

## Regular Meeting May 14<sup>th</sup>, 2024

The Regular Meeting was held Tuesday May 14, 2024 at 7:00<sub>pm</sub> in the Boardroom at Havana Glen

**Present:** David Scott – Town Supervisor  
Donna Taber – Councilperson  
Robert Simpson – Councilperson  
Brian Stamp – Councilperson  
Mike Croft – Highway Superintendent  
Rick Carroll – Building Inspector III  
Gloria Stigers – Town Clerk

**Absent:** Breana Yessman – Councilperson

**Others:** Adam Mahnke – Odessa Fire Department Chief  
Paige Beyer – Lawyer for Above Grid Solar

**Pledge of Allegiance:** Supervisor Scott invited everyone present to stand and join in the saying of the Pledge of Allegiance at 7:00<sub>pm</sub>

### Resolution #26

#### READING OF MINUTES

On motion of Councilperson Taber, seconded by Councilperson Stamp, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**RESOLVED** that the minutes from April 9<sup>th</sup>, 2024 meeting be accepted as read

### Resolution #27

#### PAYMENT OF BILLS

On motion of Councilperson Simpson, seconded by Councilperson Taber, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**RESOLVED** that Abstract #005 be paid in the following manner after proper audit:

- General: \$9,897.<sup>20</sup>
- Highway: \$12,714.<sup>17</sup>
- Trust & Agency: \$812.<sup>74</sup>

**Guest(s):** Chief of Odessa Fire Department, Adam Mahnke, spoke to the Board about the Fire Contract increasing for the upcoming 3-year contract (years 2025, 2026, and 2027). He explained this increase is coming due to multiple reasons, some of which are; insurance, new mandatory guidelines needing to be met, and increasing costs of building maintenance, truck maintenance and purchases, as well as turn-out gear. He informed the Board that they are applying for multiple grants to also help offset the cost of everything but that the Towns will still see an increase in the Fire Contract. As of right now, with no grant help, the increase for our Town for the next three years is projected as:

- 2025: \$31,839.00
- 2026: \$34,386.00
- 2027: \$36,105.00

In 2024 the Town paid \$27,686.<sup>00</sup>. Chief Mahnke also informed the Board that they are seeking approval from all corresponding Boards to be permitted to seek legal counsel to explore the option of becoming a Fire District. Which would allow for more opportunities for the Department, as a whole.

## **Resolution #28**

### FIRE DISTRICT EXPLORATION

On motion of Councilperson Stamp, seconded by Councilperson Simpson, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**RESOLVED** that the Town of Montour approves the Odessa Hose and Chemicals Company, in conjunction with the Village of Odessa, to engage legal counsel for the purpose of exploring logistics for converting to a Fire District

**Guest(s) Cont'd:** Paige Beyer, a lawyer for Above Grid Solar, was present and informed the Board that she is here seeking approval for the Decommissioning Plan and the Host Community Agreement. These two topics are on the agenda and will be addressed under 'Unfinished Business'

### **Report of Town Officials and Committee Members:**

HIGHWAY: Superintendent Croft informed the Board that Junk Day had a good turnout. The Park had a few water breaks that needed to be fixed but it is good now and the Park is open for the season. The Highway guys have been working in conjunction with Soil & Water on Winton Rd. to get it ready for paving in June/July. Stewart Rd. has been graded and dust oiled. Upper Fooths Hill Rd. will be reprofiled in May. Superintendent Croft has received quotes for chip sealing and is now just waiting on scheduling availability dates.

SUPERVISOR: Supervisor Scott had his report for April 2024 ready for the Board to look over

JUSTICE: Justice Decker sent over his report for April 2024

CLERK: Gloria submitted her report for April 2024

BUILDING INSPECTOR III: Rick submitted his report for April 2024

LANDFILL: No meeting

PLANNING BOARD: Sherry submitted her minutes for April 2024

**Communications:** Received Empire 1<sup>st</sup> Quarter Franchise Fee of \$618.<sup>12</sup>. Received 1<sup>st</sup> Quarter Schuyler County Sales Tax Distribution of \$22,149.<sup>18</sup>

**Unfinished Business:** The Board discussed the HCA and Decommissioning Agreement. With Paige Byer, Attorney representing Above Grid Solar, present the Board was able to ask questions before anything was agreed on.

## **Resolution #29**

### ABOVE GRID SOLAR

On motion of Councilperson Stamp, seconded by Councilperson Taber, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**WHEREAS**, Above the Grid Solar, LLC a New York limited liability company, for itself or on behalf of an entity to be formed by it or on its behalf (the "Company") has submitted an application (the "Application"), a copy of which is on file with the Town of Montour Planning Board (the "Planning Board"), requesting the Planning Board's approval of a special use permit for a certain project consisting generally of a 5mW AC solar energy system, (the "Project"); and

**WHEREAS**, the Planning Board has conditionally approved issuance of a special use permit for the Project (the "Special Use Permit"); and

**WHEREAS**, section 154-12 of the Code of the Town of Montour requires that the Company enter into a host community agreement with the Town prior to the issuance of a building permit for the Project; and

**WHEREAS**, the Company has presented a draft host community agreement for the Town Board's approval, which draft has been negotiated by the Town Supervisor and approved by the attorney for the Town; and

**WHEREAS**, the Town Board wishes to approve the draft host community agreement, subject to resolution of any concerns of the Town's engineer with respect to issuance of the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MONTOUR PLANNING BOARD AS FOLLOWS:

Section 1. In consideration of the foregoing recitals, which are incorporated herein as findings of the Board, the Board finds and determines as follows:

The draft Host Community Agreement presented to the Board is approved, subject to whatever modifications may be approved by the Town Supervisor and attorney for the Town, subject to and conditioned on the following:

Satisfaction of all condition's requisite to the issuance of the Special Use Permit, including but not limited to the approval of the Town's engineer with respect to any outstanding information or documentation relating to such conditions.

