

TOWN BOARD MEETING
PUBLIC HEARING
JULY 13, 2015
6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern, Patty Wood, Supervisor Bruce Dolph, Hwy. Supt., Walt Geidel, Attorney Sean Becker and Town Clerk Ronda Williams

ABSENT: Luis Rodriguez-Betancourt

OTHERS PRESENT: Ron Galley- The Walton Reporter, Steven Dutcher, Dean Frazier & Molly Oliver – Watershed Affairs

Supervisor Dolph opened the Public Hearing at 6:00 p.m. for any party wishing to speak in favor or against the proposed Local Law 1 of 2015 entitled “Authorizing Best Value Competitive Bidding and Procurement”. The proposed local law is to allow the Town of Walton to “piggyback” from bids solicited by the United States Government, New York State and/or any other political subdivisions.

With no public comment, the Public Hearing was closed at 6:02 p.m.

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RESOLUTION #64

APPROVAL OF MINUTES

A motion was made by Armstrong, seconded by Wood approving the minutes of June 8, 2015 as presented. All in favor, motion carried.

FLOOR TIME:

Supervisor Dolph introduced Dean Frazier and Molly Oliver of the Watershed Affairs. Mr. Frazier presented information on a Municipal Cooperation Agreement for Creation of the Upper Delaware River Tailwaters and Tributaries Communities Task Force. Mr. Frazier stated that they are seeking membership desiring to reduce their transactional costs and desiring to speak with one voice on matters related to watershed resources, fisheries, recreation, and flood mitigation. The cost of membership is \$100.00.

Councilwoman questioned the benefit to Walton in joining? Supervisor Dolph stated although there is not a large area impacting Walton but the tourism and sales tax to the County; everyone will benefit. The information was left for the Board to review and discuss at next month's meeting.

Walter Geidel on behalf of the Walton Fire Department thanked the Walton Town Board for their support of the 150 Sesquicentennial events. The day was very successful and thanked Bruce Dolph for speaking.

Supervisor Dolph thanked the Fire Department for a good day and for bringing so many people to Walton. He stated it was well attended and the donations and support from the community and businesses was very nice to see.

Councilwoman Wood stated that not only are they volunteer firemen but they find time to do an event like this as well.

SUPERINTENDENT OF HWY. REPORT:

Reported that we have received some funding for the Beers Brook and Wakeman Brook projects. Since there is not enough to do both, it has been decided to focus on Beers Brook. He questioned the amount of in-kind service that will be supplied.

Reported that they are done sealing roads.

Requested permission to help the fair once again this year.

RESOLUTION #65

PERMISSION TO HELP AT THE FAIR

A motion was made by Councilwoman Wood, seconded by Govern granting the Walton Highway Department permission to provide services to the Delaware County Fair. All in favor, motion carried.

Supervisor Dolph requested from Superintendent Geidel that the road signs not be abbreviated, stating it is causing confusion of the actual road name. He also stated that many "Entering the Town of Walton" signs need to be replaced.

TOWN CLERK'S REPORT:

Provided my Monthly report.

I provided the Standard Work Day and Reporting Resolution. This is a requirement from the NYS Employees' Retirement System for all elected and appointed officials for the current year. This year only records the annual appointments as there were no elected positions on the ballot last November.

RESOLUTION #66

2015 STANDARD WORK DAY AND REPORTING

A motion was made by Govern, seconded by Armstrong approving the 2015 Standard Work Day and Reporting. All in favor, motion carried.

It's that time of year again to renew the annual renewal agreement between the Heart of the Catskills Humane Society

and the Town of Walton for the stray dogs that are taken to the shelter by the DCO.

RESOLUTION #67

**HEART OF THE CATSKILLS HUMANE SOCIETY
AGREEMENT**

A motion was made by Councilman Armstrong, seconded by Wood granting permission for Supervisor Dolph to sign and enter into an agreement with the Heart of the Catskills Human Society for stray dog services. All in favor, motion carried.

New York State Agriculture and Markets performed an inspection on June 25, 2015 in which the Town received a satisfactory rating.

A request from the Walton Cruisers to hold a cruise on August 9, 2015 was received. This request was made to the Town due to the fact that the Village would not be holding another monthly meeting prior to the timeframe that the Special Use Permit needs to be submitted to the NYSDOT.

