

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
REGULAR MEETING
MAY 16, 2022**

This meeting of the Board of Trustees of the Village of Bath was held on the 16th day of May 2022 located at 110 Liberty Street, Bath NY 14810. This meeting was called to order by Mayor Michael Sweet at 5:30 p.m.

Present:

Mayor:	Michael Sweet
Deputy Mayor/Trustee:	Karen Causer
Trustee:	Mark Bardeen
Trustee	Melanie Coots
Deputy Clerk/ Treasurer:	Stephany Bartusiak
Street Supervisor:	Thomas Gutow
Attorney:	Aaron Mullen
Fire Chief:	Matt Glashauser
Chief of Police:	Colin Taft
Director of Utilities:	Erin Bonacci
Street Asst Superintendent:	Mike Bly
Code Enforcement:	Bradley Hill

Absent:

Trustee:	Jeffrey Muller
Clerk/ Treasurer:	Jacqueline Shroyer

Visitors/Residents in Attendance:

Dillon Lewis – Resident
Kelly Fitzpatrick – Business Owner

Visitors:

John Condon, Brown & Brown – Insurance Renewal:

Discussed the insurance renewal for fiscal year 2022 – 2023 to be renewed at \$186,501 through Traveler’s Insurance and Brown & Brown. This quote does not include Cyber Liability as those quotes have not come back yet. Most of the increase with the insurance belongs to BEGWS. The Village portion is about a 2.5% increase.

Sergeant Resolution – Daloia:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Monday, May 16, 2022 INTRO. DATE: Monday, May 16, 2022

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Bardeen

VOTE:	Mayor Sweet	Aye	Nay	Abstain	Not Present
	Trustee Causer	Aye	Nay	Abstain	Not Present
	Trustee Bardeen	Aye	Nay	Abstain	Not Present
	Trustee Coots	Aye	Nay	Abstain	Not Present
	Trustee Muller	Aye	Nay	Abstain	Not Present

TITLE: Appointment of Christopher Daloia as Police Sergeant for the Village of Bath.

WHEREAS, Police Sergeant Gregory Fonseca resigned from the Village of Bath effective on February 28, 2022;

WHEREAS, Chief of Police, Colin Taft, recommends Christopher Daloia to be appointed Police Sergeant effective May 16, 2022 upon the following stipulations:

- Christopher Daloia will be appointed Police Sergeant, consistent with Steuben County Civil Service Rules & Regulations, effective Monday, May 16, 2022. He will sign the oath of office for said appointment on Monday, May 16, 2022 before the Bath Village Clerk.
- Commencing Monday, May 16, 2022, Christopher Daloia will be appointed as Police Sergeant and be on a probationary period for 12 weeks, consistent with Steuben County Civil Service Rules and Regulations.
- Christopher Daloia will receive compensation and benefits pursuant to the collective bargaining agreement between the Village of Bath Board of Trustees and the Bath Police Benevolent Association.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing Christopher Daloia to the position of Police Sergeant contingent on the aforementioned stipulations.

Full Time Police Officer Resolution – Roberson:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Monday, May 16, 2022 INTRO. DATE: Monday, May 16, 2022

INTRODUCED BY: Trustee Bardeen SECONDED BY: Trustee Coots

VOTE:	Mayor Sweet	Aye	Nay	Abstain	Not Present
	Trustee Muller	Aye	Nay	Abstain	Not Present

Trustee Bardeen	Aye	Nay	Abstain	Not Present
Trustee Coots	Aye	Nay	Abstain	Not Present
Trustee Causer	Aye	Nay	Abstain	Not Present

TITLE: Appointment of Beau Roberson as Full Time Police Officer for the Village of Bath.

WHEREAS, Police Officer Christopher Daloia has been appointed Police Sergeant effective Monday, May 16, 2022;

WHEREAS, The Village of Bath will need to appoint a police officer after Police Officer Daloia's effective promotion date;

WHEREAS, Chief of Police made the recommendation for Police Officer and recommended Beau Roberson to be appointed Police Officer effective May 16, 2022 upon the following stipulations:

- Beau Roberson will be appointed Police Officer, consistent with Steuben County Civil Service Rules & Regulations, effective Monday, May 16, 2022. He will sign the oath of office for said appointment on Monday, May 16, 2022 before the Bath Village Clerk.
- Commencing Monday, May 16, 2022, Beau Roberson will be appointed as Police Officer and be on a probationary period for 78 weeks, consistent with Steuben County Civil Service Rules and Regulations.
- Beau Roberson will receive compensation and benefits pursuant to the collective bargaining agreement between the Village of Bath Board of Trustees and the Bath Police Benevolent Association.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing Beau Roberson to the position of full time Police Officer contingent on the aforementioned stipulations.

Appointments:

Jay Maslin & Tara Buck – Mossy Bank Committee:

Motion made by Trustee Coots, seconded by Trustee Bardeen to appoint Jay Maslin & Tara Buck to the Mossy Bank Committee. All present were in favor and the motion was carried.

