

Town of Rhinebeck
Regular Town Board Meeting
Agenda

September 12, 2016 6:45 pm

Draft 9/9/2016 11:58:37 AM

A. Call to Order

B. Pledge of Allegiance

C. Approval of Prior Minutes

1. August 22, 2016

D. Presentation

1. Morton Memorial Library 414 Petition

E. Announcements

F. Committee & Liaison Reports

G. Resolutions

1. Resolution 2016205 Contract with Weston & Sampson for Engineering Services in Connection with Reconstruction of Cemetery Retaining Wall
2. Resolution 2016212 Preliminary Accounts Payable Abstract 9
3. Resolution 2016213 Capital Project Abstract
4. Resolution 2016214 Budget Transfers and Amendments
5. Resolution 2016215 Removal of Street Light on Hutton Street in Rhinecliff
6. Resolution 2016216 Early Release of Final Paycheck for Camp Director and Camp Medical Director
7. Resolution 2016217 Revised Procurement Policy and Procedures

H. New Business

I. Discussion Items

1. Attendance of Planning Board member at affordable housing conference
2. Daily employee work logs
3. Schedule for budget meetings
4. Education and travel expenses for boards and employees

J. Public Comment on Non-Agenda Items

K. Adjournment

**Town of Rhinebeck
Regular Board Meeting
Minutes**

August 22, 2016, 6:45 pm

Draft of 9/9/2016 12:00 PM

Supervisor Spinzia called the meeting to order at 6:47 pm

Present: Supervisor Elizabeth Spinzia
Councilperson Elaine Fernandez
Councilperson Joseph Gelb
Councilperson Ed Roberts

Absent: Deputy Supervisor Allan Scherr

Others Present: Sally Mazarella, TTSM Park Committee
Richard Murray, Planning Board
Joel Tyner, County Legislator
14 members of the public
1 member of the press

Recording Secretary: Jon Gautier

The Pledge of Allegiance was recited.

A. Approval of Prior Minutes

The minutes of the July 25, 2016 Regular Board Meeting were approved by unanimous voice vote.

B. Announcements

1. Supervisor Spinzia announced that: Town Hall will be closed on September 5, 2016; the Town Pool will be open on September 5, 2016; a public hearing is scheduled on the proposed Hudson River commercial mooring sites, a link to the Coast Guard's page can be found on the Town website; the Town has kept its 100% equalization rate; the Town has begun the budget process for 2017.
2. Councilperson Gelb announced that: the Open Space Affordable Housing Committee is working with the Town Attorney on a draft local law; brush and leaves are being accepted at the old Town dump site this coming Saturday.

C. Public Hearing

At 6:51 pm the Supervisor opened the public hearing on A Local Law Amending Chapter A-130 of the Town of Rhinebeck Code With Regard to the Composition, Appointment and Terms of the Recreation Advisory Committee and the following people were heard: Shirley Catalano of Saugerties (read attached statement); Linda Murray of Rhinebeck; Richard Murray of Rhinebeck. No one else wishing to be heard, the public hearing was closed by unanimous voice vote at 7:10 pm.

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D. Presentations

1. Sue Booth-Binczik of the New York State DEC presented on deer overpopulation.

E. Committee & Liaison Reports

1. Councilperson Roberts reported on a meeting of various groups to restore the Stone Church school house.
2. Sally Mazzarella of the TTSM Park Committee reported that two bid were received for the Park pavilion project and both were over the budgeted amount.

F. Resolutions

1. Resolution 2016201 Preliminary Accounts Payable Abstract 8 V869-V981, 72 Checks for \$73,465.48

Motioned by Supervisor Spinzia
Seconded by Councilperson Roberts

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	No
Councilperson Roberts	Aye

Resolution 2016201 Preliminary Accounts Payable Abstract 8 V869-V981, 72 Checks for \$73,465.48 adopted 3-1.

2. Resolution 2016202 Capital Project Abstract, 5 Checks for \$2,069.31

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Aye
Councilperson Roberts	Aye

Resolution 2016202 Capital Project Abstract, 5 Checks for \$2,069.31 adopted 4-0.

3. Resolution 2016203 Budget Transfers and Amendments

Motioned by Supervisor Spinzia

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Seconded by Councilperson Gelb

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Aye
Councilperson Roberts	Aye

Resolution 2016203 Budget Transfers and Amendments adopted 4-0.

