

## **Minutes of the Town of Westport Regular Board Meeting on February 25, 2020**

The meeting was called to order by Supervisor Tyler at 3:00 p.m.

Members present on a roll call were:

Councilperson Brankman  
Councilperson Kirkby  
Councilperson Viens  
Councilperson Morrison  
Supervisor Tyler

Others Present:

Julie Schreiber, Town Clerk  
Dennie Westover, DPW Superintendent  
Hannah Jacques, John Crandall, Jason Keech

### **RESOLUTION #49 MINUTES APPROVAL**

On a motion by Councilperson Viens, seconded by Councilperson Morrison, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to accept the minutes of the February 11, 2020 regular meeting as received.

**WESTPORT SEWER PROJECT** – Hannah Jacques, Project Coordinator for Essex County Community Resources, spoke about the bonding process for the project. The town qualifies for hardship financing, which would allow for 0% financing for 30 years. The county office will help scope the engineering plan and report. The next step in the bonding process would be a notice of public hearing.

### **RESOLUTION #50 APPROVAL OF BILLS**

On a motion by Councilperson Kirkby, seconded by Councilperson Brankman, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to authorize payment of bills on Abstract 4 in the amount of \$69,789.89 for Vouchers 96-122.

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**COMP TIME** – Union members can currently accumulate up to 20 hours of comp time per year. Supervisor Tyler has been in contact with the union to discuss increasing the allowance to 40 hours.

**RESOLUTION #51**  
**COMP TIME**

On a motion by Councilperson Morrison, seconded by Councilperson Viens, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to amend Article 7, Section 5 of the January 1, 2018 – December 31, 2020 agreement between the Town of Westport Highway Department and Teamsters Local 294 to allow employees to accumulate up to 40 hours of comp time per year.

**RESOLUTION #52**  
**HAZARD MITIGATION PLAN**

On a motion by Councilperson Viens, seconded by Councilperson Morrison, and approved on a roll call vote.

4 Ayes Kirkby, Viens, Morrison, Tyler  
0 Nays  
1 Abstain Brankman

**WHEREAS**, the Town of Westport, Essex County, New York is most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety; and

**WHEREAS**, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities; and

**WHEREAS**, the Town of Westport acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds,

**WHEREAS**, the Essex County 2019 Hazard Mitigation Plan has been developed by the Essex County Emergency Management Agency and in cooperation with other county departments and officials and citizens of the Town of Westport; and

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**WHEREAS**, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Essex County 2019 Hazard Mitigation Plan; and

**WHEREAS**, the Essex County 2019 Hazard Mitigation Plan recommends mitigation activities that will reduce losses of life and property affected by both natural and human-made hazards that face the County and its municipal governments.

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Town of Westport that the Essex County 2019 Hazard Mitigation Plan is hereby adopted as the Hazard Mitigation Plan of the Town of Westport.

**PROCUREMENT POLICY** – A policy from 1992 and a revised version from 2002 are on file, but a signed copy cannot be located. The policy will be reviewed annually at the organization meeting.

**RESOLUTION #53**  
**PROCUREMENT POLICY**

On a motion by Councilperson Brankman, seconded by Councilperson Morrison and approved on a roll call vote.

4	Ayes	Brankman, Viens, Morrison, Tyler
1	Nay	Kirkby

**WHEREAS**, this resolution sets forth the polices and procedures of the Town of Westport to meet the requirements of General Municipal Law, Section 104-b as follows:

**PURPOSE**

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to: (1) assure the prudent and economical use of public monies, in the best interests of the taxpayers; (2) to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and (3) to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town of Westport is adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law.

**STATUTORY EXCEPTIONS FROM THESE POLICIES AND PROCEDURES**

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Except for procurements made pursuant to General Municipal Law Section 103(3) (through County Contracts) or Section 104 (through State Contracts), State Finance Law Section 175-b (from agencies for the blind or severely handicapped), Correction Law Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purpose of General Municipal Law Section 104-b.

**METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS**

The methods of procurement to be used are as follows:

- Verbal Quotations: The telephone log or other record should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.
- Written Quotations: Vendors should provide at a minimum: date, description of item or details of services to be provided, price quoted, name of contract.
- Requests for Proposals: An effective way to award contracts for professional services is to award them only after a minimum number of professionals are contacted and asked submit written proposals. Requests for proposals (RFPS) are traditionally used as a means of obtaining all types of professional services. RFPS are used to obtain the services of: architects, engineers, accountants, lawyer, underwriters, fiscal consultants, and other professionals.

**AWARDS TO OTHER THAN LOWEST RESPONSIBLE DOLLAR VENDOR**

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

Documentation should be in writing from file compiled on past experiences with the Town of Westport or other municipalities.

**ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY BOARD**

The Town Board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the Town Board, compliance with these policies will not be in the best interest of the Town of Westport and are not required.

- Emergencies where time is a crucial factor. Emergency can only be declared by the Town Board.
- Procurements for which there is no possibility of competition (sole source items).

