A meeting of the Town Board of the Town of Monroe, County of Orange and the State of New York was held at the Senior Center 101 Mine Road, Monroe, and N.Y. on the 5th of December 2011

Present:	**Harley Doles**	**Acting Supervisor**
	Gerard McQuade	**Councilman**
	Richard Colon	**Councilman**
	James Gulick	**Highway Superintendent**
	Langdon Chapman	**Attorney**
	Mary Ellen F. Beams	**Town Clerk**

Absent:	**Sandy Leonard**	**Supervisor**
	James Rogers	**Councilman**

REGULAR MEETING

Minutes
Set over until next meeting.

Acting Supervisor Doles stated that there is an issue with the Town Board meeting being viewed on channel 22 and cablevision spent 3 hours on the problem. It has been determined that it is a cable issue with a compressor so we are asking the public to bear with us while this issue is being taken care of.

Upcoming Meeting Dates & General Announcements

Dates	Meeting	Place	Time
12/06/11	Planning Board Meeting	Senior Center	7:30 P.M.
12/13/11	Planning Board Meeting	Senior Center	7:30 P.M.
12/15/11	Zoning Board of Appeals	Senior Center	7:30 P.M.
12/19/11	Town Board Meeting	Senior Center	7:30 P.M.
12/21/11	Conservation Commission	Senior Center	8:00 P.M.
12/22/11	Fire District Mtg.	Senior Center	7:00 P.M.
12/24/11	Holiday Town Hall Closes at 12:00pm		
12/26/11	Holiday Town Hall Closed		
12/30/11	Holiday Town Hall Closes at 12:00pm		
1/2/12	Holiday Town Hall Closed		

SPECIAL ORDERS

Audit of Claims
On a motion by Councilman McQuade, seconded by Councilman Colon the following was
Adopted Ayes 3 McQuade, Colon, Doles
Nays 0
Approval to pay the following bills on Abstract No. 1.
Abstract No. 1 Check No's 9857-9928 $127,809.82

OLD BUSINESS

<u>JNS Cell Tower</u>
On a motion by Councilman McQuade, seconded by Councilman Colon the following was
Adopted Ayes 3 McQuade, Colon, Doles
Nays 0
Approval for Supervisor Leonard to sign the release agreement with JNS Cell Towers contingent on JNS Cell Tower signing the release first and then sending it back to Supervisor to sign..

RESOLUTION AWARDING CONTRACT TO LOWEST RESPONSIBLE BIDDER:

COLLECTION AND HAULING, AND DISPOSAL OF GARBAGE AND SINGLE STREAM RECYLCABLES

Term of Award: For Service from January 1, 2012 through December 31, 2012: ALTERNATIVE 1

WHEREAS, the Town Board of the Town of Monroe has solicited sealed competitive bids for the COLLECTION AND HAULING, AND DISPOSAL OF GARBAGE AND SINGLE STREAM RECYCLABLES, [said bids being returnable to the Town Clerk on or by 9:00 AM on November 21, 2011 and which were publicly opened and read by the Clerk at that time and at a work session of the Town Board of the Town of Monroe on that same date]; and

WHEREAS, COTTAGE CARTING, INC. d/b/a Marangi Disposal ("Vendor") duly submitted such a bid at said time and place in the amount of the following for Alternative 1:

$1,415,232.00 for year one of the bid (2012);
$1,421,472 for year two of the bid (2013);
$1,424,592 for year three of the bid (2014);
$1,446,432 for year four of the bid (2015); and
$1,472,016 for year five of the bid (2016); and

WHEREAS, the Town under the bid specifications has the ability to award the bid for one or multiple years; and if awarded for one year, to renew the bid contract per the terms of the bid for one or more subsequent years through not later than the conclusion of calendar year 2016; and

WHEREAS, the Town Board of the Town of Monroe has reviewed the three submitted bids and compared the same to the bidding specifications; and has found only minor deviations from the bidding specifications, which the Town Attorney recommends be waived; and

WHEREAS, the lowest bidder was Cottage Carting, Inc. d/b/a Marangi Disposal; and

WHEREAS, the Town Supervisor has investigated the qualifications of the Vendor and found them to be responsible;

WHEREAS, one or more Members of the Town Council have participated in an interview with the Vendor to confirm the Supervisor's findings; and

WHEREAS, Vendor has demonstrated Vendor can address adverse situations and service the public and its customers; and

WHEREAS, the Town Board further finds that any defects in the bid were immaterial. Specifically, the Board finds:

- **The error in failing specifically state "Aegis Security Insurance Company" in the Consent of Surety in the bid bond is immaterial in that the name of the surety is listed on the bond and the Town Attorney advised the Town that that would be the entity to make application to, and that in any event, the bidder filed a duplicate Consent of Surety with that information filled in;**

