

MINUTES OF THE SPECIAL MEETING AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, ON MONDAY, JANUARY 9, 2012 AT 7:00PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILWOMAN EMILY SVENSON
COUNCILMAN JOSEPH PETITO
COUNCILMAN WILLIAM TRUITT
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA MCGROGAN

Supervisor Rohr called the meeting to order with the Pledge of Allegiance to the Flag.

MOTION: Councilman Truitt
SECOND: Councilman Petito

To open the special meeting

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

The Town Board entered a workshop session and discussed the following:

1. 2012 HAPPY BIRTHDAY HYDE PARK CELEBRATION
2. TOWN FINANCES / MONEY SAVING MEASURES
3. TREE REMOVAL CONTRACT
4. FEE SCHEDULE
5. MEETING PROTOCOL
6. RECORDS MANAGEMENT
7. GROUNDS AND MAINTENANCE
8. PAYMENT OF TAX BILLS BY CREDIT CARD
9. FEMA UPDATE

MOTION: Supervisor Rohr
SECOND: Councilman Schneider

To add Resolution #7 rejecting all bids for tree service, to the agenda.

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

PUBLIC COMMENT ON RESOLUTIONS ONLY:

Bob Kampf, 8 Putnam Rd., thanked the Board for the workshop discussion. Regarding the resolution appointing a full time account clerk, he asked the Board if the \$81,000 was just the salary or was it the total package. He feels that the total bill is closer to \$100,000. when you include medical benefits.

John Lombardi, 12 Lyons Dr., thanked the Board for allowing the public to speak and stated that he would like to see them get back on track with FEMA to resolve problems in the flood areas of town.

RESOLUTION 1:9 – 1 OF 2012

RESOLUTION AMENDING RESOLUTION 1:1 – 42 OF 2012 REGARDING THE APPOINTMENT OF STANLEY A. FRANGK AS TRAFFIC PROSECUTOR FOR THE TOWN OF HYDE PARK

WHEREAS, Stanley A. Frangk, Esq. had submitted a proposal for the provision of legal services as Traffic Prosecutor for the Town of Hyde Park for the year 2012, which provided, in relevant part, for an hourly rate of \$150.00; and

WHEREAS, the Town Board determined to retain the services of Stanley A. Frangk as Traffic Prosecutor, in accordance with the terms and conditions of that proposal, with a cap on reimbursement of \$15,000.00, but without a cap on the services which were to be provided; and

WHEREAS, Resolution 1:1 – 42 of 2012 mistakenly set forth the hourly rate for the Traffic Prosecutor at \$170.00 per hour instead of \$150.00.

BE IT RESOLVED, that the Town Board hereby amends Resolution 1:1 – 42 of 2012 to provide that the Town Supervisor is authorized to execute a contract with Stanley A. Frangk, Esq. to provide for traffic prosecutor services for 2012 at an hourly rate of \$150.00 per hour, with a cap on reimbursement of \$15,000.00, but without a cap on the services provided.

MOTION: Councilwoman Svenson

SECOND: Councilman Truitt

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

RESOLUTION 1:9 – 2 OF 2012

RESOLUTION CONVERTING POSITION OF PART-TIME SENIOR ACCOUNT CLERK TO FULL-TIME SENIOR ACCOUNT CLERK

WHEREAS, the Town of Hyde Park has had, in the past, a Senior Account Clerk position for many years, last filled by Chu Savath who passed away in 2010; and

WHEREAS, after the death of Chu Savath, the position of full-time Senior Account Clerk was changed by the Town to the position of part-time Senior Account Clerk, but the position was not filled by the Town Board; and

WHEREAS, instead of filling the position of part-time Senior Account Clerk, the prior Town Board procured the services of an accounting firm, Sedore and Company, to perform as a consulting accountant some of the duties of the Town's Administrative Office, with a total cost incurred in 2011 of over \$60,000.00; and

WHEREAS, the funding for the services of a consulting accountant for the Town of Hyde Park has been provided for in the 2012 budget but it is not sufficient to meet the needs of the Town; and

WHEREAS, the Town has also established the position of part-time Clerk at a salary of \$15,000.00 per year; and

WHEREAS, the 2012 budget has provided for a salary for the Comptroller of \$52,000.00; for a salary of a part-time Clerk at \$15,000.00; and a contingency for accounting of \$25,000.00, for a total of \$92,000.00; and

WHEREAS, the Comptroller's salary for 2012 was reduced from \$52,000.00 to \$44,000.00, leaving a total of \$48,000.00 of salaries available in the Administrative Department; and

WHEREAS, the Town Board has determined that the current staffing of the Administrative Department has been inadequate to perform all of the necessary tasks to provide for the responsible and efficient functioning of that department; and

WHEREAS, the Town Board has determined that the conversion of the position of part-time Senior Account Clerk to full-time Senior Account Clerk and the filling of that position at a salary of \$37,000.00 per annum would allow for the better functioning of the Administrative Department and would result in a substantial savings to the taxpayers over what was spent by the Town of Hyde Park for administrative services in 2011.

