

DATE OF MEETING: May 15, 2023

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee John Burweger
Trustee Jerry Locascio
Trustee Arthur Guzzo

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

MOTION by Trustee Locascio to open the Public Hearing on Local Law No. 2 of 2023 – A Local Law Authorizing Best Value Competitive Bidding and Procurement at 7:00 P.M.
SECONDED by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. David Daniels, a village attorney, explained it was a NYS statute that allows municipalities to use something other than competitive bids when awarding contracts. He said there were times when the lowest bidder might not be the best value for the village so there was criteria that the state set out in the statute about what has to be considered and that would do the best job for the village for the best value. Mr. Daniels said it would amend the Procurement Policy and would apply to contracts of over \$20,000 and for expenditures of non-services and \$35,000 for services. He said there were certain exclusions that would probably not apply that much. He explained the piggybacking is the ability to use other contracts under circumstances that are allowed by law.

Trustee Locascio said he was glad that was in there because for 3 years they had been trying to buy a garbage truck with no success, however at the beginning of the year they located a truck that was on a Connecticut state bid. He stated with the village policy the Board was not able to purchase it so they had to go out to bid and get bids for the same exact truck, and luckily, by the time that process was completed the gentleman with the truck was the lowest bidder but there were a few weeks that went by and he could have sold it.

Mr. Daniels said it also tightened up the Procurement Policy because there was a clause that allowed certain individuals to make purchases who were no longer on the Board and that was eliminated and unless there was an emergency all purchases, goods and services have to be approved by the full Board which creates more transparency.

MOTION by Trustee Burweger to close the Public Hearing on Local Law No. 2 of 2023 – A Local Law Authorizing Best Value Competitive Bidding and Procurement at 7:04 P.M.
SECONDED by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to approve the minutes from April 17, 2023 and May 1, 2023.
SECONDED by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Proposed SEQR Resolution for Determination of Type II Action for Local Law No. 2 of 2023 entitled "A Local Law Authorizing Best Value Competitive Bidding and Procurement"

The following Resolution was proposed by Trustee Guzzo, who moved its adoption, and seconded by Trustee Burweger.

WHEREAS, the Village of Pawling Board of Trustees ("Board") adopted a resolution on May 1, 2023, introducing Local Law No. 2 of 2023 to be known as **"A Local Law Authorizing Best Value Competitive Bidding and Procurement"** and setting a public hearing; and

WHEREAS, the public hearing was duly convened and closed; and

WHEREAS, the enactment of this proposed local law is a Type II action pursuant to 6 NYCRR 617.5(c)(27) "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list," specifically 6 NYCRR §617.5(c)(26) "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment".

NOW THEREFORE, BE IT RESOLVED, no further compliance with SEQRA is necessary.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Arthur Guzzo	Aye.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Adopting Local Law No. 2 of the year 2023: A Local Law Authorizing Best Value Competitive Bidding and Procurement.

Trustee Locascio moved the following resolution, seconded by Trustee Burweger, to adopt the following local law for the Village of Pawling ("Local Law"):

Local Law No. 2 of the year 2023 entitled "A Local Law Authorizing Best Value Competitive Bidding and Procurement."

WHEREAS, at the Board of Trustees meeting held on May 1, 2023, the Local Law was introduced and the Board set the public hearing on this Local Law for May 15, 2023;

WHEREAS, pursuant to § 7-706 of the New York Village Law, at least ten (10) days' notice of such public hearing was published in a paper of general circulation in the Village;

WHEREAS, a duly noticed public hearing was held on May 15, 2023 and interested parties were provided an opportunity to be heard;

NOW THEREFORE, BE IT ENACTED, that the Board of Trustees of the Village of Pawling hereby adopts the Local Law for the Village of Pawling with the text of such Local Law to be in the form attached hereto and made a part hereof as Exhibit "A".

Exhibit "A"

LOCAL LAW NO. 2 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.2 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.

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,

- 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.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Arthur Guzzo	Aye.

Mayor Taylor stated the Board recently had another vacancy and needed to appoint an additional person to be a Village Trustee. She said she would like to present bringing on Stephen Pezzella as a new Trustee.

MOTION by Trustee Locascio to appoint Stephen Pezzella to the Village Board.
SECONDED by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Taylor welcomed Mr. Pezzella to the Board. Mr. Pezzella said he would abstain from voting at the meeting.

MOTION by Trustee Guzzo to approve the Tax Warrant for Fiscal Year 6/1/2023 – 5/31/2024. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the budget modifications as presented (see attached). **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to approve the Annual MS4 Report. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to approve the Village Green and Public Assembly Events Permit application received from St. John the Evangelist Church for a procession on June 11, 2023. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Guzzo to approve the Village Green and Public Assembly Events Permit application received from the American Legion for a Memorial Day Ceremony on May 29, 2023. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve payment of the Metro North bills in the amount of \$890.90. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to adjourn the meeting and go into Public Comment at 7:14 P.M. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.



Village Clerk

MEMO: May 12, 2023

TO: Mayor Taylor

FROM: Elizabeth Shedd

RE: Budget Modifications for Fiscal Year Ending 5/31/2023

The Board needs to modify the budget for the fiscal year ending 5/31/2023 by increasing appropriations on lines with a deficit and decreasing appropriations on lines that have an unencumbered balance.

These reallocations would not increase the overall budget.

Approve modifications to the General Fund budget by Decreasing the following lines by the following amounts:

A0.1990.4	\$90,000.00	Contingency Account - Budget
A0.1320.4	\$2,000.00	Contractual Expenses – Auditor
A0.3120.1	\$1,164.00	Personal Services – Crossing Guard
A0.5112.2	\$18,328.95	CHIPs – Road Improvements
A0.5142.1	\$12,146.29	Personal Services – Snow Removal
A0.5142.2	\$3,000.00	Equipment – Snow Removal
A0.5410.4	\$20,000.00	Contractual Expenses – Sidewalks
A0.8010.4	\$5,113.00	Contractual Expenses – Zoning
A0.8020.4	\$5,112.96	Contractual Expenses – Planning

and Increasing the following lines by the following amounts:

A0.1325.4	\$2,044.09	Contractual Expenses – Treasurer
A0.1380.4	\$39.00	Fiscal Agent Fees
A0.1910.4	\$19,271.99	Unallocated Insurance
A0.1920.4	\$12.00	Municipal Association Dues
A0.3320.4	\$1,526.33	Contractual Expenses – Parking Enforcement
A0.3620.4	\$106,262.83	Contractual Expenses – Bldg Dept
A0.3620.41	\$170.00	Contractual Expenses – Bldg Inspector
A0.4020.4	\$150.00	Registrar of Vital Statistics
A0.5110.4	\$9,633.29	Contractual Expenses – Street Maintenance
A0.5132.1	\$1,123.31	Personal Services – Garage
A0.5182.4	\$8,828.85	Contractual Expenses – Street Lighting
A0.8020.1	\$490.00	Personal Services – Planning
A0.9040.8	\$2,755.93	Workmans Compensation
A0.9060.8	\$4,556.54	Hospital/Medical Insurance
A0.9730.7	\$1.04	BAN Interest