

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF RICHLAND
1 BRIDGE STREET, PULASKI, NY

DATE: July 25, 2023

KIND OF MEETING: Special Town Board Meeting

PLACE: Grand Jury Room, H. Douglas Barclay Courthouse Pulaski, NY

BOARD MEMBERS PRESENT: Supervisor Kern Yerdon
Councilwoman Donna Gilson
Councilman Allen Goodsell
Councilwoman Sue Haynes
Councilman Robert North

OTHERS IN ATTENDANCE: Ben Tousant, Bill Robbins, Larry Atkinson, B&G Supervisor Kevin Balcom, Highway Superintendent, John Fox, Attorney Graham Seiter, Water Supervisor Ron Novak, and Town Clerk Millie Newcomb

CALL TO ORDER: The meeting was called to order at 6:00 p.m. with Supervisor Yerdon leading in the Pledge of Allegiance.

PUBLIC COMMENT: Town Resident Larry Atkinson would like to address the Board about the July 11th meeting. He feels that the Town Board put the Town in jeopardy but tabled the motion to go forward with the wellfield power. If we lose power there how is that going to affect the residents of the Town and the districts that we supply water to. It is in his understanding that we do have generators there but it's his understanding that the bid that we got according to our Attorney was legal, because it was public works and public safety and it was under the threshold of having to get other bids. He agrees that that threshold is pretty high, but by tabling that motion we are now 30 days out from that. He doesn't know how much more time it takes to get National Grid and everyone else there to do the job. We have pushed that out further by doing this. We are now in jeopardy of residents, can we keep the pressures up for residents, can we maintain pressures for the generators, fire departments/hydrants and can we supply Sandy Creek with water ? This is just his personal opinion.

HIGHWAY: Superintendent John Fox notified the Board by email to request hiring someone from the Town of Sandy Creek to fill a position at the Highway Department. The Town of Richland in November 2015 passed a Local Law #3 which established residency requirements for the appointed officers and employees of the Town of Richland. In order to go outside the Town of Richland, to hire an employee, certain guidelines within the Local Law need to be followed. These guidelines can be found in section #4 waiver of that law. It is the Town's position to hire from applicants that reside in the Town first. Local Law #3 of 2015 establishes residency requirements and should be the duty of each employee of the Town of Richland during the period of his or her employment with said town to maintain his or her residence or dwelling within the Town limits of said Town unless otherwise approved by the Town Board, according to the guidelines of Local Law #3 of 2015. This section should affect all appointed officers and employees of the Town, including all provisional, permanent and temporary employees. Any employee who ceases to be a resident of the Town of Richland shall be deemed to have voluntarily resigned from their position. If there are no qualified applicants in the Township, other applicants that reside outside the Township will be hired under Local Law 3 of 2015. In this case here, if Mr Fox wants to hire a person from Sandy Creek. Supervisor Yerdon would like to ask a few questions. First, when did you post the job for the Highway Department? Mr Fox answered at the end of May or first of June. Where are the jobs posted? Mr. Fox asked Town Clerk Millie Newcomb for help. Town Clerk Newcomb advised the Board that the Help Wanted ad is published in the Town's Newspaper, the Palladium Times, the Town of Richland's Webpage and the Town's Facebook page. Mr Fox advised the Board that he and Deputy Kevin Balcom reviewed the applications. He also told the Board that they are in dire need of a certain person with history, background and experience and the person they chose checked all those boxes. He also checked all the references on the applications and this is why he is coming to the Board. He also told the Board that the other applicant had a CDL. They both have a background in Highway operations, but he is looking for experience in snow removal. We are in desperate need of direct snow plow drivers for the upcoming plowing season. This is his goal. Mr Fox gave the Board the other application. The Board reviewed the applications. The Local law requires Officers and Employees to consider all qualified applicants from within the corporate limits first, then qualified applicants from the towns that surround Richland. If no qualified applicants exist, then the Town Board may consider other applicants. In paragraph B it doesn't say most qualified. It says "qualified". Superintendent Fox advised if this is going to be discussed any further, it should be moved into Executive Session. Supervisor Yerdon thinks that the Board should go into executive session to discuss this issue further.

A motion to enter into Executive Session to discuss pending employment was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". 6:16pm

A motion to come back into regular session was made by Councilwoman Haynes and seconded by Councilman North. In a roll call vote, all were in favor with a vote of "AYE". 6:34pm.