4. Resolution 2016204 Winter 2016-2017 Farmers Market Contract

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Aye
Councilperson Roberts	Aye

Resolution 2016204 Winter 2016-2017 Farmers Market Contract adopted 4-0.

5. Resolution 2016205 Engineering Services for Repair of Cemetery Wall

Resolution 2016205 tabled on the floor by unanimous voice vote.

6. Resolution 2016206 Fall Recreation Programs

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Aye
Councilperson Roberts	Aye

Resolution 2016206 Fall Recreation Programs adopted 4-0.

7. Resolution 2016207 Proposed Removal of Street Light on Hutton Street in Rhinecliff

Resolution 2016207 tabled on the floor by unanimous voice vote.

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8. Resolution 2016208 Adopting Local Law No. ___ of 2016 Entitled "A Local Law Amending Chapter A-130 of the Town of Rhinebeck Code with Regard to the Composition, Appointment and Terms of the Recreation Advisory Committee"

Motioned by Supervisor Spinzia
Seconded by Council person Fernandez

Roll Call Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	No
Councilperson Roberts	Aye

Resolution 2016208 Adopting Local Law No. ___ of 2016 Entitled "A Local Law Amending Chapter A-130 of the Town of Rhinebeck Code with Regard to the Composition, Appointment and Terms of the Recreation Advisory Committee" adopted 3-1.

G. New Business

1. Resolution 2016209 Agreement for Animal Control Services

Resolution 2016209 amended on the floor by unanimous voice vote (Spinzia motion; Fernandez second) to raise the contract fee from \$15 to \$25.

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Abstain
Councilperson Roberts	Aye

Resolution 2016209 Agreement for Animal Control Services adopted 3-0.

2. Resolution 2016210 Hiring Summer Camp Director and Assistant Summer Camp Director for 2017 Camp Season

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

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Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Aye
Councilperson Roberts	Aye

Resolution 2016210 Hiring Summer Camp Director and Assistant Summer Camp Director for 2017 Camp Season adopted 4-0.

3. Resolution 2016211 \$40,000 Hudson River Greenway Grant for Trailhead Pavilion at Thomas Thompson-Sally Mazzarella Recreation Park

Motioned by Supervisor Spinzia
Seconded by Councilperson Fernandez

Voice Vote:

Supervisor Spinzia	Aye
Deputy Supervisor Scherr	Absent
Councilperson Fernandez	Aye
Councilperson Gelb	Abstain
Councilperson Roberts	Aye

Resolution 2016211 \$40,000 Hudson River Greenway Grant for Trailhead Pavilion at Thomas Thompson-Sally Mazzarella Recreation Park adopted 3-0.

H. Public Comment on Non-Agenda Items

I. Adjournment

The Board adjourned by unanimous voice vote at 8:32 pm.

Respectfully submitted,

Jon Gautier
Town Clerk

TOWN OF RHINEBECK

RESOLUTION NO. 2016205

CONTRACT WITH WESTON & SAMPSON FOR ENGINEERING SERVICES IN CONNECTION WITH RECONSTRUCTION OF CEMETERY RETAINING WALL

WHEREAS, a certain 100-year old retaining wall at the Town Cemetery requires restoration; and

WHEREAS, the Town has received the attached letter proposal and agreement from the firm of Weston & Sampson for professional engineering services in connection with the restoration project including survey, mapping, design, contract documents, bid administration and construction administration; now, therefore, be it

RESOLVED, that the proposal is accepted, and the Town Supervisor is authorized to sign the attached letter agreement in the same or substantially the same form.

TABLED ON THE FLOOR BY UNANIMOUS VOICE VOTE AUGUST 22, 2016

July 29, 2016

Hon. Elizabeth Spinzia, Supervisor
Town of Rhinebeck
80 East Market Street
Rhinebeck, New York 12572

Re: Town of Rhinebeck Cemetery Retaining Wall – Proposal for Engineering Services

Dear Supervisor Spinzia:

Weston & Sampson is pleased to present this proposal for engineering services in connection with preparing contract documents for the reconstruction of the stone retaining wall that fronts the cemetery on Route 9. Our services are intended to be complete and include survey and mapping of the project area, design and detailing of the new wall, preparation of contract documents for public bidding of the work, and additionally the services associated with administering the bidding process and the construction process. We have grouped the proposed fees such that you can select the services that you would like us to perform.

