

Village of Schoharie – Regular Board Meeting Minutes

August 13, 2024

Presiding: Deputy Mayor Peter Johnson

Present: Trustees Palmer, Medak and DeGroff, Clerk/Treasurer Leslie Price, Deputy Clerk/Treasurer Debby Byrne, OIC Jason Temple, DPW Superintendent Ken Bernhardt, Julie Pacatte from SEEC, Bob Tines, David Ornoski, Liz Vedder, Diana Bell, Patsy Nicosia From Times Journal and Josh Walther from The Mountain Eagle.

Excused: Mayor Colleen M Henry

Board Meeting

Meeting brought to order: By Deputy Mayor Johnson at 6:33 PM

Pledge of Allegiance

1. **Minutes:** Review and Motion to approve
 - a. Approve the Minutes for the July 9, 2024, Employee Meeting and the July 9, 2024, Board Meeting Minutes.

Motion made by Trustee Medak second by Trustee DeGroff unanimously carried to approve the Minutes from July 9, 2024, for the Employee Minutes and the Board Meeting Minutes as written.

2. Bills and Bank Statements review and sign.

3. Abstracts and Bank Statements:

- a. General \$ 36,510.70 (July 10, 2024 – August 13, 2024)
- b. Water \$ 238,208.18 (July 10, 2024 – August 13, 2024)
- c. Sewer \$ 9,824.95 (July 10, 2024 – August 13, 2024)
- d. Pool \$ 6,505.88 (July 10, 2024 – August 13, 2024)

Motion made by Trustee Medak, second by Trustee Palmer unanimously carried to approve paying the invoices and the approval of the Abstract Amounts as written.

4. Privilege of the Floor:

- i. Julie Pacatte from SEEC updated the Board and Public on the NYS Homes and Community Renewal program. Julie was informed that the Village of Schoharie has been designated/Certified as a Pro-Housing Community which is an elite group. This is a major step for the Village in regard to NY Forward and Grant money available. The Village is now qualified to apply for funding and SEEC is at our service to help in any way. The Village has accepted an award for the HARVA project and is currently under Administrative Grant Review. As SEEC assists the Village prepare its “Administrative Plan” for the CDBG funded project, SEEC realized the Village needs to consider policy updates to meet federal guidelines. Julie is asking the Village to review and approve Resolution 13-2024 and Resolution 14-2024. Resolution 13-2024 states the Village will appoint a Fair Housing Officer and adopt the Fair Housing Policy (See attached),

and Resolution 14-2024 is a resolution to amend and adopt the Village of Schoharie Procurement Policy. Clerk Price and Julie together spoke to NYCOM Attorney Wade Beltramo to review proposed policy language and to ensure it was an acceptable approach. Wade agreed to the language and encouraged questions/comments from the Board and the public for the record.

- ii. Julie spoke to Resolution 14-2024 explaining that the Village of Schoharie was awarded federal funding for CDBG Project # 1041SB560-24 through the Federal Community Development Block Grant and as such, the State Office of Homes and Community Renewal requires that the Village procurement policy addresses federal HUD procurement policies. The Village does currently have a Procurement Policy adopted by Motion. The recommended policy updates were distributed and written as Section 6, Federal Procurement Considerations, Section 7, Federal Civil Rights Section 3, and Section 8 the effective date. Julie explained that the HARVA project is exempt from Civil Rights Section 3 being that the funding is below the \$200,000 funding threshold. Once these Resolutions are passed, Julie will share them with the State. (See Attached)
 1. Diana Bell asked what the Fair Housing and Procurement policies have to do with the HARVA project. Julie explained that when you accept any federal money the government wants to make sure the Village considers following the federal guidelines.
- iii. Julie reviewed Resolution 13-2024 Fair Housing Officer and Policy.
 1. Trustee Jeff Palmer asked about paragraph 3 in the Fair Housing Policy which states that the Village shall publicize this resolution and through publicity shall cause real estate brokers and sellers among others to be aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988. Trustee Palmer was concerned about what steps the Village would need to take to ensure this is happening. Clerk/Treasurer Leslie Price said we will make sure everything is posted on our website and office and Julie agreed to send posters for the Village to put up and offered to coordinate outreach to the identified publics. Julie also stated that anyone with a real estate/broker license is aware of this Act and is required by law to follow it as stated in their license.
 2. With no further comments from the Board or the public, the Board agreed to assign the Village Clerk/Treasurer, currently Leslie Price, as the Fair Housing Officer.

Motion made by Trustee DeGroff second by Trustee Medak unanimously carried to approve Resolution 13-2024 appointing the Village Clerk/Treasurer as The Fair Housing Officer and that the Village of Schoharie will adopt the Fair Housing Policy.

Motion made by Trustee Palmer second by Trustee DeGroff unanimously carried to approve Resolution 14-2024 to amend and adopt the Village of Schoharie Procurement Policy. (See attached).

