

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
May 6, 2020  
6:00pm**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor Becker at 6:00 pm on May 6, 2020.

Those in attendance for this meeting at the Town Offices were: Supervisor John M. Becker, Beth Ellis Comptroller and John Langey Attorney for the Town.

Those in attendance for this meeting via Zoom were: Councilors, Jeff Martin, John Brzuszkiewicz, Tom Kopp and Kerry Ranger and Highway Superintendent, Andy Busa.

This meeting was also streamed via Madison County's YouTube video platform.

The meeting opened at 6:00 pm.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF APRIL 15, 2020 MEETING MINUTES**

A motion was made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to approve the minutes of the April 15<sup>th</sup>, 2020 Town Board meeting.

**SLEEPY HOLLOW WATER DISTRICT AND  
SLEEPY HOLLOW WATER DISTRICT EXTENSION NO. 1**

Attorney Langey advised the Town Board that Councilor Martin had considerable success in obtaining the necessary paperwork for the consideration of the Sleepy Hollow Water District and Sleepy Hollow Water District Extension No. 1. It will be necessary to hold additional public hearings for each matter. Thereafter, on motion of Councilor Martin, seconded by Councilor Brzuszkiewicz, the following action was unanimously taken on the Sleepy Hollow Water District matter:

**“NOTICE OF PUBLIC HEARING IN THE MATTER OF  
THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT  
OF FACILITIES IN THE SLEEPY HOLLOW WATER DISTRICT IN THE TOWN OF  
SULLIVAN, COUNTY OF MADISON, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that there has been presented to the Town Board of the Town of Sullivan, New York, a Map, Plan and Report, relating to the construction of water system improvements within the existing and formed “Town of Sullivan – Sleep Hollow Water District,” which Map, Plan and Report is on file with the Town of Sullivan Town Clerk located

at 7507 Lakeport Road, Chittenango, New York, where it is available for inspection by all interested persons.

**NOTICE IS FURTHER GIVEN** that such Water Improvements include those described in the Town Engineer's Map, Plan and Report and consist generally of approximately 2,840 linear feet of 8-inch water main; approximately 8 mainline valves; a Grundfos booster pump station and water service; two hydro-pneumatic tanks; water meter supplied by OCWA; 10 water service transfers (and 2 new water services extended to house); and approximately 20 water meters to be installed within the project area; and decommissioning and abandonment of existing water system infrastructure in the Town of Sullivan (the "water improvements"), and consisting of approximately 13 properties, all as described in the attached Schedule "A".

**NOTICE IS FURTHER GIVEN** that the Town Board has received a petition, dated April 24, 2020, pursuant to §202-d of the Town Law, requesting an increase in the amount to be expended for improvement of facilities in the existing and formed **Sleepy Hollow Water District**, which petition is signed by the owners of taxable real property situate in the Water District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the Water District, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the Water District, owned by resident owners according to the latest completed assessment roll.

**NOTICE IS FURTHER GIVEN** that the maximum amount proposed to be expended for the construction of the water improvements is proposed to increase from Three Hundred Eighty One Thousand Seven Hundred and 00/100 Dollars (\$381,700.00) to Five Hundred Forty Thousand Two Hundred Twelve and 00/100 Dollars (\$540,212.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule "B") as set forth in said Map, Plan and Report and further includes a Water Infrastructure Improvement Act (WIIA) Grant and an anticipated 30-year low interest DWSRF loan.

**NOTICE IS FURTHER GIVEN** that the increase in the maximum amount to be expended is due to generally increased costs of labor and materials; and

**NOTICE IS FURTHER GIVEN** that the estimated cost of the District to the "typical property" (as defined in the Town Law) is One Thousand Three Hundred Six and 00/100 Dollars (\$1,306.00) (taking into account the capital/debt service, operation, maintenance, water use, user fees and county fees), annually; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed.

