



GUILDERLAND TOWN BOARD
TOWN BOARD MEETING
P A C K E T
JUNE 21, 2022
07:00 PM

A G E N D A
GUILDERLAND TOWN BOARD
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JUNE 21, 2022
07:00 PM

Pledge of Allegiance

Roll Call

Public Comment

At 7pm

Public hearing on a proposed local law regarding programmable digital signs

Attachment: [PH7.pdf](#)

At 7:15pm

Public hearing on a proposed local law regarding adult-use cannabis retail dispensaries

Attachment: [PH715.pdf](#)

Approval of Town Board's June 7, 2022 meeting minutes

Agenda

1. Consider adopting the draft resolution regarding rules of public conduct and rules of procedure for public bodies.

Attachment: [Agenda Item 1.pdf](#)

2. Consider authorizing a Request for Proposals for consultant(s) in updating the Town's Comprehensive Plan.

Attachment: [Revised Agenda Item 2.docx.pdf](#)

3. Consider scheduling a public hearing for July 12, 2022 at 7:15pm on a proposed local law regarding budget, procurement and purchasing provisions in the Town Code as requested by the Comptroller's Office.

Attachment: [Agenda Item 3.pdf](#)

4. Consider authorizing a budget modification for the use of \$6,500 in American Rescue Program Act funds for the purchase an audience route/remote meeting integration as requested by the Fiscal Officer.

Supervisor's Update

1. 2022 Summer Camp Program
2. 2022 Tawasentha Pool opening
3. Carman Road/Lydius Street roundabout
4. Sidewalk construction (West Old State Road to Lynnwood Elementary;
Western Ave to Guilderland Library)

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

Planning Department
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



PH @ 7:00 PM

MEMORANDUM

TO: Peter Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: May 12, 2022

SUBJ: Planning Board Comments on Proposed Local Law No. 7 of 2022 - Signs

At their May 11th meeting the Planning Board reviewed proposed Local Law No. 7 of 2022, amending provisions in Chapter 280 of Town Code related to programmable digital signs. The Planning Board had no comments on the proposed changes and were supportive of the proposed amendments.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

**TOWN OF GUILDERLAND
LOCAL LAW NO. 7 OF 2022
(AMENDING PROVISIONS IN TOWN CODE CHAPTER 280)**

Be it enacted by the Town Board of the Town of Guilderland that provisions of the Town Code Chapter 280 (Zoning) are hereby amended.

SECTION 1. The following additions *italicized* and deletions ~~stricken~~ are made:

Chapter 280 (Zoning)

§ 280-26 **Signs.**

...

C. General provisions.

- (1) Illuminated signs or lighting devices may be permitted, provided that such signs employ only lights emitting a constant intensity, and no sign shall be illuminated by, or contain, a flashing or moving light, lights, or letters.
- (2) In no event shall an illuminated sign or lighting device be so placed or directed as to allow illumination to be directed or beamed upon a public street, sidewalk or adjacent premises or cause glare or reflection that may constitute a traffic hazard or nuisance to adjoining properties.
- (3) Except as may be permitted by this chapter, the use of pennants, banners, spinners, streamers, moving signs or flashing, glittering or reflective, animated or rotating signs or similar eye-catching devices is prohibited.
- (4) No bizarre, caricature, offensive or vulgar signs shall be permitted.
- (5) No roof signs shall be permitted.
- (6) No billboards shall be permitted.
- (7) No representational signs shall be permitted.
- (8) No freestanding or pole signs shall be permitted.
- (9) No flashing signs shall be permitted.
- (10) *No electronic variable message, automatic changeable copy, or programmable digital signs shall be permitted, except for the non-flashing*

display of time, temperature, and/or date, public service information, or fuel prices at automobile service stations.

- (10)(11) No sign shall be erected or maintained so as to prevent ingress to or egress from a door, window or fire escape, or so as to prevent free access from one part of a roof to another part.
- (11)(12) No sign other than safety-related signs shall be attached to a fire escape.
- (12)(13) No painted wall signs shall be permitted.
- (13)(14) No sign shall be erected so as to confuse or obstruct the view of a traffic sign, signal or device.
- (14)(15) No sign, except traffic signs placed by public agencies, may be erected, placed or maintained or overhung within the highway limits of a public way or within 35 feet of the center line of a public highway.
- (15)(16) No sign shall project beyond a property line. Ground-mounted signs shall not obstruct the view of vehicles. Building-mounted signs shall be mounted flush and not located on the roof of a building or project above the roofline.
- (16)(17) Suitable landscape plantings shall be placed and maintained at the base of all monument signs. Such signs and adjacent grounds shall be kept neat, clean, and in good repair.
- (17)(18) Signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Zoning Inspector may order the removal of a sign that is not maintained in accordance with the provisions of this chapter. Painting, repainting, cleaning or repair maintenance shall not be considered an alteration which requires a permit unless a structural change is made.

