

Special Town Board Meeting
June 9, 2022
Keene Town Hall

MTG #13
Res, #175

BOARD MEMBERS PRESENT

Joseph P. Wilson, Jr., Town Supervisor
Robert Biesemeyer, Deputy Supervisor
Teresa Cheetham-Palen, Council Member
David Deyo, Council Member

BOARD MEMBER ABSENT

Jennifer Whitney, Council Member

TOWN OFFICIALS

Kimberly Smith, Town Clerk

MEMBERS OF THE PUBLIC PRESENT

Bill Ferebee, Tom Both

SUPERVISOR WILSON called the meeting to order at 2:00 p.m.

Supervisor Wilson stated that there was only one bid submitted and that it was an incomplete bid. The bid was from Ryan Hall:

\$15,000 for mowing from June 9th - August 15th
Week by week mowing at the rate of \$1,500
Unforeseen work and extras \$120 per man hour

The two problems with the bid packet were that the liability insurance did not have the Town of Keene listed on it, it had Stewart's Shops, and any vendors submitting a bid must have a sexual harassment prevention in the workplace training for their employees.

Mr. Deyo stated that he spoke with Ryan Hall and Ryan can have the Town of Keene placed on the liability insurance. He wanted to be sure that he was awarded the bid prior to doing so.

Supervisor Wilson stated that technically it is an incomplete bid. It does not meet our bid standards. He spoke with Liam (Town Attorney) and he said that if the town does not have complete bids that it needs to go back out to bid.

Mr. Deyo asked if that means they are asking him to put the Town of Keene on the insurance. That means that it costs him money to do that. It is just a phone call for him to change it. He asked Supervisor Wilson if he wants to go another week without mowers.

Supervisor Wilson stated that he hasn't wanted to go without mowers for the past two weeks. We are supposed to follow our procurement and New York State Law. He spoke to Liam, and he said that if you have no bids that meet the criteria you have got to rebid.

Mr. Deyo stated that he has the insurance, he just has to put the Town's name on it.

Ms. Biesemeyer stated that he thinks they could seek a second legal opinion on it.

Supervisor Wilson stated that Liam is the Town's attorney.

Mr. Deyo asked if they could do it contingent on the insurance being updated. He said that it is just a phone call to do it, and they could ask for it to be done by 5:00 p.m.

Mr. Biesemeyer asked for clarification on the sexual harassment training. He stated that Ryan had the training when he worked for the town.

Supervisor Wilson stated that Ryan needs to have a policy because he has an employee.

Mr. Deyo stated that Ryan does not have any employees. He subcontracts to T.J. T.J. has his own business and his own insurance.

Supervisor Wilson stated that was not how it was explained to him. But, that if Ryan does not have any employees he does not need to have a sexual harassment policy.

Mr. Biesemeyer asked if that means he only has to list the town on the liability insurance then.

Supervisor Wilson said yes, but again we would be making an exception for one bid.

Mr. Biesemeyer stated that he would not worry about it.

Ms. Cheetham-Palen stated that they do have to follow their procedures whether it is a matter of a phone call or whatever needs to be done.

Mr. Deyo stated that he could call Wayne Sheppard right now.

Supervisor Wilson asked if he would be calling him for legal advice.

Mr. Deyo stated to ask him if he can update the insurance and what the hold up would be.

Ms. Smith asked if when they have received other bids, with liability insurance, is the Town of Keene already listed on it when they submit it to them.

Supervisor Wilson said yes and that one of the conditions of this bid is that it states that the bid award would then become the contract document.

Ms. Cheetham-Palen asked what needs to happen in order for this to follow our procurement policy.

Supervisor Wilson stated rebid. He said that Liam said rebid.

Board Members discussed when to do the rebid and when to have the new bids due by. They asked if they could go out to bid until Tuesday. Supervisor Wilson looked at the Town Clerk and asked if there was enough time to do that.

Ms. Smith replied that she did not announce the current bid. The current bid that went out was not approved by Town Board Resolution, so she was staying out of the process. What Supervisor Wilson had drafted and handed out did not follow what was passed at the Town Board meeting. The meeting approved mowing at Marcy Field and the Community Center only. That meeting was held the day before T.J. quit.

Supervisor Wilson stated that there were just additional properties added to the bid.

Mr. Deyo asked whether the current bid had been announced to the public.

Ms. Cheetham-Palen stated that it had.

Mr. Biesemeyer stated on Nextdoor Keene.

Ms. Smith stated that it was not posted in the paper, just Nextdoor Keene.

Mr. Biesemeyer stated that bid rules may be that they have to post it in the paper, wait 10 days, there could be other things.

Supervisor Wilson stated no, that is not what is in the procurement manual. It's based on how they set it up. But once they set it up, they have to follow it.

The Board Members agreed to put it back out to bid, with the bids due by Tuesday.

Mr. Biesemeyer stated that Supervisor Wilson needs to contact Ryan and let him know that the bid was incomplete.

Supervisor Wilson stated that he did. That he told T.J. and that T. J. was texting with Ryan.

Mr. Biesemeyer stated that Ryan needed to be contacted directly.

Supervisor Wilson stated no, that it is not his job to coach each bidder.

Tom Both, resident, arrived at the meeting.

Supervisor Wilson stated that they would go back out to bid, with the same specifications and that they would be due Tuesday morning with the meeting to be on Tuesday.

Ms. Smith asked for clarification on when the bid award meeting would be. Since there is already a Town Board meeting scheduled for Tuesday, June 14th, the bid award will be discussed at that same meeting.

Supervisor Wilson is going to place the bid specs back on Nextdoor Keene with the updated due date for the bids being Tuesday, June 14th at 9:00 a.m.

Tom Both, resident, spoke and asked if the Veteran's Park is included in the bid specifications.

Supervisor Wilson replied that the Veteran's Park is not part of the bid specifications, but that Bronson will be doing the Cemeteries.

Mr. Deyo stated that they hired Bronson part-time to take care of the Cemeteries.

Mr. Both stated that John did the mowing at the Veteran's Park last night and Mr. Both's turn is next week.

Supervisor Wilson stated that he talked to Bronson last week and that he is a little bit behind.

Mr. Both stated that they don't mind helping occasionally but not regularly.

Mr. Deyo clarified that the only thing missing from Mr. Hall's bid was that the Town of Keene needs to be listed on the insurance.

Supervisor Wilson stated yes. That if it had been awarded, that they would have been able to start working that day. Without it listed on there, it was incomplete. We don't have a contract because we don't have insurance.

The Town Board Members decided to put the mowing and trimming for the Town of Keene properties back out to bid. The new bids will be due by Tuesday, June 14th, 2022 at 9:00 a.m. The bid opening will take place at 10:00 a.m. at the Town Hall. There is a regularly scheduled Town Board meeting that evening, in which the Town Board will discuss the bids and decide whether to award it.

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 175,2022

**INTRODUCED BY: TERESA CHEETHAM-PALEN
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board of the Town of Keene hereby adjourns the Special Meeting at 2:14 p.m. with no action taken.

Duly adopted this 9th day of June, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Respectfully submitted,

Kimberly E. Smith
Town Clerk
Town of Keene