**NOTICE IS FURTHER GIVEN** there will be no hook-up fees to the typical property in said District.

**NOTICE IS FURTHER GIVEN** that the Town Board has previously determined that: (1) the creation and construction of the Water Improvements is a Type I Action for purposes of SEQRA; (2) the Town Board would act as lead agency in this matter; and (3) there would be no adverse environmental impacts and a Negative Declaration was adopted.

**NOTICE IS FURTHER GIVEN** that in accordance with Town Law §202-d and §196, the Town Board will meet at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on June 3<sup>rd</sup>, 2020 at 6:00 p.m., or as soon thereafter as the matter can be heard for the purpose of conducting a public hearing relative to the increase in the maximum amount to be expended for the construction of water facilities in the Sleepy Hollow Water District as described in the Map, Plan and Report; **the public may mail, e-mail or text comments to the Town Clerk by noon on June 3, 2020**, (unless the present Order of the New York State Governor concerning the COVID-19 pandemic has not been lifted in which case the Board shall convene using the telephone/video conferencing medium known as ZOOM which may be accessed by:

<https://madisoncountyny.zoom.us/j/93894638092?pwd=MzFLYStkbzAwU3Y5L25RQ3Rmc2lGdz09> Topic: Town of Sullivan Board Meeting / Sleepy Hollow Water District Public Hearings

Time: Jun 3, 2020 06:00 PM Eastern Time (US and Canada)

Meeting ID: 938 9463 8092 Password: 526604

One tap mobile

+16465588656,,93894638092# US (New York)

+13017158592,,93894638092# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 938 9463 8092

Find your local number: <https://madisoncounty-ny.zoom.us/j/adPAM8CKVe>. The Board meetings held by using this telephone/video conferencing medium can be viewed at the Madison County YouTube page at the following link: <https://www.youtube.com/channel/UCgdcgWYfbnN6U0LxChcJWJA>.

**NOTICE IS FURTHER GIVEN** that the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by a Deed of Conveyance and in the areas of the Town as set forth above, presently on file in the Office of the Town Clerk, and are located as specifically described in the attached Schedule "A".

**NOTICE IS FURTHER GIVEN** that a copy of the Map, Plan and Report is on file with the Town of Sullivan Town Clerk located at 7507 Lakeport Road, Chittenango, New York, where it is available for inspection by all interested persons during regular business hours or via electronic means in light of the restrictions resulting from the COVID-19 pandemic.

**DATED: May 6, 2020**

**ROSEMARY CZERNIAK, Deputy Town Clerk**

**SCHEDULE "A"**

**Boundary Description  
Existing Sleepy Hollow Water District Boundary**

The Existing Sleepy Hollow Water District Boundary, situated in the Town of Sullivan, County of Madison, State of New York, being more particularly described as follows:

Commencing at the Point of Beginning located at the southwestern corner of Parcel 49.9-1-7.2 as shown on the Town of Sullivan Tax Map; thence proceeding northerly along the western property boundary of Parcel 49.9-1-7.2 to the southwestern property corner of Parcel 49.9-1-6; thence continuing northerly along the western boundary of Parcel 49.9-1-6 to the southwestern property corner of Parcel 49.9-1-5; thence continuing northerly along the western boundary of Parcel 49.9-1-5 to the southwestern property corner of Parcel 49.9-1-4; thence continuing northerly along the western boundary of Parcel 49.9-1-4 to the southwestern property corner of Parcel 49.9-1-3; thence continuing northerly along the western boundary of Parcel 49.9-1-3 to the southwestern property corner of Parcel 49.9-1-2; thence continuing northerly along the western property boundary of Parcel 49.9-1-2 to the northwestern property corner of Parcel 49.9-1-1; thence proceeding easterly along the northern boundary of Parcel 49.9-1-1 to the northeastern property corner of said Parcel; thence continuing easterly across Sleepy Hollow Road to the northwestern property corner of Parcel 49.9-1-8; thence continuing easterly along the northern boundary of Parcel 49.9-1-8 to the northeastern property corner of said Parcel; thence proceeding southerly along the eastern boundary of Parcel 49.9-1-8 to the northeastern property corner of Parcel 49.9-1-9; thence continuing southerly along the eastern boundary of Parcel 49.9-1-9 to the northeastern property corner of Parcel 49.9-1-10; thence continuing southerly along the eastern boundary of Parcel 49.9-1-10 to the northeastern property corner of Parcel 49.9-1-11; thence continuing southerly along the eastern boundary of Parcel 49.9-1-11 to the northeastern property corner of Parcel 49.9-1-12; thence continuing southerly along the eastern boundary of Parcel 49.9-1-12 to the northeastern property corner of Parcel 49.9-1-13; thence continuing southerly along the eastern boundary of Parcel 49.9-1-13 to the southeastern property corner of said Parcel; thence proceeding westerly along the southern boundary of Parcel 49.9-1-13 to the southwestern property corner of said Parcel; thence continuing westerly across Sleepy Hollow Road to the southeastern property corner of Parcel 49.9-1-7.2; thence continuing westerly along the southern boundary of Parcel 49.9-1-7.2 to the southwestern property corner of said Parcel, where the point is also the Point of Beginning, and encompassing all parcels contained within.

The above-described boundary is in accordance with the map entitled "Existing Sleepy Hollow Water District Boundary" prepared by Barton & Loguidice, D.P.C. dated October 2018 and having Project No. 148.155.001.

**SCHEDULE "B"**  
***Sleepy Hollow Water District***  
***Improvement Project***  
Financing Plan/Budget

**Sleepy Hollow Water District**

User Cost Estimate

DESCRIPTION	EFC, 30 year, 2.2% (subsidized)*
Project Capital Cost Mutual Benefit	\$744,910
Pro rata Mutual Benefit (12.5 EDU/ 19 EDU)	\$490,072
Project Capital Cost Sleepy Hollow WD	\$50,140
Total Estimated Capital Project Cost	<b>\$817,300</b>
<i>Additional Grant Funding Targeted (WIIA)</i>	\$490,380
Net Project Cost to be Financed	<b>\$326,920</b>
<i>Estimated Debt Service (Existing Customers):</i>	
Pro rata max grant (12.5 EDU/ 19 EDU)	\$322,618
Total Estimated Project Cost	\$217,594
Annualized Project Cost	\$9,985
Number of EDU's in Existing District	12.5
Capital Debt per EDU	\$799
Estimated Annual OCWA Water Bill	\$244
Estimated Town of Sullivan O&M	\$211
Estimated Capital Reserve	\$53
Cost to a Typical Property (Total Annual Cost per EDU) Existing District	<b>\$1,306</b>

\*Based on current DWSRF market interest rates. The Subsidized Rate is 66.7% of the market rate per the NYSEFC DWSRF Intended Use Plan, October 1, 2019-September 30, 2020."

Thereafter, on motion of Councilor Martin, seconded by Councilor Ranger, the following action was unanimously taken on the Sleepy Hollow Water District Extension No. 1 matter:

**“NOTICE OF PUBLIC HEARING IN THE MATTER OF  
THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR IMPROVEMENT  
OF FACILITIES IN THE SLEEPY HOLLOW WATER DISTRICT EXTENSION NO. 1 IN  
THE TOWN OF SULLIVAN, COUNTY OF MADISON, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that there has been presented to the Town Board of the Town of Sullivan, New York, a Map, Plan and Report, relating to the construction of water system improvements within the existing and formed “Town of Sullivan – Sleep Hollow Water District Extension No. 1,” which Map, Plan and Report is on file with the Town of Sullivan Town Clerk located at 7507 Lakeport Road, Chittenango, New York, where it is available for inspection by all interested persons.