The retaining wall is in excess of 100 years old and consists of bluestone facing with a rubble back up. The wall lacks a proper drainage medium behind the wall to convey away water, which has resulted in water being trapped in the soil strata and years of freezing and expanding of the trapped water has resulted in the movement and deterioration of the wall. The proposed fix is to reconstruct the wall in a fashion similar in appearance to its original, but with proper drainage and details of construction. To accomplish this we propose the following scope of work.

SCOPE OF WORK

1. Survey/Mapping

Prepare a survey of the work corridor the length of the wall from the edge of pavement to 10' behind the wall, picking up spot elevations along cross sections spaced every 25', to produce a map with One Foot (1') contour interval based on a local assumed datum. This map is important for us to use as a basis of design that accurately depicts the conditions and extent of the work.

2. Design and Contract Documents

Prepare the design of the wall replacement including plans, details and technical specifications that describe the work. Specific elements of the contract documents include;

- Base Map of the wall and details of proposed construction including backfills and drainage.
- Technical specifications of work prepared in Construction Specifications Institute (CSI) 5-digit format
- Prepare construction contracts utilizing the EJCDC Contracts and General Conditions (Funding Edition), which is our standard format for projects in NYS that might be subject to special grant and funding requirements. Many funding agencies require the use of this contract.
- Prepare Public Notice and other standard front-end documents to support the Public Bidding process. At this time, we have assumed that this work will not require that the contractor(s) provide bid or construction bonds.

- Assemble all documents into a Contract Document book
 - Provide 10 sets of documents for bidding
3. Bidding Administration
- Administer the bidding process on behalf of the Town
 - Issue Contract Documents to prospective contractors (from our office and Town Hall)
 - Respond to questions, issue addenda (if necessary)
 - Attend bid opening, tabulate bids, and make a formal recommendation of award
4. Construction Administration
- Administer the construction process on behalf of the Town
 - Prepare conformed contracts for all parties (3 sets)
 - Schedule and conduct a pre-bid meeting with contractors and Town staff
 - Review contractors' shop drawings and submittals
 - Process contractors' monthly payment requests (2 estimated)
 - Perform three site visits
 - Contract close-out

PROPOSED FEES

1. Survey/Mapping	\$1,500
2. Design and Contract Documents	\$8,950
3. Bid Administration	\$1,500
4. Construction Administration	\$4,000

We appreciate the opportunity to serve the Town of Rhinebeck on this project. If you have any questions or need further information, please don't hesitate to contact us at 518-463-4400 or by email at budrowj@wseinc.com.

Very truly yours,

WESTON & SAMPSON

 Jeffrey F. Budrow, PE
 Senior Associate

JFB/abp

Accepted by: _____

Date: _____

Title: _____

TOWN OF RHINEBECK

RESOLUTION NO. 2016212

PRELIMINARY ACCOUNTS PAYABLE ABSTRACT 9

WHEREAS, the Town Bookkeeper has submitted the attached Preliminary Accounts Payable Abstracts 9; and

WHEREAS, the Town Board has reviewed the attached abstract of vouchers and finds the vouchers appropriate for payment; now, therefore; be it

RESOLVED, that the vouchers listed in the attached Preliminary Accounts Payable Abstracts 9 are approved for payment.

TOWN OF RHINEBECK
RESOLUTION NO. 2016213
CAPITAL PROJECTS ABSTRACT,

WHEREAS, the Town Bookkeeper has submitted the attached Capital Project Abstract, to the Town Board for approval; and

WHEREAS, the Town Board has reviewed the attached Capital Project Abstract and finds it appropriate for payment; now, therefore, be it

RESOLVED, that the attached Capital Project Abstract, is approved for payment.

TOWN OF RHINEBECK

RESOLUTION NO. 2016214

BUDGET TRANSFERS AND AMENDMENTS

WHEREAS, the Town Bookkeeper has submitted the following budget transfers and amendments:

now, therefore, be it

RESOLVED, that the Bookkeeper is authorized to make the foregoing budget transfers, amendments, and any necessary bookkeeping entries.

