700.00	\$1,700.00	\$10,800.00	\$14,100.00	\$3,600.00
6. Land & Rights of Way	\$300.00	\$300.00	\$230.00		\$230.00	\$70.00
7. Single Audit	\$6,500.00	\$6,500.00	\$0.00		\$0.00	\$6,500.00
8. Miscellaneous	\$1,500.00	\$1,500.00	\$99.78	\$7.00	\$107.78	\$1,392.22
9. Archaeological Survey						
Total A. Administrative	\$60,800.00	\$60,800.00	\$7,266.80	\$10,807.00	\$18,073.80	\$42,726.20
B. TECHNICAL SVCS.						
1. Engineering						
a. Study and Report Plans	\$1,000.00	\$1,000.00	\$3,800.00		\$3,800.00	\$0.00
b. Design Plans	\$43,944.00	\$43,944.00	\$43,944.00		\$43,944.00	\$0.00
c. Construction Administration	\$46,800.00	\$46,800.00	\$14,622.31	\$290.07	\$14,912.38	\$31,887.62
d. Resident Project Representative	\$48,600.00	\$48,600.00	\$28,734.73	\$1,470.57	\$30,205.30	\$18,394.70
2. Additional Services	\$1,488.00	\$1,488.00	\$1,488.00		\$1,488.00	\$0.00
3. State/NEPA Compliance	\$1,000.00	\$1,000.00	\$5,000.00		\$5,000.00	\$0.00
Total B. Technical Svcs	\$111,948.00	\$111,948.00	\$89,786.83	\$1,760.64	\$91,547.47	\$20,400.53
C. CONSTRUCTION						
1. Construction Contracts						
a. Contract 1 - 80%	\$735,964.00	\$735,968.60	\$667,114.43	\$61,564.17	\$728,678.60	\$0.00
b. Contract 2						
c. Contract 3						
d. Contract 4						
e. Contract 5						
2. Direct Expenditures						
a. Contractor Backhoe Loader	\$0.00	\$109,531.00		\$109,531.00	\$109,531.00	\$0.00
b.						
c.						
Total C. Construction	\$735,964.00	\$845,500.00	\$667,114.43	\$171,115.17	\$838,229.60	\$0.00
D. CONTINGENCY						
1. Contingency	\$145,276.00	\$41,870.40				
Total D. Contingency	\$145,276.00	\$41,870.40				\$103,405.60
TOTAL PROJECT COST	\$1,854,000.00	\$1,854,000.00	\$772,608.67	\$183,683.21	\$954,323.81	\$899,676.19

I certify to the best of my knowledge and belief that the listed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due, which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award. \$0.00

Applicant: _____ Title: _____ Engineer/Architect: _____

Reviewed By: _____ Date Reviewed: _____ Prepared by: Kathleen Oser

FORM 2

RURAL DEVELOPMENT (RD) PROJECT BUDGET/COST CERTIFICATION

Project Name: State of Michigan Date: 09/20/20 Report No.: 7
 State: Michigan Agency: Michigan

Expend Source	Amount	Other Expend Source(s)	Amount
RD Loan	\$0.00	Other Source	
RD Loan	\$0.00	Other Source	
RD Grant	\$7,500.00	Other Source	
RD Grant	\$0.00	Other Source	
SUB TOT	\$7,500.00	SUBTOTAL TOTAL:	\$7,500.00

ITEM	APPROVED BUDGET	APPROVED BUDGET	PREVIOUS EXPENDITURES	EXPENDITURES THIS PERIOD	EXPENDITURES TO DATE	BALANCE REMAINING
A. ADMINISTRATIVE						
1. Rent	\$0.00	\$1,000.00	\$1,000.00		\$2,000.00	\$0.00
2. Office	\$14,000.00	\$14,000.00	\$0.00		\$0.00	\$14,000.00
3. Misc. Expense	\$1,000.00	\$1,000.00	\$0.00		\$0.00	\$1,000.00
4. Travel	\$1,000.00	\$1,000.00	\$0.00		\$0.00	\$1,000.00
5. Printing	\$11,000.00	\$11,000.00	\$0.00		\$0.00	\$11,000.00
6. Salary & Benefit of Staff	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7. Other Staff	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8. Material Expense	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9. Miscellaneous Expense	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total A. Administrative	\$27,000.00	\$27,000.00	\$1,000.00	\$0.00	\$2,000.00	\$25,000.00
B. TECHNICAL SVCS						
1. Supplies	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
2. Office and Report Plans	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
3. Project Plans	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
4. Construction Administration	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
5. Construction Project Administration	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
6. Other Technical Services	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
Total B. Technical Svcs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
C. CONSTRUCTION						
1. Construction Contract	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
2. Contract 1 - Road	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
3. Contract 2	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
4. Contract 3	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
5. Contract 4	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
6. Contract 5	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
7. Other Construction	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
8. Other Non-Contract	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
Total C. Construction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
D. CONTINGENCY						
1. Contingency	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00
Total D. Contingency	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL PROJECT COST	\$27,000.00	\$27,000.00	\$1,000.00	\$0.00	\$2,000.00	\$25,000.00

I certify to the best of my knowledge and belief that the budget and expenditures are in accordance with the terms of the project and that the expenditures reported in this statement are correct and that no other expenditures have been incurred in connection with the project.
 Applicant: Brian Lloyd Date: 9/20/2020

Signature: [Signature]
 Title: Project Manager

Reviewed By: _____ Date Reviewed: _____
 Project #: 11/2001

RESOLUTION NO.97-09/21/2020

RESOLUTION: WHEREAS, THE TOWN OF RIDGEWAY DEVELOPED THE BUDGET FOR WATER DISTRICT NO. 14 PROJECT BASED ON AN ESTIMATE FOR THE NET INTEREST AND EXPENSE, AND

WHEREAS, THE ACTUAL COST WILL BE HIGHER THAN THE ORIGINAL ESTIMATE. AUTHORIZE AN INCREASE FROM \$2000 TO \$6000. WITH A CORRESPONDING DECREASE IN THE CONTINGENCY.

