

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
MAY 8, 2023 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve the April 24, 2023 Town Board Meeting minutes

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

- A) SUPERVISOR – SCOTT CORCORAN
- B) BUILDING INSPECTOR - THOMAS CORCORAN
- C) POLICE CHIEF - GERALD COCOZZA
- D) HIGHWAY SUPERINTENDENT – JOHN ALONGE
- E) WATER SUPERINTENDENT - CHARLIE MUGGEO
- F) TOWN CLERK - COLLEEN CORCORAN
- G) WASTEWATER TREATMENT FACILITY- JULIAN FALCO
- H) DOG CONTROL OFFICER - ANDREW MCKEE
- I) ASSESSOR - CINDY HILBERT
- J) PLANNING - CHRIS BRAND

ITEM #8 Report of Committees

- A) RECREATION COMMITTEE
- B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE
- C) CONSERVATION ADVISORY COMMITTEE
- D) IT COMMITTEE
- E) MILTON TRAIN STATION FOUNDATION
- F) MILTON LANDING CITIZENS COMMITTEE
- G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE
- H) MEET ME IN MARLBOROUGH
- I) HAMLET OF MILTON ASSOCIATION COMMITTEE
- J) TRANSFER STATION REVIEW COMMITTEE

ITEM#9 Presentation

ITEM #10 Old Business

A). Tomvac Rehabilitation Update

ITEM #11 New Business

A). 284 Agreement-accept and sign

ITEM #12 Correspondence

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution # 62 To accept the road dedication in the Meadow View Estates Subdivision, and authorize the Supervisor to sign the consent to dedication
- B). Resolution # 63 To set a new performance bond amount for Bayside Marlboro LLC, for the Bayside Mixed-use development Project
- C). Resolution # 64 To accept bid
- D). Resolution # 65 To amend the Town of Marlborough Procurement Policy
- E). Resolution # 66 To accept an estimate for the security camera system at the Community Center
- F). Resolution # 67 To accept an estimate for the Audio Visual at the Community Center

ITEM #15Adjournment

May 8, 2023

A). Resolution # 62 To accept the road dedication in the Meadow View Estates Subdivision, and authorize the Supervisor to sign the consent to dedication

Supervisor Corcoran proposes the following:

WHEREAS, the Town Board has received a Dedication and Release, as well as a Highway Superintendent's Order, pertaining to the dedication of Meadow View Dr. and Clover Ct.

NOW, THEREFORE BE IT RESOLVED,

1. The Town Board accepts the road dedication of Meadow View Dr. and Clover Ct., and authorizes the Supervisor to sign the Consent to Dedication, subject to the following conditions, absent which the dedication shall be a nullity:
 - a. Issuance of a title policy acceptable to the attorney for the Town, and recording of the deed to the road;
 - b. Properly executed and recordable instruments as follows:
 - i. Deed of Meadow View Dr. and Clover Ct. to the Town of Marlborough;
 - c. Payment of any outstanding expenses of the Town and deposit of sums sufficient to cover costs of recording instruments with the Clerk of Ulster County.
2. Upon fulfillment of all of these conditions, the Supervisor shall be authorized to sign the Consent to Dedication.
3. This dedication shall be effective May 8, 2023, in the event of the fulfillment of the conditions set forth in paragraphs "2" and "3" hereinabove.

The foregoing resolution was voted upon with all members of the Council voting as follows:

Supervisor Corcoran	_____
Councilman Cauchi	_____
Councilwoman Sessa	_____
Councilman Molinelli	_____
Councilman Zambito	_____

DATED: Milton, New York
May 8, 2023

COLLEEN CORCORAN, TOWN C

May 8, 2023

B). Resolution # 63 To set a new performance bond amount for Bayside Marlboro LLC, for the Bayside Mixed-use development Project

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough Planning Board (the “Planning Board”) granted site plan approval to Bayside Construction, LLC, as property owner (the “Applicant”), for the Bayside Mixed-Use Development Project on May 7, 2018; and

WHEREAS, as a condition of such approval, the Applicant was required to post four performance bonds and security acceptable to the Town for the completion of the development and execute a performance bond agreement; and

WHEREAS, by a resolution dated February 8, 2021, the Town of Marlborough Town Board approved the following amounts for the four performance bonds:

Stormwater Performance Bond - \$ 671,832.00
Construction Performance Bond - \$ 1,896,748.00
Landscape Performance Bond - \$ 168,882.00
Town Road Performance Bond - \$ 747,852.85; and

WHEREAS, the Applicant provided the required security for each bond to the Town; and

WHEREAS, the Applicant’s successor, Bayside Marlboro LLC, (“Bayside”) has provided Performance Bonds to the town and has executed a performance bond agreement to establish the obligations secured by the Performance Bonds; and