3. Trustee Palmer asked for an update on the Parrott House and the Great American property. Julie said that she and Peter Johnson actually met with the owners of the Parrott House this morning and toured the building to see what progress is being made. Julie said that contrary to what the outside looks like, the improvements on the inside are impressive. Financing is near closing and should be finalized by the end of August. There will be nineteen boutique rooms, a steak house, a coffee shop, and a room for small events. As far as the Great American project, there is interest, but nothing finalized.

5. Incoming Correspondence: N/A

6. Outgoing Correspondence: N/A

7. Old Business:

- a. On July 31, 2024, Nan Stolzenburg, Consulting Planner, sent out the coordinated review letter for the SEQR for the Schoharie Kayak launch and parking area. This needs to wait thirty days before

action can be taken. Nan will prepare for the September 10, 2024, meeting, Parts 2 and 3 for the North and South parts of the trail and then it will be approved by resolution.

- b. The Schoharie County Planning Commission advised that the Multi-Use Trail meets the requirements of a local concern pursuant to Schedule A of the local Board/County Planning commission Agreement. This means the County considers it a local action and has no further comments. When the project is constructed a report of Final Action will need to be filed with the County.

8. New Business:

- a. Clerk/Treasurer Leslie Price asked for an update on the Justice Audit as she has to file to the NYS Unified Court System that the Audit and the Resolution acknowledging the required examination was conducted. Trustee Palmer will contact the Judges tomorrow and schedule a meeting. Trustee Medak and Trustee Palmer have been appointed to conduct the 2023 Justice Audit.
- b. Clerk/Treasurer Leslie Price informed the Board that the Schoharie County Department of Personnel & Civil Service has certified the Village payroll July 2024-July 2025.
- c. The Mayor needs to sign the Notice of Award for Contract #1-2024 to Peter Luizzi & Bros Contracting Inc. to pave Hilgert Parkway, Brookside, and Walnut Place in the amount of \$149,850.00.

Motion made by Trustee Johnson, second by Trustee Palmer unanimously carried to approve Mayor Henry signing the Notice of Award for Contract 1-2024 to Peter Luizzi & Bros Contracting Inc. in the amount of \$149,850.00.

9. Other:

- a. Mayor Henry and Trustee DeGroff had a Zoom meeting regarding the NYPA LED street light project and will be giving an update at our next meeting.
- b. Mayor Henry wanted to congratulate Schoharie Promotional Association for another successful Lily Fest. The annual Corn Hole tournament will be held at Fox Creek on September 7, 2024.

10. MOTION to Adjourn.

Motion made by Trustee Palmer second by Trustee Medak unanimously carried to adjourn Meeting at 7:14 PM

Respectfully Submitted,
Leslie Price
Village Clerk/Treasurer

RESOLUTION 13-2024

RESOLUTION TO APPOINT A FAIR HOUSING OFFICER AND ADOPT FAIR HOUSING POLICY

WHEREAS, Federal and New York State Laws prohibit discrimination in the sale, rental and financing of housing on the basis of race, creed, gender, national origin, familial status, marital status or handicap and,

WHEREAS the Village of Schoharie participates in the HUD Community Development Block Grant Program and,

WHEREAS the Community Development Block Grant Program requires that each participating community to take affirmative action to further fair housing,

NOW THEREFORE, BE IT RESOLVED that the Village of Schoharie hereby appoints the Village Clerk as the Village of Schoharie Fair Housing Officer and,

BE IT FURTHER RESOLVED that the Village of Schoharie here by adopts a Fair Housing Policy and recognizes April as Fair Housing Month.

Date: August 13, 2024

Colleen Henry, Mayor	<u>Absent</u>	Nay _____
Peter Johnson, Trustee	Aye___√___	Nay _____
Sal Medak, Trustee	Aye___√___	Nay _____
Rebecca DeGroff, Trustee	Aye___√___	Nay _____
Jeffrey Palmer, Trustee	Aye___√___	Nay _____

Certified by Leslie Price, Village Clerk/Treasurer

DATE _____

VILLAGE OF SCHOHARIE FAIR HOUSING POLICY

LET IT BE KNOWN TO ALL PERSONS of the Village of Schoharie that discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental), familial status (children) or national origin is prohibited by Title VIII of the federal Fair Housing Amendments Act of 1988. It is the policy of the Village of Schoharie to support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (1. children, and 2. actual or perceived sexual orientation, gender identity or marital status or its members), or national origin. Therefore, the Village does hereby pass the following Resolution:

BE IT RESOLVED that within the resources available to the Village through Village, county, state, federal and community volunteer sources, the Village will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin in the process of filing a complaint with the Civil Rights Division or the U.S. Department of Housing and Urban Development, Regional Office Compliance Division, that they may seek equity under federal and state laws.

BE RESOLVED that the Village shall publicize this Resolution and through this publicity shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental advertisers, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

THE FAIR HOUSING PROGRAM, for the purpose of informing those affected of their respective responsibilities and rights concerning Fair Housing law and complaint procedures, will at a minimum include, but not be limited to: 1) the printing, publicizing and distribution of this Resolution; 2) the distribution of posters, flyers, pamphlets and other applicable Fair Housing information provided by local, state and federal sources, through local media of community contacts; and 3) the publicizing of locations where assistance will be provided to those seeking to file a discrimination complaint.