**NOTICE IS FURTHER GIVEN** that such Water Improvements include those described in the Town Engineer’s Map, Plan and Report and consist generally of approximately 2,840 linear feet of 8-inch water main; approximately 8 mainline valves; a Grundfos booster pump station and water service; two hydro-pneumatic tanks; water meter supplied by OCWA; approximately 7 water services extended to the highway right-of-way; and approximately 20 water meters to be installed within the project area (the “water improvements”) in the Town of Sullivan, all as more fully set forth in the map, plan and report, which is now on file in the Office of the Town Clerk in the Town of Sullivan.

**NOTICE IS FURTHER GIVEN** that the Town Board has received a petition, dated April 24, 2020, pursuant to §202-d of the Town Law, requesting an increase in the amount to be expended for improvement of facilities in the existing and formed **Sleepy Hollow Water District Extension No. 1**, which petition is signed by the owners of taxable real property situate in the Water District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the Water District Extension, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the Water District Extension, owned by resident owners according to the latest completed assessment roll.

**NOTICE IS FURTHER GIVEN** that the maximum amount proposed to be expended for the construction of the water improvements is proposed to increase from One Hundred Seventy Eight Thousand Three Hundred and 00/100 Dollars (\$178,300.00) to Two Hundred Seventy-Seven Thousand Eighty Eight and 00/100 Dollars (\$277,088.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule “B”) as set forth in said Map, Plan and Report and further includes a Water Infrastructure Improvement Act (WIIA) Grant and an anticipated 30-year low interest DWSRF loan.

**NOTICE IS FURTHER GIVEN** that the increase in the maximum amount to be expended is due to generally increased costs of labor and materials; and

**NOTICE IS FURTHER GIVEN** that the estimated cost of the District to the “typical property” (as defined in the Town Law) is One Thousand Two Hundred Seventy-Nine and 00/100 Dollars (\$1,279.00)(taking into account the capital/debt service, operation, maintenance, water use, user fees and county fees), annually; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed.

**NOTICE IS FURTHER GIVEN** the estimated cost of hook-up fees to the typical property in said District Extension is Three Thousand Eight Hundred and 00/100 Dollars (\$3,800.00).

**NOTICE IS FURTHER GIVEN** that the Town Board has previously determined that: (1) the creation and construction of the Water Improvements is a Type I Action for purposes of SEQRA; (2) the Town Board would act as lead agency in this matter; and (3) there would be no adverse environmental impacts and a Negative Declaration was adopted.

**NOTICE IS FURTHER GIVEN** that in accordance with Town Law §202-d, the Town Board will meet at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on June 3, 2020 at 6:00 p.m., or as soon thereafter as the matter can be heard, for the purpose of conducting a public hearing relative to the increase in the maximum amount to be expended for the construction of water facilities in the Sleepy Hollow Water District Extension No. 1 as described in the Map, Plan and Report; **the public may mail, e-mail or text comments to the Town Clerk by noon on June 3, 2020**, (unless the present Order of the New York State Governor concerning the COVID-19 pandemic has not been lifted in which case the Board shall convene using the telephone/video conferencing medium known as ZOOM which may be accessed by:

<https://madisoncountyny.zoom.us/j/93894638092?pwd=MzFLYStkbzAwU3Y5L25RQ3Rmc2IGdz09>

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Time: Jun 3, 2020 06:00 PM Eastern Time (US and Canada)

Meeting ID: 938 9463 8092 Password: 526604

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The Board meetings held by using this telephone/video conferencing medium can be viewed at the Madison County YouTube page at the following link:

<https://www.youtube.com/channel/UCgdcgWYfbnN6U0LxChcJWJA>

**NOTICE IS FURTHER GIVEN** that the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by a Deed of Conveyance and in the areas of the Town as set forth above, presently on file in the Office of the Town Clerk and are located as specifically described in the attached Schedule "A".

**NOTICE IS FURTHER GIVEN** that a copy of the Map, Plan and Report is on file with the Town of Sullivan Town Clerk located at 7507 Lakeport Road, Chittenango, New York, where it is available for inspection by all interested persons during regular business hours or via electronic means in light of the restrictions resulting from the COVID-19 pandemic.