- **That Vendor provided a non-collusive bidding certificate which the Town with Vendor's sealed bid for the bids submitted within the sealed package by the Town to the Vendor, and, prior to the award of the bid, provided additional such certificates to specify the certificates were for alternative bid 1 and alternative bid 2; and that in any event, the decision to submit solely one form at the submission of the sealed bid is immaterial inasmuch as the State law, in the opinion of the Town, does not require separate such forms for multiple bids, submitted as part of a single sealed bid package; and that further, in any event, the submission of the second and third non-collusive certificates further obviated any immaterial deficiency which might have existed as a result of the inclusion of two alternate bids;**

- **That Cottage Carting, Inc. D/B/A Marangi Disposal has the requisite experience, equipment, and staffing to implement this one year contract and the overall savings of the five year term, which may ultimately be entered into by the Town, are significant when compared to the next lowest bidder;**

In particular, the Board finds that any errors in the bid were ministerial in nature and did not deprive the Town of Monroe of its assurance that the contract will be entered into, performed, and guaranteed according to its specified requirements, and that the competitive bidding process was not effected in that no bidder was placed in a position of advantage over other bidders; and that going with the next highest bidder would subject the taxpayers of the Town of Monroe's Garbage and Refuse District to thousands of dollars in unnecessarily excessive costs for the first year alone;

NOW, THEREFORE, BE IT RESOLVED that pursuant to the General Municipal Law, the Town Board of the Town of Monroe hereby determines in accordance with the provisions of Article 5-A of the General Municipal Law, Vendor is awarded the bid for the collection and hauling, and disposal

of garbage and single stream recyclables (also including bulk pickup and other item(s) contained in the bid specifications) for Alternative 1 in the bid specifications for the period of January 1, 2012 through December 31, 2012, and that Vendor shall, in order to be compliant with this award, execute such documents and provide such security as is required under the bid documents in the time required in the bid documents.

ON MOTION OF <u>COUNCILMAN COLON</u>
SECONDED BY <u>COUNCILMAN MCQUADE</u>

IN FAVOR: 3 Colon, McQuade, Doles
AGAINST: 0
ABSENT: 2 (Supervisor Leonard, Councilman Rogers)

NEW BUSINESS

<u>Request for Budgetary Transfers</u>

The Town Board held this matter over until the next town Board meeting.

Councilman McQuade informed the public that the data collectors from the Town of Monroe Assessor's office are out in the field collecting data and do have identification on them. The Town is looking at having magnet's made to identify their vehicles.

Town Clerk Beams informed the public that there is a drop off box in Town Hall for toys for tots.

Acting Supervisor Doles stated that previously a complaint was submitted to the Ethic's Board and which now it is a 3 part complaint. The Ethic's Board will now have to choose a Chairperson and move forward on this complaint.

PUBLIC COMMENT

Richard Dampf spoke his concerns on the following topics tree cutting on the property adjacent to Meadow Glenn. He asked if there is a site plan for the property 2-1-9. He asked if a violation will be issued for the trees cut down within a buffer zone and about plans for the proposed Kinderpark.
Bruce Brotherton representative from Interstate waste informed the Board how disappointed he was that his company lost the contract. He wanted to clarify whether it was option 1 or 2 that was awarded. Attorney Chapman stated it was option 1.
Paulette Browne stated that she never had any problems with Interstate Waste and Tony Completo was always a great help.
Ward Brower asked who grants privilege of the floor. Acting Supervisor Doles stated the Town Board does. He spoke about the recording of the Town Board meetings the proposed Kinderpark and asked if there are any written policies for the landfill.

<u>Executive Session</u>
On a motion by Councilman Colon, seconded by Councilman McQuade the following was
Adopted Ayes 3 Colon, McQuade, Doles
Nays 0
To adjourn into Executive Session for discussion of 2 issues with highway personnel

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Mary Ellen F. Beams, Town Clerk, Town of Monroe

<u>Return to Town Board Regular Session</u>
On a motion by Councilman McQuade, seconded by Councilman Colon the following was
Adopted Ayes 3 McQuade, Colon, Doles
Nays 0
Approval to Return into Town Board Regular Session.

<u>Leaf Over-Time</u>
On a motion by Councilman McQuade, seconded by Councilman Colon the following was
Adopted Ayes 3 McQuade, Colon, Doles
Nays 0
Approval to allow an hour a day overtime for the highway crew from 12/6 - 12/9 for leaf and brush pickup and 8 hours of overtime on Saturday, December 10, 2011.
Council members noted that members of the Town Board would be checking on the progress of the leaf and brush pickup during the overtime periods.

With no further business, on a motion by Councilman Colon, seconded by Councilman Doles the meeting was adjourned carried unanimously.

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Harley Doles, Acting Monroe Town Supervisor