SECTION 2. SEQRA Determination. The Town Board declares that this Local Law is an Unlisted Action under the State Environmental Quality Review Act and determines that it will not have a significant impact upon the environment and that a negative declaration should issue.

SECTION 3. Inconsistency. Any local law, ordinance, resolution or portions thereof of the Town of Guilderland not consistent with this Local Law in whole or in part shall be repealed.

SECTION 4. Severability. If any provision of this Local Law or the application thereof

shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 5. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

DRAFT

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

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Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
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PH 7:15 PM

MEMORANDUM

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP, Town Planner

Date: June 14, 2022

SUBJ: Planning Board Comments Local Law No. 8 of 2022 – Cannabis Retail Dispensaries

At their May 25, 2022 meeting the Planning Board reviewed a draft of proposed Local Law No. 8 of 2022 regarding cannabis retail dispensaries. The Board had no issues with the proposed Local Law and made no recommendations for any revisions. The Board voted 6- 0 in favor of the Local Law as proposed, with Chris Longo abstaining as he spoke in opposition to the Local law at a previous Town Board meeting.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

**TOWN OF GUILDERLAND
LOCAL LAW NO. 8 OF 2022
(AMENDING PROVISIONS IN TOWN CODE CHAPTER 280
REGARDING CANNABIS RETAIL DISPENSARIES)**

Be it enacted by the Town Board of the Town of Guilderland that the following provisions regarding cannabis retail dispensaries are added to Town Code Chapter 280 (Zoning).

SECTION 1. The following additions *italicized* are made:

Chapter 280 (Zoning)

§ 280-5 **Definitions.**

...

CANNABIS RETAIL DISPENSARY

A business operating pursuant to a license issued under the New York State Cannabis Law and its regulations that authorizes the retail sale of cannabis products to adults. See § 280-40, Supplemental regulations.

§ 280-20 **Local Business District.**

...

D. Special uses. The following uses and their accessory uses are authorized by special use permit pursuant to § 280-52:

....

(6) Cannabis retail dispensary. See § 280-40, Supplemental regulations.

§ 280-40 Supplemental regulations.

E. ***Cannabis retail dispensary. A cannabis retail dispensary shall comply with the following additional requirements:***

- 1. *A cannabis retail dispensary shall be located in a store, the principal entrance to which shall be from the street level and located on a public thoroughfare in premises which may be occupied, operated or conducted for business, trade or industry.*

2. *The cannabis retail dispensary shall have legal access to a State highway.*
3. *No storefront for a cannabis retail dispensary shall be located within 500 feet of a school grounds as such term is defined in the Education Law.*
4. *No storefront for a cannabis retail dispensary shall be located within 200 feet of a house of worship.*
5. *No storefront for a cannabis retail dispensary shall be located within 500 feet of the boundary of a Town park.*
6. *The daily hours of operation shall be only between 9:00 a.m. and 9:00 p.m. except on Sunday when the hours of operation shall be only between Noon and 7 p.m.*
7. *The cannabis retail dispensary shall comply with all laws and regulations of New York State relating to a cannabis retail dispensary.*

SECTION 2. SEQRA Determination. The Town Board declares that this Local Law is an Unlisted Action under the State Environmental Quality Review Act and determines that it will not have a significant impact upon the environment and that a negative declaration should issue.

SECTION 3. Inconsistency. Any local law, ordinance, resolution or portions thereof of the Town of Guilderland not consistent with this Local Law in whole or in part shall be repealed.

SECTION 4. Severability. If any provision of this Local Law or the application thereof shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 5. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

AGENDA ITEM #7

AGENDA ITEM #1

7/21/2022

**TOWN OF GUILDERLAND, TOWN BOARD
RESOLUTION NO. 8 of 2022**

Adopting Rules of Public Conduct and Rules of Procedure for Public Bodies

WHEREAS, Town Law § 64(23) provides that the Town Board with general powers, and has determined that rules for public conduct and rules of procedure for public bodies of the Town is appropriate;

NOW, THEREFORE BE IT RESOLVED that the Town Board adopts the attached Rules of Public Conduct and Rules of Procedure for public bodies of the Town.