**DATED: May 6, 2020**

**ROSEMARY CZERNIAK, Deputy Town Clerk**

**SCHEDULE "A"**

**Boundary Description**

**Sleepy Hollow Water District Extension No. 1 Boundary**

The Proposed Sleepy Hollow Water District Extension No. 1 Boundary, situated in the Town of Sullivan, County of Madison, State of New York, being more particularly described as follows:

Commencing at the Point of Beginning located at the northwestern corner of Parcel 49.39-2-1 as shown on the Town of Sullivan Tax Map; thence proceeding easterly along the northern property boundary of Parcel 49.39-2-1 to the northwestern corner of Parcel 49.39-2-2; thence continuing easterly along the northern property boundary of Parcel 49.39-2-2 to the northwestern corner of Parcel 49.39-2-3; thence continuing easterly along the northern property boundary of Parcel 49.39-2-3 to the northwestern corner of Parcel 49.39-2-4; thence continuing easterly along the northern boundary of Parcel 49.39-2-4 to the northeastern corner of said Parcel; thence proceeding southwesterly along the southern boundary of Parcel 49.39-2-4 to the southwestern corner of said Parcel; thence proceeding southerly across Salt Spring Road to the northeastern property corner of parcel 49.-1-2.11; thence continuing southerly for 500-ft along the eastern boundary of Parcel 49.-1-2.11; thence proceeding westerly along the offset 500 feet south of the northern boundary of Parcel 49.-1-2.11 to the southeastern property corner of Parcel 49.-1-2.12; thence continuing westerly along the offset 500 feet south of the northern boundary of Parcel 49.-1-2.11 to a point 500 feet south of the northwestern property corner of said Parcel; thence proceeding northerly for 500-ft along the western boundary of Parcel 49.-1-2.11 to the northwestern corner of said Parcel; thence continuing northerly across Salt Springs Road to the southwestern property corner of Parcel 49.9-1-7.1; thence continuing northerly along the western boundary of Parcel 49.9-1-7.1 to the northwestern corner of said Parcel; thence proceeding easterly along the northern boundary of Parcel 49.9-1-7.1 to the northeastern property corner of said Parcel; thence continuing easterly across Sleepy Hollow Road to the northwestern property corner of Parcel 49.9-1-14; thence continuing easterly along the northern boundary of Parcel 49.9-1-14 to the northeastern corner of said Parcel; thence proceeding northerly along the western boundary of Parcel 49.39-2-1 to the northwestern corner of said Parcel, said point also being the Point of Beginning, and encompassing all parcels within.



The above-described boundary is in accordance with the map entitled "Proposed Sleepy Hollow Water District Extension Boundary" prepared by Barton & Loguidice, D.P.C. dated October 2018 and having Project No. 148.155.001.

### **SCHEDULE "B"**

#### **Sleepy Hollow Water District Extension No. 1**

##### User Cost Estimate

DESCRIPTION	EFC, 30 year, 2.2% (subsidized)*
Project Capital Cost Mutual Benefit	\$744,910
Pro rata Mutual Benefit (6.5 EDU/ 19 EDU)	\$254,838
Project Capital Cost Sleepy Hollow WD Ext. 1	\$22,250
Total Estimated Capital Project Cost	<b>\$817,300</b>
<i>Additional Grant Funding Targeted (WIIA)</i>	\$490,380
Net Project Cost to be Financed	<b>\$326,920</b>
<i>Estimated Debt Service (New Customers):</i>	
Pro rata max grant (6.5 EDU/ 19 EDU)	\$167,762
Total Estimated Project Cost	\$109,326
Annualized Project Cost	\$5,017
Number of EDU's in New District	6.5
Capital Debt per EDU	\$772
Estimated Annual OCWA Water Bill	\$244
Estimated Town of Sullivan O&M	\$211
Estimated Capital Reserve	\$53
Cost to a Typical Property (Total Annual Cost per EDU) Extension No. 1	<b>\$1,279</b>

\*Based on current DWSRF market interest rates. The Subsidized Rate is 66.7% of the market rate per the NYSEFC DWSRF Intended Use Plan, October 1, 2019-September 30, 2020.