WHEREAS, because the two lots on the project are now owned by separate entities and the commercial component of the project is not currently under construction with the exception of portions containing combined utilities, Bayside now requests that the performance security be split between the two entities; and

WHEREAS, the Town Engineer has determined that the original total security amount as set forth by the Town Engineer and as stated herein will remain in place, though new bond amounts shall be set and allocated as follows:

	Original Amount	Bayside	Commercial
Stormwater Performance Bond -	\$ 671,832.00	\$ 642,252.00	\$ 29,580.00
Construction Performance Bond -	\$ 1,896,748.00	\$ 1,625,268.00	\$ 271,480.00
Landscape Performance Bond -	\$ 168,882.00	\$ 149,096.00	\$ 19,786.00
Town Road Performance Bond -	\$ 747,852.85	\$ 747,852.85	\$ 0.00

WHEREAS, the Town Engineer has determined that Bayside will be responsible for the entire roadway security, and although inspection fees were posted by the Applicant, it is recommended that inspection fees be worked out as a private matter between the two entities; it is hereby

RESOLVED, that the original amounts of the performance bonds and performance security is hereby apportioned between the two entities as follows:

	Original Amount	Bayside	Commercial
Stormwater Performance Bond -	\$ 671,832.00	\$ 642,252.00	\$ 29,580.00
Construction Performance Bond -	\$ 1,896,748.00	\$ 1,625,268.00	\$ 271,480.00
Landscape Performance Bond -	\$ 168,882.00	\$ 149,096.00	\$ 19,786.00
Town Road Performance Bond -	\$ 747,852.85	\$ 747,852.85	\$ 0.00

This is conditioned upon (a) the establishment of an escrow fund with the Town to defray the Town's cost of engineering and attorneys' services in connection herewith and (b) the execution and delivery of performance bonds and security in form and substance to the Town Supervisor and the attorney to the Town and in compliance with the Town Code of the Town of Marlborough.

The foregoing resolution was voted upon with all council people voting as follows:

Supervisor Corcoran _____
Councilman Cauchi _____
Councilman Molinelli _____
Councilman Zambito _____
Councilwoman Sessa _____

DATED: Milton, New York
May 8, 2023

COLLEEN CORCORAN, TOWN CLERK

May 8, 2023

C). Resolution # 64 To accept bid

Supervisor Corcoran proposes the following:

Whereas, a legal notice appeared in the official newspaper for the Town of Marlborough requesting bids for the Towns fuel needs, and

Whereas, May 4, 2023 all bids were opened and read aloud

Now therefore be it resolved that, the following bids are awarded

Item # 1 Heating Oil- RUSSO FUEL-ONLY BID

Supplied at \$.50/gal over Journal of Commerce Albany reseller tank car

Item # 2 Propane for generator – RUSSO FUEL-ONLY BID

Supplied at \$.40/gal over Selkirk Propane-PROPANE FOR CLUETT SCHANTZ PARK WILL BE DONATED

Item # 3 Unleaded gasoline (regular -87 octane)-RUSSO FUEL-ONLY BID will be supplied at \$.50/gal over the average of the “posted rack” price for unbranded Ethanol Gasoline for Albany, NY

Item # 4 Unleaded gasoline (mid-grade -89 octane)-RUSSO FUEL-ONLY BID will be supplied at \$.50/gal over the average of the posted rack price for Unbranded Ethanol Gasoline for Albany NY

Item #5 Unleaded gasoline (premium-93 Octane)-RUSSO FUEL-ONLY BID will be supplied at \$.50/gal over average of the posted rack price for Unbranded Ethanol Gasoline for Albany NY

Item#6 Diesel (ultra-low sulfur)-RUSSO FUEL-ONLY BID will be supplied at \$.50/gal over the posted price of day

And moves for its adoption

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----

May 8, 2023

D). Resolution # 65 To amend the Town of Marlborough Procurement Policy

Supervisor Corcoran proposes the following:

Whereas, the Town Board of the Town of Marlborough wishes to update the Towns procurement policy, and

Whereas, the Town Board wishes to amend the policy as follows:

414 Procurement Policy

Added the word online for quote options

(2) increase public works from \$20,000 to \$35,000

Increase purchases from \$10,000 to \$20,000

(3) increase purchases less than \$10,000 to less than \$20,000

(4) increase purchases less than \$3,000 to less than \$10,000

(5) Omit 5b:

b. Less than \$10,000 but greater than or equal to \$5,000 requires a written request for proposal and oral/fax proposals from 2 contractors.

