

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES  
FOR THE VILLAGE OF BATH  
REGULAR MEETING  
APRIL 19, 2021**

This meeting of the Board of Trustees of the Village of Bath was held on the 19th day of April 2021 located at 110 Liberty Street, Bath NY 14810 in the court room. This meeting was called to order by Mayor Michael Sweet at 5:30 p.m.

**Present:**

Mayor:	Michael Sweet
Deputy Mayor/Trustee:	Karen Causer - arrived at 6:32 p.m.
Trustee:	Mark Bardeen
Trustee:	Melanie Coots
Trustee:	Jeffrey Muller
Clerk/ Treasurer:	Jacqueline Shroyer
Street Supervisor:	Thomas Gutow
Code Enforcement:	Bradley Hill
Officer in Charge:	Colin Taft
Attorney:	Aaron Mullen
Fire Chief:	Matt Glashauser
Asst. Street Superintendent:	Michael Bly

**Absent:**

Director of Utilities: Erin Bonacci

**Visitors/Residents in Attendance:**

Dylan Lewis – Resident  
William von Hagn – Resident

**Correspondence:**

**Hazel Buck – Wednesday Farmer’s Market:**

Motion made by Trustee Coots, seconded by Trustee Muller to approve the request for the use of Pulteney Park for the Wednesday Farmer’s Market, based on working with her to make the market better. All present were in favor and the motion was carried.

**Appointments:**

**Rhonda Billmeyer – Shade Tree Committee 2-year term:**

Motion made by Trustee Muller, seconded by Trustee Coots to reappoint Rhonda Billmeyer to the Shade Tree Committee for a 2-year term. All present were in favor and the motion was carried.

**Visitors:**

**William von Hagn:**

Mr. von Hagn would like to discuss with the board a few items in executive session.

What is board's position on new law for Marijuana sales? Are they thinking of opting out of the sales department within the village? The law is currently new, and the board did not have direct answers as of this date for him.

**Audit of Bills:**

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the payment of the Village bills in the amount of \$151,015.88. All present were in favor and the motion was carried.

**Department Head Reports:**

**Thomas Gutow, Street Superintendent:**

Street Report was received.

**Colin Taft, Officer in Charge:**

Police Report was received.

**Bradley Hill, Code Enforcement:**

Code Enforcement Report was received.

**Matthew Glashauser, Fire Chief:**

Fire Department Report was received.

**Erin Bonacci, BEGWS Director:**

BEGWS Minutes were received.

**Jacqueline Shroyer, Clerk/Treasurer Report:**

Clerk/Treasurer Report was received.

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the following budget modifications. All present were in favor and the motion was carried.

**Budget Amendment:**

Increase A5122.4 Consolidated Highway Improvement by \$38,352.63

Increase A3501 CHIPS by \$38,352.63

To record CHIPS Reimbursement.

Increase A3320.4 Parking Activities – Contractual Parking by \$165.00

Decrease A3320.43 Parking Activities – Complus Contract by \$165.00

To cover costs of batteries.

**Turtle Beach Sign:**

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve Turtle Beach to place their sign at Pulteney Park near the clock. All present were in favor and the motion was carried.

**New Business:**

**CDBG Program Requirements:  
Procurement Policy – MWBE Language:**

At a Regular Meeting of the Board of Trustees of the Village of Bath, New York, held on April 19, 2021,

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Village of Bath involved in the procurement process,

NOW, upon motion moved by Trustee Muller, seconded by Trustee Bardeen, with the Mayor and Trustees voting as follows:

Mayor Sweet	Aye
Trustee Causer	Aye
Trustee Bardeen	Aye
Trustee Coots	Aye
Trustee Muller	Aye

NOW THEREFORE BE IT RESOLVED, the Village of Bath does hereby adopt the Procurement Policy, included below, to apply to all goods and services which are not required by law to be publicly bid.