Audit of Bills:

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve the payment of the Village bills in the amount of \$182,258.51 plus the invoice for Colin Taft for reimbursement on a hotel stay for Police Officers Roberson, Ruggles, Johnson and Sergeant Recktenwald to attend the Northeast Counterdrug Training May 11 – 13, 2022. All present were in favor and the motion was carried.

Department Head Reports:

Thomas Gutow, Street Superintendent:

Street Report was received.

Colin Taft, Chief of Police:

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. Monthly report was 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 amendments. All present were in favor and the motion was carried.

Budget Amendment:

Increase A1680.2 Central Data Processing – Equipment by \$9,598.60

Increase A1680.4 Central Data Processing – Contractual by \$292.00

Decrease A1990.4 Contingent Account by \$9,890.60

For PD Server, Firewall Purchase and Website Repair

Increase A1620.41 Building Heat by \$4,287.00

Decrease A1620.413 Building Repair by \$4,287.00

To cover the heating costs for fiscal year 2021-2022.

Increase A3120.48 Police Dept – Repairs by \$2,200.00

Decrease A3120.47 Police Dept – Uniforms by \$1,000.00

Decrease A3120.45 Police Dept – Phone Service by \$1,200.00

To cover costs of repairs for the Police Department.

Increase A5110.1 Street Personnel by \$1,970.00

Decrease A5110.41 Street Heat/Lighting by \$1,970.00

To cover the costs of buyouts.

Increase A5110.419 Street – Physicals by \$75.00

Decrease A5110.45 Street – Telephone by \$75.00

To cover the cost of new hire physical

To Increase A5110.42 Street – Gas/Oil by \$23,516.00

To Decrease A5182.4 Street Lighting by \$16,316.00

To Decrease A1990.4 Contingent Account by \$7,200.00

To cover the increase costs of fuel.

Increase A8510.4 Community Development – Contractual by \$9,166.24

Increase A1289 Reimbursement from Town by \$9,166.24

For invoice billed to Tops for traffic light.

Increase A7140.4 Downtown Park – Contractual by \$10,266.31

Decrease A9060.8 Health Insurance by \$10,266.31

To cover the rest of the expenses for fence for Dog Park.

Increase A1420.4 Attorney – Contractual by \$5,000.00

Decrease A1990.4 Contingent Account by \$5,000.00

To cover Attorney fees.

New Business:

Insurance Renewal Approval:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the insurance renewal for \$186,501 from Travelers. All present were in favor and the motion was carried.

Presentation on Flex Car Position:

Chief Taft will work on a MOA with the PBA for this position. The board wants to move forward for with this position and will follow up with Chief Taft next meeting.

Approve Hunt Engineers for TA Grant:

Motion made by Trustee Coots, seconded by Trustee Causer to approve Hunt Engineers as the engineering firm chosen from the request for qualifications for the assistance in the NYS Technical Assistance Project Grant. All present were in favor and the motion was carried.

Approve Hunt Engineers for CDBG Grant:

Motion made by Trustee Causer, seconded by Trustee Bardeen to approve Hunt Engineers as the engineering firm chosen from the request for qualifications for the assistance of the NYS CDBG Project Grant. All present were in favor and the motion was carried.

Approve Procurement Policy:

At a Regular Meeting of the Board of Trustees of the Village of Bath, New York, held on May 16, 2022,

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 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	Absent

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 art work
- (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 responses there too.

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.

7. Equal Employment Opportunity

Policy Statement: The Village of Bath is an Equal Opportunity Employer. The Village offers equal opportunity employment and employs qualified individuals, regardless of race, religion, age, national origin, sex, color, disability, citizenship, sexual orientation, creed, marital status, pregnancy, arrest/conviction record, genetic predisposition or carrier status, familial status, gender identity, veteran status, or any other class or status protected by federal, state, or local law. In accordance with this policy, and State and Federal laws, all employees or applicants have an equal opportunity for employment based upon qualifications and Village needs. No person shall be discriminated against in application for employment, in hiring, in employment compensation, benefits, training, on-the-job treatment, transfer or opportunity for advancement. The will practice good faith efforts to achieve equality of opportunity at all levels.

Likewise, the Board of Trustees prohibits employees, vendors, suppliers, visitors, customers, and any other non-employee from discriminating against Village of Bath employees based on these protected groups. Discrimination based on any of the above is strictly prohibited. The Village is responsible for ensuring that equal opportunity policy and principles comply with the Federal and State laws and that regulations are properly implemented. Employees are encouraged to discuss that equal opportunity employment policy with their immediate supervisor or the Village Mayor.

Complaint Procedure: An employee who believes that the actions or words of an employee or non-employee have violated this policy should report the behavior to the Village immediately. Any employee who violates this policy or knowingly retaliates against an employee reporting or complaining of a violation of this policy may be subject to immediate disciplinary action, up to and including termination from employment. Refer to Section 9.6 – Complaint Procedure and Investigations for information regarding how to file a complaint and the Village’s investigation procedures.

Retaliation for filing a complaint is strictly prohibited.