Changed c to b and increase from \$5,000 to \$10,000

Eliminated purchases under \$1,000

Be it resolved, that the Town of Marlborough Procurement Policy be amended

And moves for its adoption

Councilman Molinelli -----

Councilwoman Sessa -----

Councilman Cauchi -----

Councilman Zambito -----

Supervisor Corcoran -----

414 Procurement Policy

1. Every Town officer, board, department head or other personnel with the requisite purchasing authority shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. This estimate shall become the basis for that board or department budget for that fiscal year. That adopted budget shall be communicated to the responsible Town officer, board, or department head and it shall become the responsibility of that person to manage his/her respective spending within the constraints of the adopted budget.
2. Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, Section 103. Section 103 of the GML requires towns to advertise for bids on all contracts for the purchase of materials, supplies, and equipment involving an expenditure of more than \$20,000 and on all contracts for the accomplishment of public works involving an expenditure of more than \$35,000.
3. All purchases of less than \$20,000 but equal to or greater than \$10,000 require a written purchase requisition approved by the responsible department head or board chairman. The purchase requisition should include the following information:
 - a. date of requisition
 - b. name of department, contact, phone number
 - c. date required and delivery address
 - d. vendor name and address
 - e. description of item or service and quantity required.
 - f. estimated cost
 - g. written/fax/email/online quotes from at least 3 vendors.

The completed purchase requisition shall be submitted to the Purchasing Coordinator. The Purchasing Coordinator shall check to verify that budget authority exists and shall provide the proper coding to the applicable expense appropriation. The coded purchase requisition shall be returned to the responsible department head or board for the order to be placed.

4. All purchases of less than \$10,000 require an oral/fax/email/online quote from 2 vendors unless they are of a recurring nature necessitated by the normal business operation of a particular department. (For example, the purchase of expense parts and supplies by the Highway Department for use in the normal repair and maintenance of Highway Department equipment do not require the submission of a purchase requisition if that purchase is less than \$10,000). The waiving of the purchase requisition policy is at the sole discretion of the applicable board or department head. The requirement for written or oral quotes is also left to the discretion of the applicable board or department head for purchases under \$10,000.

5. All estimated public works contracts of:

- a. Less than \$35,000 but greater than or equal to \$10,000 requires a written request for proposal and written/fax proposals from 3 contractors.
- b. Less than \$10,000 is left to the discretion of the applicable board or department head.

Any written Request for Proposal shall describe the desired goods, quantity, and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral/online quotes have been requested and the written/fax/oral/online quotes offered. All information gathered in complying with this procedure shall be preserved and filed with the documentation supporting the subsequent purchase of public works contract.

6. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.
7. A good faith effort shall be made to obtain the required number of proposals and/or written/fax/oral/online quotes. If the purchaser is unable to obtain the required number of proposals and/or written/fax/oral/online quotes, the purchaser shall document the attempt made. In no event shall the inability to obtain the required proposal and/or written/fax/oral quotes be a bar to the procurement.
8. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:
Acquisition of professional services
Emergencies
Sole source situations
Goods purchased from agencies for the blind or handicapped.
Goods purchased from correctional facilities
State/County Contract
True Leases
Insurance
Second-hand equipment from another Government
9. The unintentional failure to fully comply with the provision of GML, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Marlborough or any officer or employee thereof.

10. The Town Board shall annually review these policies and procedures.

May 8, 2023

E). Resolution # 66 To accept an estimate for the security camera system at the Community Center

Supervisor Corcoran proposes the following:

Whereas, the IT committee as well as the Town Engineer and Town Supervisor were part of a walkthrough with security camera contractors, and

Whereas, design specs were told to the potential contractors, and

Whereas, the following estimates were received:

D-Ben security = \$11,137.32

Precision security = \$14,010.78

A&R security = \$24,495.00

Whereas, it is the recommendation of the IT Committee, and Town Engineer to accept the security system estimate of D-Ben Security.

Be it resolved that the Town Board of the Town of Marlborough accepts the estimate from D-Ben Security

And moves for its adoption

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----

May 8, 2023

F). Resolution # 67 To accept an estimate for the Audio Visual at the Community Center

Supervisor Corcoran proposes the following:

Whereas, the IT committee as well as the Town Engineer and Town Supervisor were part of a walkthrough with Audio Visual contractors, and

Whereas, design specs were told to the potential contractors, and

Whereas, the following estimates were received:

Hudson Valley Audio Visual, Inc = \$49,598.00

Empire AV LLC = \$49,899.00

Hugh's AV solutions = \$62,343.00

Whereas, it is the recommendation of the IT Committee, and Town Engineer to accept the audio-visual estimate of Hudson Valley Audio Visual, Inc

Be it resolved that the Town Board of the Town of Marlborough accepts the estimate from Hudson Valley Audio Visual Inc.

And moves for its adoption

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----