(1) Annual cost does not include one-time cost for installing new water service between Town's shut-off at highway R.O.W. and dwelling's interior plumbing."

### **COVID 19 PANDEMIC DISCUSSION**

Supervisor Becker discussed the recent numbers of cases within Madison County as of May 6, 2020. The County is doing its' best to assist businesses and residents in our current situation. While our local governments are trained for emergencies such as fire, floods, etc. no Community has been formally trained for this situation. It is a continual work in progress, changing rapidly. With limited number of staff, the County is doing the best they can in this ever quickly evolving situation.

### **DOOR REPAIR APPROVAL**

The Board authorized the Supervisor expenditures up to \$25,000.00 for emergency costs on the door security system. The Court end of building entrance is not working. With the system being out of date, the Town is working on finding a new system for the building.

### **PROCUREMENT POLICY CHANGE**

A change to the Town of Sullivan Procurement Policy was requested by the Fire Chiefs. They would like to have the Town Board amend the Policy to state that the Fire Chiefs may make individual purchases up to \$5,000.00, instead of \$3,000.00, without the requirement for formal bidding or pursuant to the normal procedures for procurement. Attorney Langey will update the policy accordingly.

Motion made by Councilor Kopp, seconded by Councilor Ranger to approve the change to the Town's current Procurement Policy. Roll call vote was taken by Supervisor Becker;

Councilor Martin:	Yes
Councilor Brzuszkiewicz:	Yes
Councilor Kopp:	Yes
Councilor Ranger:	Yes
Supervisor Becker:	Yes

The new policy, as amended, provides as follows:

#### **"TOWN OF SULLIVAN PROCUREMENT POLICY (Adopted and Effective 5/4/16 Amended and Effective 5/06/20)**

1. A. Every purchase 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 will 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 competitive bidding. The determination shall include the canvass of other Town departments and past purchase history to determine the likely yearly value of the commodity to be acquired.

B. The following items are not subject to competitive bidding pursuant to Sec. 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under New York State and county contracts; and surplus and secondhand purchases from another governmental entity.

C. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual or department head making the purchase. This documentation 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 item or service is exempt, a memo from the purchaser detailing the circumstances which lead to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by the use of written requests for proposals, written quotations, verbal quotations or any other methods that assure its goods will be purchased at the lowest price and favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from the agencies for the blind or severely handicapped pursuant to Sec. 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Sec. 186 of the correction Law; purchases under State contracts pursuant to Sec. 104 of the General Municipal Law, as amended; purchases under county contracts pursuant to Sec. 103(3) of the General Municipal Law.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method of Purchase
\$250 - \$999	At the discretion of the purchasing agent or department head unless otherwise established by Town Board resolution
\$1,000 - \$4,999	Two (2) written or verbal quotations will be secured plus the approval of the Town Board, unless otherwise established by Town Board resolution
\$5,000 - \$19,999	Three (3) written quotations shall be secured plus approval of the Town Board.
Exceptions	*In lieu of obtaining formal written quotations for purchases of commodities under \$20,000, the Town is authorized to make such purchases using established government cooperative purchasing contracts including the National Joint Powers

	Alliance (NJPA) contracts, the HGACBuy Cooperative Purchasing Program or other similar government cooperative purchasing contracts.
\$20,000 & up	Formal sealed bids shall be secured in conformance with General Municipal Law Sec. 103
<u>Estimated Amount of Public Works Contract</u>	<u>Method of Purchase</u>
\$250 - \$999	At the discretion of the department head making the purchase unless otherwise established by Town Board resolution
\$1,000 - \$4,999	Two (2) written or verbal quotations shall be secured by the purchaser or department head plus the approval of the Town Board, unless otherwise established by Town Board resolution
\$5,000 - \$34,999	Three (3) written proposals shall be secured plus the approval of the Town Board
\$35,000 & up	Formal sealed bids shall be secured in conformance with General Municipal Law Sec. 103

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 required number of proposals be a bar to the procurement. All information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the purchase or public works contract.