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK }
 }
COUNTY OF ALBANY }

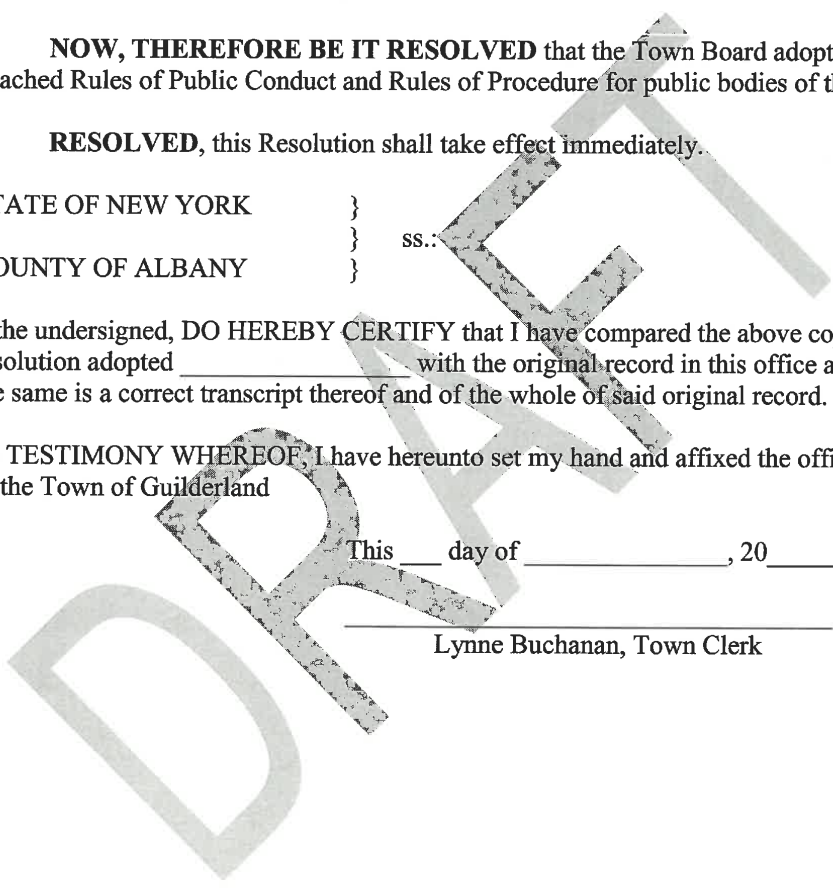
ss.:

I, the undersigned, DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted _____ with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Guilderland

This ____ day of _____, 20 ____

Lynne Buchanan, Town Clerk



RULES OF PUBLIC CONDUCT

For purposes of these rules, the following definitions shall apply:

CHAIRPERSON

The Town Supervisor for the Town Board, and the Chairperson for the Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Conservation Easement Review Board, and Traffic Safety Committee, or their designee.

PUBLIC BODY

The Town Board, Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Conservation Easement Review Board, and Traffic Safety Committee.

The following rules of public conduct shall apply:

1. The Chairperson of a public body shall preside at all meetings and shall preserve order and decorum at the public meeting.
2. Any persons speaking to a public body, with the consent of the Chairperson, shall address their remarks to the public body, and not to other members of the audience.
3. Unless authorized by the Chairperson, all public comment shall made at the designated microphone and lectern.
4. No member of the public shall engage in any demonstration, shouting, booing, hand clapping, threats, or other disruption of the order and decorum of a meeting.
5. The use of profane, racial or ethnic slur, vulgar, inflammatory, threatening, abusive or disparaging language, harassment or bullying of any person, or personal or slanderous comments about any person is prohibited.
6. No signs, posters or other visual displays of any type are allowed in the board room by members of the public.
7. These rules of public conduct shall apply in the board room and elsewhere in the buildings and grounds.

8. The Chairperson may order the removal of any person who violates these rules.
9. The Chairperson may summon a police officer, suspend a meeting, and/or direct the public and members to leave the board room if there is a threat to person or property.

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RULES OF PROCEDURE FOR PUBLIC BODIES

For purposes of these rules, the following definitions shall apply:

CHAIRPERSON

The Town Supervisor for the Town Board, and the Chairperson for the Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Conservation Easement Review Board, and Traffic Safety Committee, or their designee.

PUBLIC BODY

The Town Board, Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Conservation Easement Review Board, and Traffic Safety Committee.

