

DATE OF MEETING: December 4, 2023 – Organizational Meeting

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor  
Trustee Jerry Locascio  
Trustee Arthur Guzzo  
Trustee Stephen Pezzella

The Organizational Meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

Mayor Taylor made the following appointments:

Deputy Mayor	Jerry Locascio
Village Clerk	Jennifer Osborn
Village Treasurer/Deputy Clerk	Illyza McQuaid
Registrar of Vital Statistics	Jennifer Osborn
Deputy Registrar of Vital Statistics	Illyza McQuaid
Water Commissioner	Lauri Taylor
Street Commissioner	Jerry Locascio
Garbage Commissioner	Jerry Locascio
Buildings Commissioner	John Burweger
MS4 Liaison	Lauri Taylor
Employee Liaison	John Burweger
Village Attorney	Van DeWater & Van DeWater & Daniels, Porco and Lusardi
Village Engineer	Cedarwood & LaBella
ZBA	Fred Divito – 5 Year Term
Planning Board	Vacancy – 5 Year Term
Town Board Liaison	Stephen Pezzella & Arthur Guzzo
Planning Board and ZBA Liaison	Arthur Guzzo

Budget Officer	Lauri Taylor
Newspaper	Poughkeepsie Journal
Village Board Meetings	1 <sup>st</sup> and 3 <sup>rd</sup> Mondays of every month at 7 P.M.

**MOTION** by Mayor Taylor to approve the above appointments. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Locascio to approve the Meeting Schedule for 2024 (see attached). **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Guzzo to schedule the next Organizational Meeting for December 2, 2024. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

#### **ADVANCE APPROVAL OF CLAIMS**

**WHEREAS** the Board of Trustees has determined to authorize payment in advance of audit claims for public utility services, postage, freight and express charges, and

**WHEREAS** all such claims shall be presented at the next regular meeting for audit, and

**WHEREAS** the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees,

#### **NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees.

**Section 2.** That this resolution shall take effect immediately.

**MOTION** by Trustee Locascio to approve the resolution for Advance Approval of Claims. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

#### **MILEAGE REIMBURSEMENT**

**WHEREAS** the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village:

#### **NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the Board of Trustees shall approve reimbursement to such officers and employees at the rate of 65.5 cents per mile.

**Section 2.** That this resolution shall take effect immediately.

**MOTION** by Trustee Guzzo to approve the resolution for Mileage Allowance. **SECONDED** by Mayor Taylor. There was no discussion; all were in favor and the motion carried.

### **ATTENDANCE AT SCHOOLS & CONFERENCES**

**WHEREAS** there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the NYS Society of Finance Officers Meetings and NYS City and Village Clerks Association; d) the International Institute of Municipal Clerks School.

**WHEREAS** it is determined by the Board of Trustees that attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefit the municipality;

#### **NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the following officers and employees are hereby authorized to attend the following schools:

Village Clerk-	NYCOM Fall Training School IIMC Municipal Clerks meetings and school NYS City and Village Clerks Association Others to be determined with board approval
Treasurer-	NYS Municipal Finance Officers Associations NYCOM Fall Training School Others to be determined with board approval
Highway Dept. -	to be determined with Board approval.
Village Board -	to be determined

**Section 2.** That this resolution shall take effect immediately.

**MOTION** by Trustee Locascio to approve the resolution for Attendance at Schools and Conferences. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

### **DESIGNATION OF DEPOSITORIES**

**WHEREAS** the Board of Trustees has determined that Village Law 4-412(3) (2) requires the designation of banks or trust companies for the deposit of all village monies;

**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the Board of Trustees does hereby designate the following institutions as depositories of all moneys received by the Village Treasurer, Clerk, and Receiver of Taxes.

Names of Institutions:      Key Bank  
   PCSB Bank

**Section 2.** That this resolution shall take effect immediately.

**MOTION** by Trustee Guzzo to approve the resolution for Designation of Depositories.

**SECONDED** by Trustee Pezzella. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Locascio to accept the Procurement Policy as presented. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Guzzo to close the Organizational Meeting at 7:08 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

  
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Village Clerk

## **VILLAGE OF PAWLING PROCUREMENT POLICY**

**WHEREAS**, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

**WHEREAS**, comments have been solicited from all officers in the Village involved in the procurement process,

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Pawling does hereby adopt the following procurement policy, which is intended to apply to all goods and services, which are not required by law to be publicly bid.

### **PROCUREMENT POLICY FOR THE VILLAGE OF PAWLING**

1. 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 by the purchaser, 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, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000.00 or public works contracts under \$35,000.00; emergency purchases; 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; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual 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 source which makes the items 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.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods or services will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

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

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$500 - \$2,999	Verbal quotations
\$3,000 - \$19,999	Written/fax quotations or written request for proposals
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500 - \$2,999	Verbal quotations
\$3,000 - \$14,999	Written/fax quotations
\$15,000 - \$34,999	Written/fax quotations or written request for proposals

A good faith effort shall be made by the purchaser to obtain as many proposals or quotations as possible. If the purchaser is unable to obtain two, three or more 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 the procurement.