BE IT RESOLVED, that the part-time Senior Account Clerk position is hereby converted to a full-time Senior Account Clerk position at an annual salary of \$37,000.00 to perform the services as are generally described in the Senior Account Clerk job description annexed hereto, subject to modification;

AND BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to formally request the Dutchess County Department of Civil Services to convert the part-time Senior Account Clerk position to a full-time Senior Account Clerk Position and confirm with the Dutchess County Department of Human Resources the duties of the full-time Senior Account Clerk;

AND BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to communicate with the Dutchess County Department of Human Resources to determine the appropriate protocol for filling the position from the Civil Service Preferred Eligible List for this position, and to take the necessary steps to schedule an interview with the candidate and make a recommendation to the Town Board for the filling of this position as soon as possible.

MOTION: Councilman Petito
SECOND: Councilman Truitt

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

Town of Hyde Park

Senior Account Clerk - Administration

Primary Function:

Responsible for the purchasing of municipal supplies and equipment through the use of prescribed methods and procedures as well as for administering the Town's auto and liability insurance policies. Also responsible for data input for payroll, vouchers, and purchase orders.

Duties and Responsibilities:

- * 1. Prepares bid specs; reviews vendor bids; maintains listings; verifies newsources.
- * 2. Supervises the purchasing and inventory of departmental office supplies and printing requests.
- * 3. Reviews requisitions from operating departments and assures compliance with purchasing policy, responsible for data input for payroll, vouchers and purchase orders.
- * 4. Compiles and maintains a list of all Town property, including vehicles, equipment and furniture for purposes of complying with Accounting Standards.
- * 5. Maintains the operation of various central service operations, such as mailroom and printing services.
- * 6. Keeps current on price trends and market conditions of new or improved items of supply.
- * 7. Administers grants and tracks projects.
- * 8. Responsible for administering the Town's auto, property and liability insurance policies including handling bids and claims.
- * 9. Interfaces with vendors for office machine repairs and maintenance as well as building maintenance (i.e. plumbing, heating, etc.) and maintains a record of contracts and agreements.
- * 10. Compiles data for, prepares, and analyzes financial and statistical reports and records.
- * 11. May assist in the preparation of unit or departmental budget and in maintaining budget control.
- * 12. Assists the comptroller as necessary.
- * 13. Performs other related duties as assigned.

Town of Hyde Park

Senior Account Clerk - Administration

Knowledge and Skills:

Computer proficiency, including knowledge of word processing, databases and spreadsheets; purchasing experience preferred. Self-starter, organized and accurate with research.

Education/Training:

2 to 4 year college degree in Business Administration, Business Management or Accounting.

Experience:

At least two years of full time work experience maintaining financial accounts and records..

Reporting Relationship:

This position reports to the Town Comptroller.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying the position. Employees will be required to follow any other job-related instructions and to perform other job-related duties requested by their supervisor.

Requirements are representative of minimum levels of knowledge, skills and/or abilities. To perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship.

I have read the job description for my position as an employee of the Town of Hyde Park. I understand a performance appraisal will be performed within the first six months of my employment. Continuation in the position will be contingent upon a positive performance appraisal.

Employee signature

Date

Town of Hyde Park

Senior Account Clerk - Administration

EMPLOYER USE ONLY:

This form was filed in the employee's Personnel file on _____
Date

by _____
Name

Title

Last update: 7/99

RESOLUTION 1:9 – 3 OF 2012

RESOLUTION AUTHORIZING BUDGET AMENDMENTS OF THE 2012 ADOPTED BUDGET AS IT PERTAINS TO BUDGET MODIFICATIONS REQUESTED BY THE HIGHWAY DEPARTMENT

WHEREAS, a budget modification needs to be made to the budget for Fiscal Year 2012; and

WHEREAS, the departmental transfer of funds shall not result in any additional costs to the Town of Hyde Park; and

WHEREAS, the Comptroller for the Town of Hyde Park, has determined that a change in allocated expenses is necessary to update the 2012 adopted budget.

RESOLVED, that the 2012 Adopted budget of the Town of Hyde Park be hereby amended as follows:

<i>Budget Code</i>	<i>Description</i>	<i>Increase/ Decrease</i>
<i>A1989.400</i>	Other General Gov't Support (Grantwriting)	- \$6,195.76
<i>A5010.100</i>	Street Admin, Personal Services	+ \$6,195.76
<i>Total</i>		\$ 0.00

MOTION: Councilman Truitt
 SECOND: Councilwoman Svenson

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

Before the vote was taken, Supervisor Rohr explained that this transfer of funds was being made to cover the increase in Highway Superintendent Walter Doyle's salary.