RESOLUTION #68

SPECIAL USE PERMIT FOR A PARADE

A motion was made by Councilman Armstrong, seconded by Govern granting permission to file an application with NYSDOT allowing for the Walton Cruisers to hold a car cruise on August 9, 2015. All in favor, motion carried – Councilperson Wood abstained.

SUPERVISOR'S REPORT:

Provided his monthly reports to the Board.

Reported that notification from NYS Office of Community Renewal that the Town of Walton has been awarded a \$400,000 New York State Community Development Block Grant (NYS CDBG)

Reported that Sidney Federal Credit Union is still challenging their assessment complaint. He will seek legal help from the County since other towns within Delaware County that have an SFCU are affected as well.

Reported that NYC through the Land Acquisition Project has acquired two more parcels on Russell Road and Jenkins Road. Supervisor Dolph stated he will request that the properties have recreation access to be sure snowmobile trails stay open and to allow for hunting, fishing, and hiking.

Reported that the Pre-proposal meeting was held for the RFP request. There will be a bid opening on July 24, 2015 at 10:00 a.m.; Supervisor Dolph stated he would be in attendance.

Reported that he had received notification of future changes to the forestry exemptions.

He read a letter that was received in opposition of the Constitutional Pipeline.

Attorney Becker supplied the Board with a resolution for the purpose of the Town of Walton to enter into an agreement with Bruce Taylor to exchange a 2.86 acre parcel of real property situated at the southern end of More Park.

RESOLUTION #69 MORE PARK PROPERTY EXCHANGE

SUPERVISOR DOLPH offers the following and moves for its adoption:

WHEREAS, the Town of Walton desires to enter into an agreement with BRUCE TAYLOR to exchange a 2.86 acre parcel of real property situated at the southern end of More Park owned by the Town of Walton for a 2.86 acre parcel of real property situated at the easterly boundary of More Park owned by BRUCE TAYLOR; and

WHEREAS, said parcels of real property have been surveyed by Wakin Land Surveying of Delhi, New York and have been determined to be of equal size; and

WHEREAS, the Walton Town Board has examined a survey map of said lands and has determined that the proposed exchange will enhance the character and aesthetic appeal of More Park; and

WHEREAS, an Act of the New York State Legislature is required to transfer title to any park lands;

Now, therefore be it

RESOLVED, that the Town Supervisor and Town Attorney shall prepare the necessary documents to obtain State Legislation approving the transfer of the above-cited parcels; and be it further

RESOLVED, that such legislation dispense with the requirement under the New York State Town Law for a permissive referendum pursuant to the New York State Attorney General's Opinion 110 of 1970 (1970 N.Y. Op. Atty. Gen. No. 110); and be it further

RESOLVED, that the Walton Town Board will initiate a SEQRA review of the proposed real property transfer under 6 NYCRR 617 prior to approval of said transfer.

Seconded by Councilperson Wood

ROLL CALL VOTE:

- Councilperson Armstrong: Yes
- Councilperson Govern: Yes
- Councilperson Rodriguez: Absent
- Councilperson Wood: Yes
- Supervisor Dolph: Yes

The following resolution was presented to the Board for the maintenance of the Ice House Boat Launch.

RESOLUTION No.70

**Maintenance of Ice House Boat Launch at the NYS Route 10 DOT Pull-off
Town of Walton, Delaware County, New York**

WHEREAS, the Delaware County Soil and Water Conservation District has made money available for implementation of the Goals and Objectives of the Delaware River Stream Corridor Management Plan (SCMP), known as SMIP funding, and

WHEREAS, the Town of Walton has adopted the SCMP, making activities in the Town of Walton eligible for SMIP funding, and

WHEREAS, the Catskill Development Foundation, Inc. applied for and received funding through SMIP in 2011 to design and build a boat launch at the NYS Route 10 DOT pull-off in the Town of Walton, known as the Ice House Boat Launch, and

WHEREAS, the pull-off is developed and maintained to accommodate visitors with a picnic area, and

WHEREAS, the facilities at the NYS DOT pull-off are a popular location for boaters to access the Delaware River, and

WHEREAS, the Town of Walton and the NYS DOT have worked together to develop the boat launch area with the Catskill Development Foundation,

NOW THEREFORE BE IT RESOLVED, the Town of Walton agrees to maintain the proposed boat launch to keep it clear of debris and safe for general public use.

RESOLUTION #70

**MAINTENANCE AGREEMENT FOR THE ICE HOUSE
BOAT LAUNCH**

A motion was made by Councilman Armstrong, seconded by Govern approving an agreement for maintenance of the Ice House Boat Launch at the NYS Route 10 DOT Pull-off. All in favor, motion carried.