**Village of Bath Procurement Policy**

1. Adoption; applicability.

The Village of Bath does hereby adopt the following procurement policy, which is intended to apply to all goods and services which are not required by law to be publicly bid.

2. Determination of type of purchase.

A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding or competitive offers, taking into account past purchases or offers and the aggregate amount spent or received in a year.

The following items are not subject to competitive bidding pursuant to §104-B of the General Municipal Law: purchase contracts under \$20,000 and public works

contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; and surplus and secondhand purchases from another governmental entity.

B. The decision that a purchase or offer is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser or offeror detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

3. Methods of purchase.

A. All goods and services will be secured by use of written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price. The following circumstances are exempt from the quotation requirement: purchase contracts under \$20,000 and public works contracts under \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to §175-b of the State Finance Law; goods purchased from correctional institutions pursuant to §186 of the Correction Law; purchases under state contracts pursuant to §104 of the general municipal law; purchases under county contracts to §103, Subdivision 3, of the General Municipal Law.

B. The following method of purchase will be used when required by this chapter in order to achieve the highest savings:

**Purchase Contract Method**

**Estimated Amount of**

\$1,500-5,999	2 verbal quotations
\$6,000-19,999	3 written quotations

**Public Works Contract Method**

**Estimated Amount of**

\$5,000-9,999	2 verbal quotations
\$10,000-19,999	3 written quotations
\$20,000-34,999	3 written quotations and approval by the Board

C. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser or offeror is unable to obtain the required number

of proposals or quotations, the purchaser or offeror will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

#### 4. Documentation of actions.

A. Documentation is required of each action taken in connection with each procurement.

B. Documentation and an explanation is required whenever a contract is awarded to other than the lowest bidder. This documentation will include an explanation of how the award will achieve savings or how the lowest bidder was not responsible. A determination that the bidder is not responsible shall be made by the purchaser.

#### 5. Exceptions

Pursuant to General Municipal Law §104-b, Subdivision 2f, the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Village of Bath, New York, to solicit quotations or document the basis for not accepting the lowest bid:

A. Professional services or services requiring special or technical skill, training, or expertise.

(1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

(2) In determining whether a service fits into this category the Village of Bath, New York, shall take into consideration the following guidelines:

(a) Whether the services are subject to state licensing or testing requirements.

(b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.

(c) Whether the services require a personal relationship between the individual and municipal officials.

(3) Professional or technical services shall include, but not be limited to the following:

- (a) Services of an attorney
- (b) Services of a physician
- (c) Technical services of engineer engaged to prepare plans, maps, and estimates.
- (d) Securing insurance coverage and/or services of an insurance broker.
- (e) Services of a certified public accountant
- (f) Financial and Investment management services
- (g) Printing services involving extensive writing, editing or artwork
- (h) Management of municipally owned property
- (i) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- (j) Arborist services
- (k) Rate and regulatory consultant

B. Emergency purchases pursuant to §103, subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety, or welfare of the residents. The subsection does not preclude alternate proposals if time permits.

C. Purchases of surplus and secondhand goods. If alternate proposals are required, the Village of Bath is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.

D. Goods or services under \$1,500. The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimus contracts would be awarded based on favoritism.

E. Exception to above guidelines may be obtained with Board approval.

6. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation, Procurement and Contracting

In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Village will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-

certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The Village's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Village will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Village will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Village's established purchase/contracting thresholds will apply. The Village will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

**Equal Employment Opportunity Policy:**

At a Regular Meeting of the Board of Trustees of the Village of Bath, New York, held on April 19, 2021,

WHEREAS, the Village of Bath wishes to extend Equal Employment Opportunities to all persons, and

WHEREAS, the Village of Bath is and plans to continue to be in full compliance with all federal and state laws,

NOW, upon motion moved by Trustee Bardeen, seconded by Trustee Coots, with the Mayor and Trustees voting as follows:

Mayor Sweet	Aye
Trustee Causer	Aye
Trustee Bardeen	Aye
Trustee Coots	Aye

Trustee Muller

Aye

NOW THEREFORE BE IT RESOLVED, the Village of Bath does hereby adopt the Equal Employment Opportunity Policy, included below.