BE IT FURTHER RESOLVED that the Village of Schoharie has named April as Fair Housing month and will consider workshops to address housing resources or concerns.

EFFECTIVE DATE

This Resolution shall take effect immediately upon August 13, 2024.

Seconded by Trustee

RESOLUTION 14-2024

RESOLUTION TO AMMEND AND ADOPT THE VILLAGE OF SCHOHARIE PROCUREMENT POLICY

WHEREAS, the Village of Schoharie was awarded federal funding for CDBG Project # 1041SB560-24 through the Federal Community Development Block Grant (CDBG) Program and,

WHEREAS, the State office of Homes and Community Renewal (OCR) requires that the Village as Recipient must have a local procurement policy that addresses federal HUD procurement policies listed in 2 CRF 200.318-.326 and that Affirmative MWBE/Section 3 language should be included and,

WHEREAS, the Village of Schoharie updated the Village Procurement policy to address OCR and HUD procurement policy as requested,

NOW THEREFORE, BE IT RESOLVED that the Village of Schoharie hereby adopts the amended Village Procurement Policy.

Date: August 13, 2024

Colleen Henry, Mayor	Absent _____	Nay _____
Peter Johnson, Trustee	Aye _____ ✓ _____	Nay _____
Sal Medak, Trustee	Aye _____ ✓ _____	Nay _____
Rebecca DeGroff, Trustee	Aye _____ ✓ _____	Nay _____
Jeffrey Palmer, Trustee	Aye _____ ✓ _____	Nay _____

Certified by Leslie Price, Village Clerk/Treasurer

DATE _____

**VILLAGE OF SCHOHARIE
PROCUREMENT POLICY FOR PURCHASES OF GOODS AND SERVICES**

1.) Every purchase to be made must be reviewed initially to determine whether it is a purchase contract or a public works contract. Once such determination is made, a good faith effort shall 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 subject to competitive bidding requirements, taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to competitive bidding pursuant to Section 103 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 second-hand purchases from another governmental entity. Any items not subject to competitive bidding will be documented in writing by the individual making the purchase, with the specific exclusion detailed.

2.) All goods and services excluded from bidding statutes, not subject to the competitive bidding exclusions, or not excluded by provisions of Paragraph 5 of this policy, will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.

3.) The following method of purchase will be used when required by this policy in order to achieve the highest savings in costs:

Estimated Amount of Purchase Contract	Method of Purchase
Up to \$1,000	Verbal quotations
\$1,000 to 6,000	Written quotations or written request for proposals
\$6,000 to \$19,999	Written request for proposals
Estimated Amount of Public Works Contract	Method of Purchase
Up to \$1,000	Verbal quotations
\$1,000 to \$6,000	Written quotations or written request for proposals
\$6,000 to \$34,999	Written request for proposals

A good faith effort shall be made to obtain at least three written proposals or quotations, whenever required. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made in attempting to obtain proposals. In no event will failure to obtain proposals be a bar to procurement if a purchase order is obtained from the person authorized in the Village to issue such purchase orders.

4.) Documentation is required of each action taken in connection with each procurement. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made

by the purchaser and may not be challenged under any circumstances once the Village authorizes a purchase.

5.) Pursuant to Section 104-b(2)(t) of the state General Municipal Law, 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, although the Village may decide to request proposals for services, it may not be in the best interests of the Village 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. 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 services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Village Board shall take into consideration the following guidelines: (1) whether the services are subject to State licensing or testing requirements; (2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (3) whether the services require a personal relationship between the individual and municipals officials.

Professional or technical services shall include, but not be limited to: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

(b) Emergency purchases pursuant to Section 103(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 and welfare of the residents. This section does not preclude alternate proposals if time pennits.

(c) Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand 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 \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and, therefore, it would not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism. This section, however, does not diminish the need of purchasers to be cognizant of and to strive to obtain the best value for municipal funds expended.

6. Federal Procurement Considerations. For purposes of projects using federal funding, the Village of Schoharie recognizes and considers the practices listed in the 2 CFR 200.318-.326 known as .318 General Procurement Standards; .319 Competition; .320 of Procurement; .321 Contracting with MWBE*; .322 Domestic Preferences for procurement; .323 Procurement of Recovered Materials; .324 Contract Cost and Price; .325 Federal Awarding Agency or Pass-Through Entity; .326 Bonding Requirements.

More specifically, section .321 Contracting with MWBE Affirmative Steps are defined as:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;*
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;*
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;*

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

7. Federal Civil Rights Section 3. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. Section 3 is not required for projects receiving federal funding less than \$200,000.

8. Effective. This policy shall take effect on August 13, 2024

My Documents/Forms/PROCUREMENT POLICY FOR PURCHASES