4. If a contract is not awarded to the lowest responsive, responsible offerer, an explanation shall be provided and kept by the Town. The documentation will include an explanation of how the award will achieve savings or how the offer was not a responsible or responsive one. A determination that the offer is not from a responsible or a responsive party may not be challenged under any circumstances. A purchase may also be made in conformance with the best value provisions as adopted by the Town of Sullivan local law authorizing purchasing on the basis of best value in accordance with Sec. 103 of the General Municipal Law.

5. Pursuant to General Municipal Law Sec. 104-b(2)(f), there are 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 interests of the Town. In the following circumstances it may not be in the best interests of the Town of Sullivan to solicit quotations or documents as a basis for not accepting the lowest bid:

A. Professional services or services requiring special technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skills, education and training, judgment, integrity and moral worth.

These 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.

In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines:

- (1) whether the services are subject to state licensing 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 technical services shall include, but are not limited to, the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of a municipally-owned property; computer software or programming services for customized programs or services involving a substantial modification and customization of prepackaged software.

B. Emergency purchases pursuant to Sec. 103(4) of the General Municipal Law. Due to the nature of this exception, these goods and services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety and/or welfare of the residents. This section does not preclude alternate proposals if time permits.

C. Purchases of surplus and secondhand goods subject to written approval of the Town Board. Purchases from auctions are subject to prior Town Board approval.

D. Goods under \$250 and public works contracts for less than \$500. The time and documentation required is more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such contracts would be awarded based on favoritism.

6. Notwithstanding anything to the contrary, included in this Policy, the following special additional provisions for Highway Department purchases shall apply:

A. The Highway Superintendent may contract the purchase of equipment and tools, without additional Town Board approval up to \$3,000. (Highway Law 142(1a)).

B. When highway machinery is to be purchased, the Town Board shall authorize the Supervisor to procure such equipment. (Highway Law 266).

C. The Highway Superintendent shall file with the Town Board, before September 30th of each year, written recommendations on equipment that should be purchased and the projected costs thereof. (Highway Law 142(3)).

D. The Highway Superintendent may sell equipment when the Town Board approves. Such equipment may also be used as trade-in for new equipment. (Highway Law 143).

E. Upon Town Board approval and subject to applicable law, needed machinery may be leased or rented by the Highway Superintendent, upon whose order payment will be made by the Supervisor from Highway repair funds. (Highway Law 143). Written estimates shall be obtained by the Highway Superintendent for review by the Town Board, as needed.

F. Equipment may be purchased under installment contract pursuant to General Municipal Law 109-b when approved by the Town Board.

G. That the Town Board and the Highway Superintendent shall develop a system to track costs associated with each of the Town's vehicles, including repairs and refurbishing, noting gas, parts, equipment and labor for the upkeep, maintenance and repair of each of said vehicles and such other pertinent cost information as may be needed to evaluate the expended life of the vehicle and for evaluation as to the need for replacement and procurement.

7. Notwithstanding the provisions of this Procurement Policy, the Town of Sullivan may, for purposes of public purchases, utilize the provisions of General Municipal Law Sec. 103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law Sec. 103, the Town of Sullivan may purchase through the bids solicited by the U.S. Government, any State and/or any other political subdivision (Counties, Towns, Villages, School Districts, etc.) provided those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law Sec. 103(16) or similar public bidding law. Prior to such purchase, the Town of Sullivan will ensure that a piggyback purchase qualifies as follows:

A. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.

B. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Sullivan should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the Town of Sullivan or other municipalities. This determination should be made on a case-by-case basis.