**Village of Bath Equal Employment Opportunity Policy**

1. The Village of Bath recognizes that children, families, staff, and American society at large have roots in many different cultures. The Village of Bath celebrates these diversities and actively promotes a respectful, sensitive, and proactive approach to diversity issues.
2. The Village of Bath is an equal opportunity employer. The Village of Bath does not discriminate against any present employee or applicant for employment, on the basis of age, race, creed, color, national origin, sex, disability, genetic predisposition, carrier status or marital status, all of which are protected classes in the State of New York.
3. The Village of Bath does not and shall not discriminate on the basis of race, color, religion (creed) gender, age, national origin (ancestry), disability, marital status, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring, and firing of staff, selection of volunteers and vendors and provisions of services.
4. The Village of Bath is committed to providing an inclusive and welcoming environment for all members of all our staff, program participants, volunteers, subcontractors, vendors, and clients.
5. The Village of Bath is committed to providing equal employment opportunities to otherwise qualified individuals with disabilities, which includes providing reasonable accommodation where appropriate.
6. The Village of Bath will take affirmative action measures to ensure against discrimination on the basis of race, color, national origin, age, religion, creed, disability, veteran's status or gender identity in any and all of the following venues: a) recruitment, selection, or intake, of any applicant seeking participation in any

and all of Village programs, b) employment, advertisement for employment, compensation, termination, upgrading, promotions and other conditions of employment against any employee or job applicant, c) selection of volunteers and vendors, and, d) provision of services.

7. Employees of the Village of Bath are provided with a place of employment free from recognized hazards.
8. The Village of Bath complies with the occupational safety and health standards issued under the OSHA act.
9. The Village of Bath complies with Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color or national origin in all programs or activities receiving Federal financial assistance.

**Fair Housing Plan, Fair Housing Officer:**

At a Regular Meeting of the Board of Trustees of the Village of Bath, New York, held on April 19, 2021,

WHEREAS, the Board of Trustees of the Village of Bath, New York hereby adopts Steuben County's Fair Housing Plan, which was developed in accordance with: Title I of the Housing and Community Development Act of 1974, as amended The Fair Housing Act (Public Law 90-284, 42 USC 3601-20) Human Rights Law of the State of New York (Executive Law, Article 15), and

WHEREAS, in accordance with Steuben County's Fair Housing Plan, the Board of Trustees of the Village of Bath, New York shall appoint a Fair Housing Officer,

NOW, upon motion moved by Trustee Coots, seconded by Trustee Bardeen, with the Mayor and Trustees voting as follows:

Mayor Sweet	Aye
Trustee Causer	Aye
Trustee Bardeen	Aye
Trustee Coots	Aye
Trustee Muller	Aye

NOW THEREFORE BE IT RESOLVED, that the Village of Bath Code Enforcement Officer be and is hereby designated as the Village of Bath's Fair Housing Officer, and will:

1. Post Fair Housing and Affirmative Action posters in the Village Hall.
2. Place Fair Housing advertisements in official newspaper(s).

3. Post Fair Housing information on the Village's website.
4. Document housing discrimination complaints on a standard form.
5. Forward copies of all complaints to and, when appropriate, consult with the Fair Housing/Equal Opportunity Division of the HUD Office in Buffalo and/or the New York State Division of Human Rights in Rochester.
6. Compile information about fair housing-related services available to Village residents.
7. Host trainings for both residents and public and private stakeholders to promote information sharing amongst all interested parties.

**ADA/Section 504 Grievance Procedures:**

Motion made by Trustee Coots, seconded by Trustee Causer to approve the notice to be published in the paper for the ADA/Section 504 Grievance Procedure. All present were in favor and the motion was carried.