TOWN OF RHINEBECK

RESOLUTION NO. 2016215

REMOVAL OF STREET LIGHT ON HUTTON STREET IN RHINECLIFF

WHEREAS, residents of Hutton Street have asked Central Hudson to remove the street light attached to Central Hudson pole P20000; and

WHEREAS, the residents have submitted the attached petition to the Town Board unanimously voicing their preference for removal; and

WHEREAS, the Board is in receipt of the attached Street Lighting Authority Order from Central Hudson, which requires the Town's authorization for removal of the streetlight; and

WHEREAS, the Board has consulted with the Highway Superintendent and the Village Police Department, neither of whom has an objection to removal of the light; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the attached Street Lighting Authority Order from Central Hudson in the same or substantially the same form.

AUGUST 20, 2016

TOWN OF RHINEBECK NEW YORK

TO ALL CONCERNED:

The following Residents are in unanimous agreement that the street light on Hutton Street, Rhinecliff NY, [east of Orchard Street and Labeled "Dead End" – Central Hudson Pole P20000] is too bright, disruptive to our lives and our sleep, and feels inappropriate and unnecessary for the street. Therefore, we would like it removed as soon as possible.

Please note that the residents listed below are all directly affected by the light.

Thank you for your time in this matter.

Sincerely,

Mayor Wu	14 Hutton Street	Rhinecliff NY
Dave Papp	20 Hutton St	Rhinecliff
Dave Papp	22 Hutton St	Rhinecliff
John Roberts	17 Hutton St.	Rhinecliff
Alan Neuman	15 Hutton St.	Rhinecliff
David [Signature]	21 Hutton St.	Rhinecliff
[Signature]	21 Hutton	Rhinecliff

CENTRAL HUDSON GAS & ELECTRIC CORPORATION
284 SOUTH AVENUE
POUGHKEEPSIE, NY 12601-4879
(845) 452-2700

STREET LIGHTING AUTHORITY ORDER

PAGE 1

TOWN OF RHINEBECK
80 E MARKET ST
RHINEBECK NY 12572-1608

ORDER NO.: H5-05415
ACCOUNT NO.: 5411-1280-00
DATE: 08/08/16

J506247

TO CENTRAL HUDSON GAS & ELECTRIC CORPORATION:

YOU ARE HEREBY AUTHORIZED TO MAKE CHANGES SPECIFIED BELOW TO THE STREET LIGHTING SERVICE FOR THE RHINECLIFF LGTG DIST, IN ACCORDANCE WITH A RESOLUTION DULY ADOPTED AS PROVIDED BY LAW BY THE _____ (COUNCIL/BOARD OF THE _____ OF _____ AT A MEETING HELD ON _____, 20__ AS FOLLOW

ACTION:
INSTALL
OR

REMOVE	TYP & SIZE OF LAMP	POLE NO	RATE **	MAP & GRID	LOCATION	DATE COMPLETE	ADJ AMT
REMOVE	LED	3600	20000	A 090	HUTTON AVE		12.21CR

RM STREERLIGHT @ 14 HUTTON PER RESIDENTS

- ** A. COMPANY OWNED AND MAINTAINED; ANNUAL OR SEASONAL SERVICE
- ** B. CUSTOMER OWNED/COMPANY MAINTAINED
- ** C. CUSTOMER OWNED/CUSTOMER MAINTAINED

THESE CHANGES ARE SUBJECT TO THE TERMS OF THE EXISTING STREET LIGHTING SERVICE CLASSIFICATIONS. DOES NOT INCLUDE THE COST OF ELECTRICITY.

MUNICIPALITY _____ BY _____
_____, 20 _____ TITLE _____

W.O.NO. 6684R DATE WORK COMPLETED _____ BY _____

TOWN OF RHINEBECK

RESOLUTION NO. 2016216

**EARLY RELEASE OF FINAL PAYCHECK FOR CAMP DIRECTOR AND CAMP
MEDICAL DIRECTOR**

WHEREAS, Alice Cunningham was hired as Camp Director for 2016 at a seasonal salary of \$7,000, and as Camp Medical Director for 2016 at a seasonal salary of \$500; and

WHEREAS, Ms. Cunningham was to be paid for her work as Camp Director and Camp Medical Director on a semi-monthly basis for six months beginning on April 1, 2016; and

WHEREAS, Ms. Cunningham's final paycheck is to be issued on September 30, 2016; and

WHEREAS, Ms. Cunningham's duties in these positions have ceased because Summer Camp has ended and she has resigned from employment with the Town; and

WHEREAS, Ms. Cunningham has asked to receive her final payment as soon as possible; and

WHEREAS, the Board has no objection to paying Ms. Cunningham the balance of her salary now; now, therefore, be it

RESOLVED, that the bookkeeper is authorized to immediately issue Ms. Cunningham's final paycheck for Camp Director and Camp Medical Director.