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- Procurements of professional services, which because of the confidential nature of the services do not lend themselves to procurement through solicitation.

**INPUT FROM OFFICERS**

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

**REVIEW**

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

**UNINTENTIONAL FAILURE TO COMPLY**

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

**PROCEDURES FOR DETERMINING PROCUREMENTS ARE SUBJECT TO BIDDING**

The procedures for determining whether a procurement of goods and services is subject to competitive bidding, and for documenting the basis for any determination that competitive bidding is not required by law, is as follows:

**PROCEDURES FOR THE PURCHASE OF COMMODITIES, EQUIPMENT, OR GOODS**

Submission of Purchase Order to Purchasing Department

DOLLAR LIMIT	PROCEDURE
\$1 - 1,000	At the discretion of the Town Board
\$1,101 - 3,000	Documented telephone quotes from at least 3 separate vendors (if available)

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\$3,001 – 6,000	Formal WRITTEN quotes from at least 3 separate vendors (if available)
\$6,001 – 9,999	Formal WRITTEN quotes form at least 5 separate vendors (if available) are required
\$10,000 and up	Sealed bids in conformance with Municipal Law, Section 103.

Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the **LOWEST RESPONSIBLE AND RESPONSIVE** vendor.

Proper documentation is necessary if the required number of quotes cannot be obtained.

**PROCEDURES FOR PUBLIC WORK PROJECTS/CONTRACTS**

DOLLAR LIMIT	PROCEDURE
\$1 –1,000	At the discretion of the Town Board
\$1,001 – 3,000	WRITTEN quotes from at least 3 separate vendors (if available).
\$3,001 – 13,000	Formal WRITTEN quotes from at least 5 separate vendors (if available) are required.
\$13,001 – 19,999	Formal Request for Proposal (FRP) with a response from at least 3 vendors.
\$20,000 and up	Formal sealed bids in conformance with Municipal Law, 103.

The Town Board shall not be required to accept any of the quotes provided, and shall have the right and discretion to contact other vendors for price quotes as long as none of the other vendors quotes are disclosed.

In all circumstances, whenever other the lowest quote is awarded, there must be WRITTEN documentation of the reason for the award.

**UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE BID LIMIT BE AWARDED.**

**PROFESSIONAL SERVICES AND CONSULTANTS**

Whether the intent of 104-b also includes the hiring of consultants and professionals, the following policy shall apply:

DOLLAR LIMIT	PROCEDURE
\$1 – 1,000	Annual charge will be at the discretion of the Town Board. If funds are not Specifically contained in the budget approval of the Town Board is required.
\$1,001 – 15,000	Prices will be obtained by formal WRITTEN quotes from at least 3 sources, and the award will be made at the discretion of the Town Board. If Funds are not specifically contained in the budget, approval of the Town Board is required.
\$15,001 – 19,999	Prices will be obtained by RFP form at least 3 sources, with the award of the contract made by the Town Board. If funds are not specifically contained in the budget, approval of the Town Board is required.
\$20,000 and up	Prices will be obtained by RFP, with the award of contract being made by the Town Board

Awards to other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.

Any and all procedures not specifically covered in this policy will be adhered to As covered in General Municipal Law, Section 104-b.

**AWARDING OF CONTRACTS**

Contract shall only be awarded by the Town Board. Funds must be in the budget prior to awarding any contract. Thus, if appropriation from contingent account is required, the Board must adopt such a resolution before the contract is or can be awarded.

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**RESOLUTION #54**  
**DUDLEY ROAD CLOSURES**

On a motion by Councilperson Viens, seconded by Councilperson Kirkby, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to grant Camp Dudley's request to close a portion of the Dudley Road on July 18, 2020 and August 15, 2020 from 12 p.m. to 9:30 p.m.

**RESOLUTION #55**  
**POST CLOSURE MONITORING**

On a motion by Councilperson Morrison, seconded by Councilperson Brankman, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to authorize Supervisor Tyler to sign the Post-Closure Monitoring Program agreement with Adirondack Landfill Services, LLC for a total cost of \$2195.

**RESOLUTION #56**  
**PLANNING BOARD CHAIR**

On a motion by Councilperson Viens, seconded by Councilperson Morrison, and approved on a roll call vote.

5 Ayes Brankman, Kirkby, Viens, Morrison, Tyler  
0 Nays

**RESOLVED** to appoint Robin Severance as Planning Board Chair.

**DPW SUPERINTENDENT REPORT** – The snowblower has been repaired.

**SUPERVISOR'S COMMENTS** – Supervisor Tyler brought detailed information on classes offered at the Association of Towns meeting for anyone interested in attending next year.

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**RESOLUTION #57**  
**ADJOURNMENT**

On a motion by Councilperson Morrison, with a unanimous second, the meeting adjourned at 4:07 p.m.

Minutes respectfully submitted,

Julie Schreiber, Town Clerk