With no public comment and no further questions from the Board on the proposed Local Law 1 of 2015 entitled “Authorizing Best Value Competitive Bidding and Procurement” the Board chose to act on the proposal.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Walton, New York

Local Law No. 1 of the year 2015

A local law Authorizing Best Value Competitive Bidding and Procurement
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Walton, New York as follows:

Attached Text of Local Law #1 of 2015 is incorporated by reference as though fully set forth below.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Town of Walton

Local Law #1 of 2015 – Town of Walton Local Law Authorizing Best Value Competitive Bidding and Procurement

Section 1. Title

This Local Law shall be known as the “Town of Walton Local Law Authorizing Best Value Competitive Bidding and Procurement.”

Section 2. Legislative Intent and Purpose

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

Section 3. Authority

This local law is enacted pursuant to New York State General Municipal Law § 103.

Section 4. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law. The “best value” option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offered if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award Based on Best Value.

The Town Board 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 value shall require Town Board approval.

C. Applicability.

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding 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 deemed simultaneously amended to match the new General Municipal Law thresholds.

D. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerors.
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; longer product life; product performance criteria; and quality of craftsmanship.

- E. 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. Such documentation shall be filed with the Town Clerk. The filing of this documentation with the Town Clerk shall be a condition precedent to the lawful approval by the Town Board of any contract to be entered into under the provisions of this Local Law.
- F. Piggybacking of purchases.
Notwithstanding the provisions of this Local Law, the Town of Walton may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law § 103, the Town of Walton may purchase through the bids solicited by the United States government, New York 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 § 103(16). Prior to such purchase, the Town of Walton will ensure that a piggyback purchase qualifies as follows:
 1. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Walton 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 Walton or other municipalities. This determination should be made on a case-by-case basis.
 2. The specific contract must have been issued in accordance with the provisions of General Municipal Law § 103.
- G. Procurement Policy Superseded Where Inconsistent.
Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this Local Law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 _____ of 20¹⁵ of the (County)(City)(Town)(Village) of Walton, New York was duly passed by the Town Board on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the Town Supervisor on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

RESOLUTION#71

LOCAL LAW 1 OF 2015

A motion was made by Supervisor Dolph, seconded by Wood granting permission to establish Local Law 1 of 2015 allowing the Town of Walton to “piggyback” from bids solicited by the United States Government, New York State and/or any other political subdivisions. Vote: Yes – Armstrong, Govern, Wood, Dolph, No- 0, Absent – Rodriguez-Betancourt.

Discussion took place over the removal of contents from the old Reporter building and the demolition debris. Supervisor Dolph stated that he is trying to get the chemical company to come earlier to remove the chemicals and would still like the building to be demolition before Fair week.

Councilman Armstrong expressed concern about the cost of the CD removal and the fees involved. Supervisor Dolph stated that Highway Superintendent Geidel has found individuals that want clean fill and the rest will be hauled to Seneca New York.

Councilwoman Wood expressed concern about not being able to take the debris right to the County Landfill. Supervisor Dolph stated that it would save time versus unloading and reloading the trucks for the debris to be taking directly to Seneca. Supervisor Dolph stated he would get clarification on the towns’ responsibility versus the Counties for the CD fees and hauling.

Councilman Govern suggested moving the chemicals to the County Highway building until pickup from the chemical company.

Supervisor Dolph stated that if the trusses are salvageable, the town will be keeping them for future use.

CEO/DOG CONTROL REPORT:

Provided monthly report

Reported that the past due dog list is dwindling.

Reported that the property on East River Road has been mowed and an invoice will be sent to the property owner. He suggested that the Board may want to reconsider a local law allowing for circumstances like these to be added to the tax bill if the property owner refused to pay the invoice for the code enforcement.

Reported that CRS scoring process will take place on August 17, 2015.

Discussion took place about providing more of a sound barrier in the dog kennel so not to disturb the neighbors.

COMMITTEE REPORTS:

None

APPROVAL OF BILLS:

RESOLUTION #72

APPROVAL OF BILLS

A motion was made by Armstrong, seconded by Govern approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#117-135	\$	8,972.03
General OV B	#18-19	\$	236.93
General Hwy DA	#74-84	\$	8,439.96
OV Hwy DB	#18-25	\$	90,140.30

With no further business before the Board, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Ronda Williams
Town Clerk