RESOLUTION 1:9 – 4 OF 2012

APPOINTING HIGHWAY SUPERINTENDANT WALTER DOYLE AS HEAD OF BUILDINGS AND GROUNDS FOR THE TOWN OF HYDE PARK

BE IT RESOLVED, that the Highway Superintendent, Walter Doyle, is hereby appointed as Head of Buildings and Grounds for the Town of Hyde Park and shall perform his duties in conjunction with his duties as Highway Superintendent, with no additional compensation.

MOTION: Councilman Schneider
SECOND: Councilman Truitt

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

RESOLUTION 1:9 - 5 OF 2012

AMENDMENT OF TOWN OF HYDE PARK PROCUREMENT POLICY

WHEREAS, the Town of Hyde Park has adopted a Procurement Policy, last revised May 21, 2007; and

WHEREAS, guideline "9" of the Policy contains a sentence which states, "The vendor's billing cycle (usually quarterly) determines the period of time covered by a blanket purchase order"; and

WHEREAS, the Town Comptroller has advised the Town Board that this provision in guideline "9" is confusing, ambiguous and unnecessary.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Procurement Policy, guideline "9" shall be amended to delete the sentence, "The vendor's billing cycle (usually quarterly) determines the period of time covered by a blanket purchase order."

MOTION: Councilwoman Svenson
SECOND: Councilman Petito

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

RESOLUTION 1:9 - 6 OF 2012

RESOLUTION AWARDING BIDS FOR CERTAIN 2012 HIGHWAY MATERIALS AND SERVICES

WHEREAS, sealed bids for various highway materials for 2012, namely crushed stone; screened bank run gravel/Item #4 screened; concrete structures; liquid calcium chloride; bituminous material (hot and cold); and cleaning of pipes and basins were publicly opened and read pursuant to General Municipal Law, Section 103; and

WHEREAS, the Superintendent of Highways has recommended that the following vendors are the lowest responsible bidders:

Dutchess Quarry & Supply Co., Inc.	crushed stone
Daley Enterprise	screened bank run gravel/Item #4 screened
Expanded Supply Products, Inc.	concrete structures

Peckham Materials, Corp.	liquid calcium chloride
Dutchess Quarry & Supply Co., Inc.	bituminous material (hot and cold)
Fred A. Cook, Inc.	cleaning of pipes and basins

WHEREAS, the Superintendent of Highways recommendations are for the lowest bids, for bidding vendors within the specified 20 mile radius of the Hyde Park Highway Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby award the bids for various highway materials and services for 2012 as recommended by the Superintendent of Highways.

MOTION: Councilman Petito
 SECOND: Councilman Truitt

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

RESOLUTION 1:9 - 7 OF 2012

RESOLUTION REJECTING ALL BIDS FOR TREE SERVICE

WHEREAS, the Town Board has authorized the solicitation of bids for tree service for 2012; and

WHEREAS, advertisements for bids were duly published and bids were received; and

WHEREAS, the Town Board received two bids for such services, one from Steven J. Costa Electrical and Tree Service, and one from Integral Tree, Stanfordville; and

WHEREAS, the Town Board, in its competitive bidding process, always reserves the right to reject all bids; and

WHEREAS, the Town of Hyde Park and its Highway Superintendent would like to explore the possibility of by-passing the competitive bidding process and make a purchase of this public works contract through Dutchess, or another, County pursuant to recent amendments to General Municipal Law §103(3) and County Law §408-a(2), thereby saving the Town money for tree services; and

WHEREAS, the Town Board has determined that it would not be in the Town's interest to accept any of the bids that were received.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park hereby rejects all bids for tree service that were submitted for 2012 and directs the Town Clerk to refund any bid bonds that may have been posted by the bidders, if any, and directs the Town Highway Superintendent, with the assistance of the Attorney to the Town, to determine if the tree services for 2012 can be obtained from Dutchess, or another, County pursuant to the recent changes in the General Municipal Law and County Law;

AND BE IT FURTHER RESOLVED, that in the event it is determined that the Town cannot bypass the competitive bidding process and make the purchase for these services through a county contract, that the Town Highway Superintendent and Town Clerk are then directed to re-solicit bids for tree service for the Town of Hyde Park for 2012 through the competitive bidding process.

MOTION: Councilman Truitt
SECOND: Councilman Schneider

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

MOTION: Supervisor Rohr
SECOND: Councilman Petito

To enter executive session to discuss the employment history of a particular employee and proposed litigation.

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED at 8:55PM

MOTION: Supervisor Rohr
SECOND: Councilwoman Svenson

To return from executive session

VOICE VOTE: 5 – 0 CARRIED at 9:50PM

Supervisor Rohr stated that no decisions were made or actions taken on the personnel issue. The following resolution is a result of executive session discussion.