Offered by Councilman Toussaint who moved its adoption.
Seconded by Councilman Payne.

Adopted:

5 Yes

0 No

Be it resolved that the Town Board hereby authorizes an increase in the Net Interest Expense (from \$2000 to \$6000), with the corresponding decrease in the contingency.

OTHER BUSINESS:

- **Fire Company Report.**
There was no Fire Company Report given.
- **Department Reports.**

Town Clerk Kaiser- Town Clerk Kaiser stated that we will be paying off the BAN for Wd#14 and we are now Bonded for all of the Towns Water Districts.

Clerk Kaiser also, checked with all members of the Town Board if they were o.k. with being e-mailed the tentative Budget and all replied that they were.

Employee evaluations for the two Deputy clerks were completed with Councilman Woodruff setting in on the evaluations and the evaluations went very well "Thank You Councilman Woodruff".

Town Assessor Laszewski- Assessor Laszewski stated that her department is working on the 2021 updates, as well as helping the senior citizens with enhanced STAR applications.

Town Attorney Bogan-Attorney Bogan asked if the Town planned to extend the 6-month Moratorium on Solar Battery Storage at the next Town Board meeting and suggested that it might be a good idea.

Attorney Bogan also asked the Town Board to reach out to Attorney Dan Spitzer regarding the writing of the Town of Ridgeway Solar energy storage law after the Town extended the 6-month moratorium.

Highway Superintendent Olinger- Hwy. Superintendent Olinger stated that the Highway Department has been finishing the road paving. The Highway has started the Fall mowing, is reading water meters and has put in the first order for 500 ton of salt for the Winter.

Code Enforcement Officer Wolfe- Mr. Wolfe stated that he is closing out building permits as well as working on the two Solar Projects for the Town of Ridgeway. Wolfe further stated that he has been having appearance tickets served for Code violations.

Legislator Johnson- (Given Via Attorney Bogan)- Legislator Johnson asked that Attorney Bogan relay that she is currently working on the County's Budget.

Attorney Bogan also stated that the County of Orleans real-estate auction was originally scheduled for May, was pushed back until August due to COVID-19, then was pushed back again until October, and now November and is already looking like it may be pushed back until December.

Attorney Bogan also stated that the Governor is now requiring that there be video conferences set with the owners via SKYPE or some form of video conference to try and work out payments on delinquent properties. If there is to be a real-estate auction it is likely to be held at the Orleans County Fairgrounds.

- **COUNCILMAN REPORTS**

Councilman Payne- Nothing at this time.

Councilman Toussaint- Nothing to add at this time

Councilman Woodruff- Councilman Woodruff stated that she just wanted to touch on the Town clerks report stating that she sat in on the two evaluations and felt that they went well and that she felt they were very important both to the Town and the employee. It is a good process.

Councilman Stalker- Nothing to add at this time.

Supervisor Napoli asked for a motion to pay the Bills as presented.

Abstract: \$258,027.00

Offered by Councilman Stalker.

Seconded by Councilman Payne, the motion was carried unanimously.

As there was no further business that Supervisor Napoli asked if there were any comments or questions from the visitors.

Curtis Jakubec of Ridge Road expressed his concern with the on-going situation with the Road traffic in front of the Miller Bulk Foods store on Ridge Road.

Supervisor Napoli told Mr. Jakubec that the Town is doing all that they can to help the situation.

Mr. Jakubec stated that there had been at least one more accident, as well as road damage from the hauling of the sheds from the Miller Property. Mr. Jakubec stated that there was still an absence of no parking signs across the street from the store and that the sheds were still there they had been.

Code enforcement Officer Wolfe stated that The Store had ample parking and it is well marked and they are cooperating with the Town. The Store is a permitted use and that is all that we can do for now.

Supervisor Napoli asked if there were any other questions, and as there were none Supervisor Napoli stated that the Board would be going into executive session on a personnel matter and thanked everyone for coming.

RESOLUTION NO.98-09/21/2020

RESOLUTION TO GO INTO EXECUTIVE SESSION
TO DISCUSS A PERSONNEL MATTER.

Offered by Councilman Toussaint who moved its adoption.
Seconded by Councilman Payne.

Adopted:

5 Yes

0 No

Resolved for the Town Board to enter into executive session at 7:35 P.M.

The Board reconvened at 8:00 P.M. following the executive session.

RESOLUTION NO.99-09/21/2020

RESOLUTION TO ABOLISH ONE FULL TIME POSITION
OF MEO IN THE HIGHWAY DEPARTMENT EFFECTIVE
SEPTEMBER 30,2020. WITH THE GOAL OF LOOKING AT
THE FINANCIAL SITUATION OF THE TOWN'S BUDGET
NEXT FALL FOR THE POSSIBILITY OF REINSTATING THE
POSITION AT A FUTURE DATE.

Offered by Councilman Toussaint who moved its adoption.
Seconded by Councilman Payne.

Adopted:

5 Yes

0 No

Resolved to abolish one full time MEO position at the Highway Department effective September 30,2020 with the goal of looking the financial situation of the Town's Budget next fall for the possibility of reinstating the position at a future date.

As there was no further business the meeting was adjourned at 8:04 P.M.

Respectfully submitted by,

Karen L. Kaiser
Ridgeway Town Clerk/RMC