C. The specific contract must have been issued in accordance with the provisions of General Municipal Law Sec. 103 or similar public bidding law. This includes contracts awarded to the lowest responsible bidder or on the basis of best value consistent with the provisions of General Municipal Law Sec. 103.

8. Additional Requirements for New York State Community Renewal and CDBG Activities:

A. The Town is an equal opportunity organization. All qualified suppliers, contractors, and/or businesses selling goods or services (including Small Disadvantaged Businesses, Minority-owned Businesses, and Women-owned Business Enterprises) will be

afforded equal opportunity without discrimination because of race, creed, color, national origin, sex, age, disability, marital status, sexual preference, veteran status or any other characteristic protected by State or Federal law.

B. The Town will ensure equal opportunity and nondiscrimination in the solicitation and award of contracts, including nondiscriminatory advertising and distribution of solicitations, nondiscriminatory bid specifications or evaluation criteria, and nondiscriminatory awards of contracts. The solicitation and award of contracts will adhere to all applicable State and Federal anti-discrimination laws and regulations, including but not limited to: the Fair Housing Act (Title VIII of the Civil Rights Act of 1968); the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975. The Town will also encourage recipients and subrecipients of all contracts to use Small Disadvantaged Businesses, Minority-Owned Businesses and Women-Owned Business Enterprises, when possible, as sources of supplies, equipment, construction, and services.

C. The Town will further ensure that all qualifying public projects comply with 24 C.F.R. Part 135, which contains regulations outlining the requirements of Section 3 of the Housing and Urban Development Act of 1968 ("Section 3"). Under Section 3, the Town will ensure that recipients and subrecipients of qualifying contracts direct employment and other economic opportunities, to the greatest extent feasible, toward low-income and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-income and very low-income persons.

9. Notwithstanding any other provision of this Procurement Policy, all Town of Sullivan Fire Departments and Companies may contract to purchase equipment, as determined by such Department without additional approval, for an amount up to \$5,000.00 without formal Town Board approval, subject to obtaining three (3) written or verbal quotations, which shall be secured by said Department and filed with the Town prior to said purchase.

10. The Town Board shall review this Procurement Policy annually, and where needed, update the Policy.

11. This Policy shall go into effect upon Town Board resolution approval."

### **MILK GIVE AWAY**

A milk give away was held on Friday, May 1<sup>st</sup>, 2020 in the parking lot of the Chittenango Middle School. Milk, hand sanitizer, masks and potatoes were handed out to the public from 1:00-3:00pm. This event did not last until 3:00 as any supplies were depleted quickly. Great event and many were helped within the Town of Sullivan.

### **PLANS TO COME BACK TO WORK**

Discussion ensued with the Town on various departments and when they will be back at work. Councilor Brzuszkiewicz discussed the Parks Department and presented a plan, as

currently there are no programs going on within the Town. Councilor Ranger discussed the Highway being back to work and how they are separating themselves via a rotating working schedule. Further discussion will be completed at later dates, as to when the Offices will be open depending on the advice from New York State.

### **BUDGET MODIFICATION**

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz to accept the Budget modification:

Transferring \$34,500.00 from Contingent A1990.4 to Engineers Fees A8030.460. This is to pay for the Bridgeport Gateway GIGP – Final Design Services.

A roll call vote was taken:

Councilor Martin:	Yes
Councilor Brzuszkiewicz:	Yes
Councilor Kopp:	Yes
Councilor Ranger:	Yes
Supervisor Becker:	Yes

### **EXECUTIVE SESSION**

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to go into executive session at 6:30 pm concerning the employment history of a particular person and to receive advice of Counsel.

A motion was made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to end Executive session at 7:37 pm.

### **ADJOURNMENT**

A motion was duly made by Councilor Kopp, seconded by Councilor Ranger and unanimously approved by the Board to adjourn the Town Board Meeting at 7:39 PM.

Respectfully Submitted,  
Beth Ellis  
Comptroller