**Alcohol Awareness Proclamation:**

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve the alcohol awareness proclamation. All present were in favor and the motion was carried.

**Approve Hiring of Irene Conrad:**

Motion made by Trustee Coots, seconded by Trustee Causer to approve the hiring of Irene Conrad as Part Time Clerk effective May 1, 2021. She will train with Ruth Sprague to take over when Ruth retires. All present were in favor and the motion was carried.

**Pick-up Truck Bids Discussion/Approval:**

Motion made by Trustee Muller, seconded by Trustee Coots to approve the bid from Simmons Rockwell for a 2022 Ford F-250 XLT for \$40,300, which was recommended by Street Superintendent, Thomas Gutow. All present were in favor and the motion was carried.

**Schedule Year End Abstract Meeting May 27, 2021:**

Motion made by Trustee Coots, seconded by Trustee Causer to schedule the Village's year end abstract meeting on Thursday May 27, 2021 at 5:00 p.m. All present were in favor and the motion was carried.

**Accommodation for Cody Recktenwald:**

Motion made by Trustee Coots, seconded by Trustee Causer to approve the accommodation for Cody Recktenwald. All present were in favor and the motion was carried.

**New York Civil Fingerprint Agreement:**

Motion made by Trustee Coots, seconded by Trustee Causer to approve the New York Civil Fingerprint Agreement. All present were in favor and the motion was carried.

**Approve Sgt. Kulikowski Standardized Field Sobriety Testing School:**

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve Sgt. Kulikowski to attend the Standardized Field Sobriety Testing School April 27 – 30, 2021 at Corning Police Academy. All present were in favor and the motion as carried.

**Municipal Solutions Renewal Contract:**

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve the Municipal Solutions Renewal Contract with added verbiage of the contract being a one-year contract. All present were in favor and the motion was carried.

**Resolution for Tax Re-levies:**

**Resolution 04-19-2021**

Upon the motion of Trustee Coots, seconded by Trustee Muller, to approve Resolution 04-19-2021 Tax Levy for 2021-2022.

Whereas, the Village Board of Trustees has adopted a budget for the fiscal year 2021-2022 pursuant to Section 5-508 of the Village Law.

Now, therefore be it resolved, that the following tax levy be adopted levying the total taxes and other charges extended and levied against each parcel of real property shown on the roll for the fiscal year 2021-2022:

General Fund Tax Levy	\$2,974,241.00
Assessed Valuation	220,688,295.00
Tax Rate per 1000	13.47711
Total Taxes for 2020-2021 Budget	\$2,974,241.00
Delinquent Water Rents/Units & Charges	0.00
Delinquent Sewer Rents/Units & Charges	19,473.27
Omitted Tax Re-levies	\$1,401.54
Tax Map Number	Amount
159.09-01-032.000	\$312.50
159.53-01-032.000	\$600.00
Total Tax Levy	\$2,994,626.77

and the County of Steuben is authorized to collect these taxes and re-levies and the Mayor and all the Trustees voting as follows:

	AYE	NAY	ABSENT
Mayor Michael Sweet	X		
Trustee Mark Bardeen	X		
Trustee Jeffrey Muller	X		
Trustee Karen Causer	X		
Trustee Melanie Coots	X		

**Adjourn Regular Meeting/Executive Session:**

Motion made by Trustee Muller, seconded by Trustee Bardeen to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:05 p.m. to go into executive session for the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation and potential litigation. All present were in favor and the motion was carried.

**Resident, William von Hagn, was asked to join executive session.**

**Resident, William von Hagn, left executive session at 7:20 p.m.**

**Return to Regular Session:**

Motion made by Trustee Bardeen, seconded by Trustee Coots to return to regular session at 7:42 p.m. All present were in favor and the motion was carried.

**Adjournment:**

Motion made by Trustee Bardeen, seconded by Trustee Coots to adjourn the regular meeting at 7:43 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer  
Clerk/Treasurer