Approve Managing Narcotics Informants School – Jackson:

Motion made by Trustee Causer, seconded by Trustee to approve Bardeen the Chief of Police, Colin Taft, to send Police Officer, Michael Jackson Jr. to Managing Narcotics Informants School June 13 – 15, 2022 in Annville, PA. All present were in favor and the motion was carried.

Approve Commendation for Daloia and Johnson:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the commendation for Police Officer, Christopher Daloia, and Police officer, Dustin Johnson for saving someone’s life with the AED. All present were in favor and the motion was carried.

Approve Breath Test Operator School – Nadjadi & Zawko:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the Chief of Police, Colin Taft, to send Part Time Police Officer, Brent Nadjadi, and Part Time Police Officer, Seth Zawko, to Breath Test Operator School in Corning, NY from May 16 – 18, 2022 with DWI Funds. All present were in favor and the motion was carried.

Steuben County Contract for BEGWS Equipment:

Motion made by Trustee Bardeen, seconded by Trustee Causer to approve the Steuben County Inter-Municipal Agreement for Hauling and Transporting of Equipment for Bath Electric pending Director Bonacci’s and the Attorney’s review. All present were in favor and the motion was carried.

Approve Hire of Mossy Bank – Kaden Adams:

Motion made by Trustee Causer, seconded by Trustee Coots to approve the hiring of Kaden Adams for the seasonal job as groundskeeper at Mossy Bank effective May 2, 2022. All present were in favor and the motion was carried.

Approve Noah Hockaday – Parking Meters:

Motion made by Trustee Coots, seconded by Trustee Causer to approve the hiring of Noah Hockaday as the part time meter repair specialist effective May 16, 2022. All present were in favor and the motion was carried.

Discussion on Investigator Vehicle:

Chief Taft will work with Jackie in starting the process of going out to bid for a new vehicle.

Steuben County Donation

Motion made by Trustee Causer, seconded by Trustee Bardeen to inform Steuben County that we are interested in receiving their donation of a Charters of Freedom monument to be put in one of our parks. All present were in favor and the motion was carried.

Red Cross Hero Award – Cheresnowsky:

Motion made by Trustee Causer, seconded by Trustee Coots to acknowledge that Part Time Police Officer, Megan Cheresnowsky, was awarded the Red Cross Hero Award by the Red Cross. All present were in favor and the motion was carried.

Accept Resignation of Sergeant Fonseca:

Motion made by Trustee Coots, seconded by Trustee Bardeen to accept the resignation of Sergeant Gregory Fonseca effective February 28, 2022. All present were in favor and the motion was carried.

Approve Tax Levy Resolution:

Resolution 05-16-2022

Upon the motion of Trustee Bardeen, seconded by Trustee Causer, to approve Resolution 05-16-2022 Tax Levy for 2022-2023.

Whereas, the Village Board of Trustees has adopted a budget for the fiscal year 2022-2023 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 2022-2023:

General Fund Tax Levy	\$2,974,170.00
Assessed Valuation	220,025,880.00
Tax Rate per 1000	13.51309
Total Taxes for 2022-2023 Budget	\$2,973,229.19
Delinquent Water Rents/Units & Charges	\$25,689.57
Delinquent Sewer Rents/Units & Charges	\$18,930.47
Omitted Tax Re-levies	\$940.81
Tax Map Number	Amount
Total Tax Levy	\$3,018,790.04

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		

Retain Municipal Solutions for Water Utility:

Motion made by Trustee Coots, seconded by Trustee Bardeen to retain Municipal Solutions for Preliminary Fiscal Service regarding the Village’s water utility. All present were in favor and the motion was carried.

Authorize pursuit of Rural Development Loan Water Utility:

Motion made by Trustee Causer, seconded by Trustee Bardeen supporting/authorizing pursuit of Rural Development loan/financing for Village’s water utility. All present were in favor and the motion was carried.

Authorize pursuit of CDBG Grant for Electric and Gas infrastructure:

Motion made by Trustee Coots, seconded by Trustee Causer supporting/authorizing pursuit of Community Development Block Grant (CDBG) Program grant monies for Village’s electric and gas utility infrastructure. All present were in favor and the motion was carried.

Designate Director Certifying Officer CDBG Applications 2022:

Motion made by Trustee Bardeen, seconded by Trustee Causer designating Erin Bonacci, Director of Municipal Utilities of Bath Electric, Gas and Water Systems, the utility department of the Village of Bath, as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with New York State Community Development Block Grant applications for the 2022 program year including but not limited to upgrades and improvements to the Village’s electric and gas utility infrastructure. All present were in favor and the motion was carried.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Causer, seconded by Trustee Bardeen to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 6:46 p.m. to go into executive session for the employment history for a particular person or position, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or position. All present were in favor and the motion was carried.

Return to Regular Session:

Motion made by Trustee Coots, seconded by Trustee Causer to return to regular session at 7:06 p.m. All present were in favor and the motion was carried.

Re Classify Position

Motion made by Trustee Causer, seconded by Trustee Coots to reclassify a laborer position to a Deputy Street Supervisor position. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Coots, seconded by Trustee Causer to adjourn the regular meeting at 7:07 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Stephany Bartusiak
Deputy Clerk/Treasurer