

MINUTES OF A SPECIAL MEETING OF THE HYDE PARK TOWN BOARD,
HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK,
12538, ON THURSDAY, MARCH 23, 2017 AT 2:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILMAN DAVID RAY
COUNCILMAN JOSEPH MARRINE
TOWN CLERK DONNA McGROGAN

ABSENT:

COUNCILWOMAN EMILY SVENSON
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY

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

RESOLUTION 3:23 – 1 OF 2017

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HYDE PARK

WHEREAS, the Town advertised for bids in conjunction with the New York State Route 9 Pedestrian Improvement Project administered through the New York State Statewide Transportation Improvement Program under PIN 8761.23; and

WHEREAS, the project involved the installation of new curb and sidewalks to meet current ADA standards along the east side of New York State Route 9 from Water Tower Road to Park Plaza; and

WHEREAS, the bid documents contained an error with regard to the date and time the bids were to be submitted in that the documents stated that the bids were to be submitted no later than March 20, 2017 at 12:45 p.m. and in another portion of the bid documents, the time was stated at 1:00 p.m.; and

WHEREAS, the Town received four bids before 12:45 p.m. on March 20, 2017, and a fifth bid was delivered at approximately 12:55 p.m. before the 1:00 p.m. deadline; and

WHEREAS, the Town Clerk conducted the bid openings with the four bids that were received prior to 12:45 p.m. but was unsure whether the fifth bid should be accepted, and, accordingly, the Town Clerk stamped the sealed envelope for the fifth bid and kept it in safekeeping; and

WHEREAS, the Town Board has determined, after consultation with New York State DOT and the Attorney to the Town, that the bid notice contained a patent ambiguity as to the bid deadline and the fifth bid should not be rejected since it was delivered before the 1:00pm deadline announced in the first paragraph of the notice. Moreover, the Town has determined that: (1) there has been no fraud by the fifth bidder; (2) the "lateness" was excusable; (3) the "lateness" will not place the fifth bidder in an advantageous position; and (4) it is in the Town's interest to accept the late bid.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to accept, and open the fifth stamped, sealed bid in conjunction with this project pursuant to a supplemental bid opening which will be conducted on March 29, 2017 at 1:00 p.m. at the Hyde Park Town Hall.

MOTION: Councilman Ray
SECOND: Councilman Marrine

ROLL CALL VOTE BY TOWN CLERK

Councilwoman Svenson	absent	
Councilman Ray	Aye	
Councilman Marrine	Aye	
Councilman Schneider	absent	
Supervisor Rohr	Aye	CARRIED

MOTION: Councilman Marrine
SECOND: Councilman Ray

To adjourn meeting

VOICE VOTE: 3 – 0 CARRIED

Meeting adjourned at 2:15pm

Respectfully submitted,

Donna McGrogan
Town Clerk