MOTION: Councilwoman Svenson
SECOND: Councilman Schneider

To add Resolution #8 to the agenda

VOICE VOTE: 5 – 0 CARRIED

RESOLUTION 1:9 – 8 OF 2012

RESOLUTION AUTHORIZING THE ATTORNEY TO THE TOWN TO SEND A DEMAND LETTER TO STEVEN J. COSTA, ELECTRICAL AND TREE SERVICE, INC

WHEREAS, a proposal for certain tree work was submitted by Steven J. Costa, Electrical and Tree Service, Inc. (hereinafter “Costa”) to the Town of Hyde Park, and the Town of Hyde Park Highway Department dated 11/23/2011 for tree work following the October 29, 2011 snowstorm; and

WHEREAS, the proposal was signed as accepted by the former Supervisor Thomas Martino; and

WHEREAS, the proposal provided that Costa would perform certain tree service work for the Town for a total amount not to exceed \$150,000.00; and

WHEREAS, the proposal requested that 50% of the \$150,000.00 be paid “up front”; and

WHEREAS, the Town Supervisor directed the Comptroller to issue a check to Costa in the amount of \$75,000.00, and said check was signed by the Town Supervisor and was delivered and paid to Costa; and

WHEREAS, §64(6) of the Town Law provides, in relevant part, that the Town Board may award contracts for any purposes authorized by law and that the same shall be executed by the Supervisor in the name of the Town after approval by the Town Board; and

WHEREAS, the records of the Town of Hyde Park indicate that no formal resolution was passed by the Town Board authorizing the Supervisor to sign the proposal with Costa, and to pay Costa an amount not to exceed \$150,000.00, with a payment of \$75,000.00 paid up front; and

WHEREAS, the Town Board has been advised by the Attorney to the Town that contracts entered into in violation of the requirements of §64(6) of the Town Law are invalid and null and void. See, for example, *Varifax Group, Inc. v. Town of Babylon*, 267 AD2d 379 (2d Dept. 1999); *Glenville Police Benevolent Association v. Mosher*, 31 AD3d 874 (3d Dept 2006); and

WHEREAS, the records of the Town Board indicate that the proposal was accepted and signed by the Town Supervisor without following the competitive bidding requirements of §103 of the Town Law and, for that additional reason, the proposal signed by the Town Supervisor with Costa was null and void and could not be honored by the Town of Hyde Park; and

WHEREAS, the \$150,000.00 not-to-exceed amount, as provided for in the proposal, was not provided for in the 2011 annual budget, there were no funds in the Highway budget allocated to pay such contract expenses, and no funds have been transferred to the Highway fund to pay such contract expenses; and

WHEREAS, §117 of the Town Law provides, in relevant part, that “except as authorized by law, no officer, board, department or commission shall, during any physical year, expend or contract to be expended any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, unless provision therefore shall have been made in the annual budget, and in no case in excess of the amount appropriated for such year”; and

WHEREAS, §117 of the Town Law also provides, in relevant part, that nothing in this section “shall be construed to prevent the allowance of any claim by the Town Board for any lawful Town purpose in excess of the amount appropriated for such year for such purposes, where the Town Board has, by resolution, transferred sufficient funds to said budgetary funds in accordance with §112 of this chapter....”; and

WHEREAS, §117 of the Town Law provides, in relevant part, that any contract made in violation of §117 of the Town Law is null and void and that no money belonging to the Town shall be paid thereon; and

WHEREAS, the Attorney to the Town has advised that the Office of the State Comptroller has opined that monies paid on a contract awarded in violation of the competitive bidding requirements of the General Municipal Law may be recouped from the payee; and

WHEREAS, the records of the Town indicate that Costa has not, to date, submitted any vouchers in proper form for work performed under this proposal, and that no vouchers have been audited and approved for payment by the Comptroller in accordance with the requirements of Town Law.

BE IT RESOLVED, that the Attorney to the Town is hereby directed to notify Costa that the proposal, to the extent that it purports to be a contract with the Town of Hyde Park, is null and void and of no further force and effect, and that no further monies will be paid by the Town to Costa pursuant to said contract;

AND IT IS FURTHER RESOLVED, that the Attorney to the Town shall also, in his communication to Costa, demand repayment to the Town of all monies paid to him by the Town pursuant to the provisions of said proposal, in excess of work performed and audited and approved.

MOTION: Supervisor Rohr
SECOND: Councilman Petito

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	Aye	
Councilman Petito	Aye	
Councilman Truitt	Aye	
Councilman Schneider	Aye	
Supervisor Rohr	Aye	CARRIED

MOTION: Councilman Truitt
SECOND: Councilman Schneider

To adjourn meeting

VOICE VOTE: 5 – 0 CARRIED

Meeting adjourned at 9:55PM

Respectfully submitted,

Donna McGrogan
Town Clerk