The Board agreed with Superintendent Fox and Deputy Superintendent Balcom and it is their recommendation to hire Sandy Creek resident William Robbins. ***A motion to hire Mr Robbins made by Councilwoman Gilson and seconded by Councilwoman Haynes. With no more discussion and in a roll call vote, all were in agreement with a vote of "AYE".*** Mr Robbins was introduced to the Board. Supervisor Yerdon gave Mr Robbins a copy of the Local Law about residency and welcomed him aboard.

Mr. Yerdon would like to entertain a motion to have the Town Clerk, who is the Record Management Officer, post all job openings, receive all employment applications and forward applications to the appropriate departments as well as keeping copies in her office. This way, if there is an opening somewhere down the line, the applications can be pulled and looked at for future employment. This motion was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".

Water Supervisor Novak gave the Board an update on the employment of the seasonal employee. There was a mix up with the County and BOCES and switching Gabby's pay over. Mr Novak has an appointment with all parties tomorrow at 12:30 to get everything straightened out. The seasonal people are making great headway on painting the hydrants. Most of the hydrants that are painted are on Manwaring, Co Rt 28, now they are on Route 3, Co. Rt 5, some on St Rt 13, and most of the areas in Port Ontario. They are making great progress.

There was a long discussion about the Procurement Policy. Councilwoman Gilson and Councilman North have been working on revising the current policy that was passed at the first Town Board Meeting in January. Mr Novak noticed it was missing some figures in the Public Works and Purchase section. Councilpeople Gilson and North have been working on it to correct the figures. Councilwoman Gilson asked Mr Novak if he had tried to solicit any other bids. Mr Novak explained that he did not because the bid requirement was not in excess of \$35,000. All requirements of the law according to GML states that for a public works project is over \$35,000. Councilwoman Gilson explained that there is also something called "best value". In the reference that she has been looking at, it explains on page 8 it describes this situation. She is not saying that this is going to happen every time. Councilwoman Gilson would like to read the meaning of "Best Value". "Best Value", is defined for this purpose as a basis for awarding contracts to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Therefore, in assessing best value, non-price factors can include but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. For purposes of best value, a responsive offeror is an offeror meeting the minimum specifications. As discussed

above, in assessing whether an offeror is responsible, a local government or school district should consider an offeror's capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity.

As we all know, Scriba Electric has all those things. They have worked for the Town before. Even if there wasn't a glitch in the policy, Councilwoman Gilson feels they still could have been awarded the contract, because we have experience with them and they have worked for the Town. In this case, they will vote on the contract tonight but she asks that Mr Novak let the Board fix the Procurement Policy and get it passed and Mr Novak would agree until this is done, that the Board will not have to go through this again. Water Supervisor Novak told the Board that he has no other projects coming up assuming this issue will not take another 6 months to get taken care of. Mr Novak explains that this policy is needed for every federal grant, any federal policy, anything we do we need to have this. It has to be submitted to Homeland Security, NYS Department of Health and the County Health because it's all required.

Councilwoman Gilson explained that it's ready to go. Councilman North explained the ARPA money. We know we are getting the money, but we have to pay first then get the money. Mr Novak said the Town chose to get them money this way. The other was to get the money up front. Because the town chose this method, Councilman North advised that we have to worry about the confirmation process of the budget because if we do it we are not doing it correctly. This article talks about making sure the money is there. The ARPA application that Mr Novak completed to the county was an expected cost of \$30,000 and that is what we put into the County. After a long discussion, Highway Superintendent Fox reminded the Board that the Town adopted the best value policy a few years ago. It was adopted as a Local Law. Town Clerk Newcomb will get a copy to Town Supervisor Yerdon after the meeting. In the meantime, Water Supervisor Ron Novak would like the Board to award the bid that was submitted by Scriba Electric in the amount of \$31,214 to replace the power pole and revise the electrical lines coming into the well site. This will also include an emergency shut off at the pole to turn power off from National Grid. ***A motion to award the Bid to Scriba Electric in the amount of \$31,214. This motion was made by Councilman North and seconded by Councilman Goodsell. In a roll call vote, all members were in agreement with a vote of "AYE".***

Councilwoman Gilson would like to acknowledge that one thing this Board does well is to look into things. It doesn't always sound like it will come out right but it usually does.

With nothing more to bring before the Board. A motion to adjourn was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". 7:09pm

NEXT TOWN BOARD MEETING: August 8, 2023 at 6:00pm

MEETING ADJOURNED: 7:09pm

Respectfully submitted by

Millie Newcomb
Town Clerk