TOWN OF RHINEBECK

RESOLUTION NO. 2016217

REVISED PROCUREMENT POLICY AND PROCEDURES

WHEREAS, the Town's current Procurement Policy has been reviewed by the Attorney to the Town, and the Town Board, and it has been determined that the Policy is outdated and not in full compliance with the provisions of General Municipal Law §§103 and 104(b); and

WHEREAS, the Town Board has asked the Attorney to the Town to draft a revised Procurement Policy and Procedures for the Town of Rhinebeck in accordance with the current requirements of the General Municipal Law; and

WHEREAS, the proposed Revised Procurement Policy has been submitted to the Town Board and reviewed, and the Town Board has determined that it is in the best interests of the Town to adopt such revised Procurement Policy; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the attached Revised Procurement Policy and Procedures for the Town of Rhinebeck dated August 22, 2016; and, be it further

RESOLVED, that the Town Clerk is hereby directed to post a copy of the Revised Procurement Policy on the Town's official website and to provide a copy of said Revised Procurement Policy to each department head.

**REVISED PROCUREMENT POLICY AND PROCEDURES
FOR THE TOWN OF RHINEBECK
AUGUST 22, 2016**

Section 1. Policy Intent.

This Procurement Policy is adopted pursuant to the provisions of General Municipal Law §104-b. The purpose of this Policy is to define the circumstances under which supplies and equipment and public works contracts may be let in the Town of Rhinebeck when those goods and services or public works are not required by law to be procured pursuant to the competitive bidding requirements of §103 of the General Municipal Law. These policies and procedures have been adopted in the best interest of the tax payers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Section 2. Evaluation of Purchases.

- a. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort shall be made to determine whether it is known, or can reasonably be expected, that the aggregate amount to be spent on the item of supply or service is not subject to the competitive building requirements of General Municipal Law ("GML") §103, taking into account past purchases and the aggregate amount to be spent in a year.
- b. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts of \$20,000 or less and public works contracts of \$35,000 or less; emergency purchases (pursuant to GML §103(4)); certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; purchase contracts, that are from sole source providers (a sole source provider being a provider or vendor that has been determined to be the only source of the goods or services that are to be obtained or provided); surplus and second-hand purchases from another government entity; leases of equipment with operators under the control and supervision of Town officers and employees, professional services; and insurance.
- c. The Town must first explore and exhaust purchase options under State and County Contracts, surplus and second-hand purchases from other government entities, certain municipal hospital purchases, goods purchased from agencies for the blind or severely handicapped and goods purchased from correctional institutions.
- d. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an

emergency purchase or any other written documentation that is appropriate. If the purchase is approved for the contractors awarded by resolution of the Town Board, the Town Board shall state the reason why the purchase was not subject to competitive bidding.

- e. Leases which in substance are really purchases will be considered purchases for competitive bidding purposes and for compliance with this procurement policy.
- f. Installment purchase contracts for equipment, machinery and apparatus are subject to competitive bidding requirements and for compliance with this procurement policy. Lease arrangements, where the purchase price is less than a reasonably accurate estimate of fair market value of the equipment at the time of purchase, so that a component of the annual rental charge is really an installment payment towards the purchase of the equipment including arrangements where there is a normal purchase price or where title will automatically pass, is to be considered an installment purchase.
- g. Where a true rental or lease agreement includes provision for separate service or maintenance charges in addition to rental charges, the service and maintenance aspect constitutes a separate public works contract subject to competitive bidding requirements and compliance with this procurement policy. However, where service and maintenance are purely incidental to the rental agreement and no separate charge is fixed, competitive bidding would not be involved.