4. Documentation is required for each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings and further the purposes of Section 104-b of the General Municipal Law.

6. Pursuant to General Municipal Law Section 104-b (2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Village Board, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Village of Pawling to solicit quotations or document the basis for not accepting the lowest bid:

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. These qualifications are not necessarily found in the individual 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 the above category the Board of Trustees shall take into consideration the following guidelines:

- a. whether the services are subject to State licensing or testing requirements;
- b. whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- c. whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be 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/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents of the Village. 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 Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$500. The time and documentation required to purchase goods and services through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayers. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. The Board of Trustees adopted Local Law No 3 of 2023 entitled "Authorizing Best Value Competitive Bidding and Procurement" (see attached).

8. Individuals Responsible for making purchases under this Procurement Policy are:  
Mayor Lauri Taylor  
Trustee John Burweger  
Trustee Jerry Locascio  
Trustee Arthur Guzzo  
Trustee Stephen Pezzella  
Village Clerk Jennifer Osborn  
Village Treasurer Illyza McQuaid  
Working Supervisor James Greges and  
Pawling Joint Sewer Commissioner Secretary Christine Brown.

9. This policy shall go into effect upon its adoption and will be reviewed annually.

Adopted:	February 3, 1992
Reviewed and amended:	April 2, 2001
Reviewed:	April 4, 2005, April 3, 2006, April 9, 2007 and April 7, 2008
Reviewed and amended:	December 7, 2009
Reviewed:	December 6, 2010

Reviewed and amended:	December 5, 2011, December 3, 2012, December 2, 2013 and December 1, 2014
Reviewed:	December 7, 2015, December 5, 2016, December 4, 2017, December 3, 2018
Reviewed and amended:	December 9, 2019
Reviewed:	January 4, 2021, December 6, 2021 and December 5, 2022
Reviewed and amended:	December 4, 2023



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## **LOCAL LAW NO. 3 of 2023**

### **AUTHORIZING BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT**

#### **Section 1. Title.**

This Local Law shall be known as the Village of Pawling Local Law No. 3 of 2023 entitled "A Local Law Authorizing Best Value Competitive Bidding and Procurement."

#### **Section 2. Legislative Intent and Purpose**

The intent of this Law is to allow the Village of Pawling the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or "best value" as defined in §163 of the New York State Finance Law.

#### **Section 3. Authority**

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the Village of Pawling to enter into contracts and engage in contracting for services.

#### **Section 4. Best Value Competitive Bidding**

- A. **Award Based on Best Value.** The Village Board of Trustees may award purchase contracts, including contracts for services, on the basis of "best value" as the term is defined in New York State Finance Law §163. All contracts or purchase orders awarded based on best value bidding bases shall require Board approval.
- B. **Applicability.** The provisions of this Local Law apply to Village purchase contracts involving an expenditure of more than \$20,000 and Village contracts for services involving an expenditure of more than \$35,000 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under State law from the best value option. If the dollar thresholds of New York General Municipal Law §103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be superseded by such as §103 and this Local Law shall be read as if the numbers are amended to conform to said §103.

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C. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Village Board determines optimize quality, cost and efficiency among responsive and responsible bidders, as set forth in the Procurement Policy adopted by the Village and as amended, hereafter and from time-to-time, by the Village Board.
2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
3. The criteria may include, but shall not be limited to, any or all of the following:

Cost of maintenance  
Proximity to the contractors  
Product life  
Product performance criteria  
Quality of craftsmanship  
Warranties

- D. Documentation. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.
- E. Piggybacking of Purchases. Notwithstanding the provisions of this Local Law, the Village of Pawling may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. The Village of Pawling may piggyback whenever allowed by law.
- F. Procurement Policy Amended and Superseded Where Inconsistent. Any inconsistent provisions of the Village's Procurement Policy, as adopted prior to the effective date of this Local Law by resolution of the Village Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.
- G. Where there is a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the Village require immediate action which cannot await competitive bidding or competitive offering contracts for public work or the purchase of supplies, material or equipment may be let by the Mayor or if the Mayor is unavailable the Deputy Mayor, or if the Mayor and Deputy Mayor are unavailable, any other Village Trustee,

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- H. With the exception of emergency purchases as described above, contracts for public works and all goods and services purchased by the Village must be approved in advance by the Board of Trustees.

### **Section 5. Severability**

If any clause, sentence, sub-paragraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

### **Section 6. Effective Date**

This Local Law shall take effect upon filing with the New York Secretary of State.