Section 2. The Town Supervisor is hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required and to execute and deliver all such documentation and to do all such further acts and things as may be necessary or, in the opinion of the Supervisor, desirable and proper to affect the purposes of the foregoing resolutions.

Section 3. This Resolution shall take effect immediately.

**New Business:** The Town discussed a new Building Codes Law that was brought to our attention from another Township. This state law, if adopted, allows the Town to raise the maximum fine per day on any violation that gets brought to court. The Board decided to table this topic until further notice. The Board was presented with a proposed updated Procurement Policy for the Town. This was put together by the Supervisor and Grant Manager. Highway Superintendent Croft provided a Reimbursement Agreement from the County to reimburse the Town for payments made by the Town for Town employees that attended the CDL Training offered by a County contracted CDL Instructor.

**Resolution #30**

PROCUREMENT POLICY

On motion of Councilperson Simpson, seconded by Councilperson Taber, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**RESOLVED** that the Town accepts the updated Procurement Policy as read. (Included on last page)

**Resolution #31**

CDL REIMBURSEMENT AGREEMENT WITH THE COUNTY

On motion of Councilperson Taber, seconded by Councilperson Simpson, the following resolution was

**Adopted: Ayes – 4 Noes – 0**

**RESOLVED** that the Town of Montour enters into the proposed agreement with the County for reimbursement for payments made by the Town for Town employees who attend the CDL Training offered by the County

**Havana Glen:** Up \$5,624.<sup>00</sup> from 2023

**Next Meeting:** Tuesday June 11<sup>th</sup>, 2024 at 7:00<sub>pm</sub>

**Adjourn:** On motion of Councilperson Taber, seconded by Councilperson Simpson, with all-in-favor the meeting be adjourned at 8:26<sub>pm</sub>

Respectfully Submitted: \_\_\_\_\_ Gloria Stigers, Town Clerk

# Policy and Procedures for Purchases Less than Bid Procurements

**REVISED  
BY THE TOWN OF MONTOUR BOARD MAY 14<sup>TH</sup> 2024**

To comply with General Municipal Law Section 104b "Procurement Policies and Procedures for Non-Bid Procurements" this resolution is set forth. To be known as Town of Montour Policy and Procedures for Purchases Less than Bid Procurements.

**General Method of Purchasing:**

Any employee or Board Member shall present a Purchase Order Request Form to the Purchasing agent who shall accept or deny by signing the request form and checking the appropriate box.

An explanation of denial will be written on the form. A copy of the form is to be returned to the requester. Any request by the Purchasing Agent shall be accepted or denied by using the same method as above. The original Purchase Order Request Form will be kept by the Supervisor as documentation of action taken for procurements.

**Item's exempt from filing a Purchase Order Request Form:**

- Food for workers during emergencies

## METHOD OF COMPETITION FOR NON-BID PROCUREMENTS

**Purchase contracts below \$25,000.<sup>00</sup>**

	Verbal Quotes		Written Quotes	
	1	2	2	3
Under \$500. <sup>00</sup>	-	-	-	-
\$501. <sup>00</sup> - \$4,999. <sup>00</sup>	X	-	-	-
\$5,000. <sup>00</sup> - \$14,999. <sup>00</sup>	-	-	X	-
\$15,000. <sup>00</sup> - \$25,000. <sup>00</sup>	-	-	-	X

**Contracts for Public works below \$40,000.<sup>00</sup>**

	Verbal Quotes		Written Quotes	
	1	2	2	3
Under \$5,000. <sup>00</sup>	-	X	-	-
\$5,001. <sup>00</sup> - \$19,999. <sup>00</sup>	-	-	X	-
\$20,000. <sup>00</sup> - \$40,000. <sup>00</sup>	-	-	-	X

**Other Purchases:**

	Supervisor	Board Approval	Written Quotes	
			2	3
Insurance	-	-	X	-
Emergencies	X	-	-	-
Professional Services	-	X	-	-
Sole Source	X	-	-	-

**Awards to other than the low bidder:**

Where quotations for pricing are obtained and other than low bidder is accepted, a written explanation of this acceptance will be filed with the clerk. The best interest of the taxpayers is to be the goal. This explanation will be kept on file with the Purchase Order Request Form.

**Review:**

Comments from Employee's and Board members may be solicited and the Policy and Procedures for Purchasing be reviewed as necessary.

**Failure to comply:** The failure to comply with the provisions of this resolution shall not be grounds to void any action taken, or give rise to cause of action against the Town of Montour or any officer or employee thereof.