Section 3. Methods for Securing Goods and Services.

- a. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided. Whenever possible, requests or quotations will be solicited for local vendors and contractors to whom special consideration shall be extended in the awarding of contracts. Local contractors desiring to be considered for such work may submit notice of their intent and qualifications to the Town Board and Highway Superintendent.
- b. The following methods of purchase shall be used when required by this policy in order to achieve fair and reasonable pricing and the highest savings:

Estimated amount of
purchase contract

Method

\$500 to \$5,000

Oral request for the goods and oral/fax/quotes from three vendors, so long as there are sufficient funds currently available in the budget.

\$5,000 to \$20,000

A written Request for Proposal (RFP) and written/fax/quotes from three vendors, after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

Over \$20,000

Competitive bids pursuant to General Municipal Law Section 103 after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

Estimated amount of
public works contracts

Method

\$500 to \$3,000

Oral request for the goods and oral/fax/quotes from three vendors, so long as there are sufficient funds currently available in the budget.

\$3,000 to \$20,000

Written RFP and written/fax/proposals from three contractors, after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

\$20,000 to \$35,000

Written RFP and written/fax/proposals from three contractors after obtaining authorizations from Town Board so long as there are sufficient funds currently available in the budget.

Over \$35,000

Competitive bids pursuant to General Municipal Law Section 103 after obtaining authorization from Town Board so long as there are sufficient funds currently available in the budget.

- c. 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 offers.
- d. 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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

- e. 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.
4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepared 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 proposer. Such justification may give special consideration to local vendors or contractors pursuant to Section 3(a). If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement. In order to minimize and/or preclude these situations, it is expected that the purchaser would not solicit quotes from suppliers previously deemed unacceptable due to justifiable reasons.

Section 4. **Exceptions.**

The solicitation of alternative proposals or quotations shall not be required in the best interests of the municipality in the following circumstances where proper qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures:

- a. **Professional services or services requiring special or technical skill, training or expertise** – The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:
 - (1) Whether the services are subject to state licensing or testing requirements;
 - (2) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
 - (3) Whether the services require a personal relationship between the individual and municipal officials.

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.

- b. **Emergency purchases as defined in Section 103(4) of the General Municipal Law** – Due to the nature of this exception, these goods or services must be purchased immediately where a delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. **Purchases of surplus and second-hand goods from any source** – If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
Not
- d. **Goods under \$500 and public works contracts for less than \$500** – The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
- e. **Sole Source** – When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).
- f. **Single Source** – Source identified as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Town service area.
- g. **Lease of equipment so long as the project is under the complete control and supervision of the Town** – However, in such event competitive proposals are to be solicited from vendors who can provide a similar type service when the Town wishes to make such leases or rentals in the future; and any lease or rental rates shall be subject to the prior approval of the Town Supervisor.
- h. **Option to utilize competitive bidding process** – No portion of this policy shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired by the Town Board. In that event, the Town Board shall also be permitted to award purchase contracts pursuant to General Municipal Law §103(1) on the basis of best value, in accordance with Local Law No. 3 of 2016.

Section 5. Responsible Officers and Officials.

The following officers and officials are responsible for purchasing goods and services for the Town.

Superintendent of Highways:	Purchases related to Highway Department
Town Clerk:	Purchases related to Town Hall

Town Justices:

Purchases related to Town Court

Each Department Head:

Purchases related to their respective department.

Section 6. **Town Board Approval** – Where the cost of the item exceeds the sum of \$3,000 for public works contract and/or \$5,000 for a purchase, no officer or employee of the Town of Rhinebeck, other than the Highway Superintendent of the Town of Rhinebeck and Water & Sewer Superintendent of the Town of Rhinebeck shall purchase on behalf of the Town of Rhinebeck, or place any order for the purchase of any item on behalf of the Town of Rhinebeck, unless and until a majority of the members of the Rhinebeck Town Board shall have voted, in advance, to approve such purchase or such order. However, all requisitions above \$5000 must be submitted to the Supervisor for his review and his decision.

Section 7. This policy shall be reviewed annually, unless otherwise prescribed by law, by the Town Board at its organizational meeting or as soon thereafter, as is reasonably practicable.

Section 8. This Procurement Policy shall take effect immediately upon adoption by Resolution.