Each public body shall follow these rules of procedure:

1. At the start of the meeting, the Chairperson shall determine that a quorum of the whole public body is present, and shall open the meeting and proceed to the regular order of items on the agenda.
2. The Chairperson shall instruct all persons wishing to address the public body to state their names. The Chairperson may announce rules that prescribe the time to be allotted to each speaker and the number of times each speaker may speak.
3. No member shall speak more than once on any questions until every member choosing to speak shall have spoken, nor more than twice in any case without leave of the Chairperson.
4. At the close of a public hearing, the Chairperson may grant the applicant or member of the general public a reasonable opportunity to be heard on any question or subject on the matter under consideration.
5. A resolution or motion must be seconded before being put to a vote by the Chairperson by roll call vote, except a motion to adjourn may be made by acclamation.
6. The Chairperson may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
7. When a resolution or motion has been seconded, no motion shall be entertained unless (a) for an adjournment or recess, (b) for the previous question to lay on the table, (c)

to postpone and refer an issue to another public body, or federal, state, or county agency, or (d) to amend the resolution or motion. These listed motions are neither amendable nor debatable.

8. No motion shall be made to offer any amendment to an amendment already before the public body on any proposition.
9. A majority vote of all the members of the public body shall be required to suspend these rules of order. A majority of the whole public body shall constitute a quorum.
10. All resolutions or motions shall be recorded in their entirety and the votes of each member thereon shall be kept in the official minutes of the public body.
11. If the above stated rules are or become at any time in conflict with the statutory law, the statutory law shall take precedence.

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**TOWN OF GUILDERLAND
COMPREHENSIVE PLAN UPDATE
REQUEST FOR PROPOSALS
DUE DATE: August 4, 2022 at 4:00 PM**

I. PURPOSE

The Town of Guilderland (“Town”) is soliciting Proposals (“Proposal”) from qualified planning Consultants and Consultant teams (“Consultant”) to assist in the Town’s update of the Town of Guilderland’s 2001 Comprehensive Plan (“Plan Update”).

II. BACKGROUND

The Town Board will appoint a Comprehensive Plan Update Committee (“Committee”) under NYS Town Law § 272-a(4) which will be responsible for the preparation of the Plan Update. The Committee will have public meetings on a monthly basis at Town Hall. While the Town Planner and other Town staff will provide services in support of the Committee, the selected Consultant will have the primary responsibility for the scope of work.

III. SCOPE OF WORK.

The following tasks are general requirements for the Plan Update. The selected Consultant and the Town will agree upon specific recommendations for approaches, tasks and deliverables in a final agreement for services.

Consultants may respond individually or as a member of a team or both to the Tasks described below. The Town reserves the right to negotiate any Task or element of this project. The Town reserves the right to award all Tasks to the Consultant team as submitted, including subconsultants of a team, or to individual Consultant submittals allowing the Town to create a team based on the Town’s selection.

Consultants shall actively solicit bids for contracts from qualified State certified MWBEs listed in NYS Directory of Certified Firms (<https://ny.newnycontracts.com/>). Consultants shall retain records of the procurement process including direct solicitation of MWBEs; evidence of good faith efforts to achieve MWBE contract participation goals; and any actions taken toward meeting these goals.

A Proposal shall include a schedule with estimates for each Task’s duration, related deliverables and community engagement elements, estimated number of hours and hourly rates of persons involved for each Task, associated costs, and proposed completion dates. The Proposal shall include a not-to-exceed cost for each Task.

Task 1. Project Initiation and Management

A Proposal shall include, at a minimum, the following:

- Consideration of the 2001 Comprehensive Plan and subsequent neighborhood studies identified in the Appendix, and reviewing progress towards meeting their recommendations.
- Researching development patterns throughout the Town over the past 20 years using Town records, and other sources.
- Researching and compiling demographic and economic data available through the US Census Bureau and other sources.
- Providing support in the form of GIS mapping of existing conditions for inclusion in the Plan Update.

Task 2. Public Participation

A Proposal shall propose methods for encouraging and providing public participation in preparing the Plan Update and should include, at a minimum, the following:

- Creating and maintaining a website for posting timely updates and documents relating to the Plan Update process. A Proposal shall include how the website will incorporate the Town's social media accounts. A Proposal should note that, while Town staff will have access to the website, the Consultant has primary responsibility for maintaining the website.
- Methods of community engagement that foster public outreach and participation using traditional and innovative techniques, including, but not limited to, organizing, publicizing, and facilitating public surveys, public meetings, visioning workshops, open houses, "tent" events, and creative ways to engage the community.
- Arranging, publicizing, attending and coordinating meetings with the Committee, Town staff, residents, developers, landowners, appointed and elected officials, and other stakeholders.

Task 3. Preparation of Plan Update

The Plan Update should articulate a shared community vision and desired future, define short-, medium-, and long-term goals and objectives, respond to a range of

issues, and provide a blueprint for accomplishing community objectives.

A Proposal shall detail an implementation and action framework outlining specific steps, roles, and responsibilities, and projected timeframe and performance measures to accomplish the identified recommendations and goals.

A Proposal shall consider the preparation of the Plan Update, including, at a minimum, the following tasks:

Task 3A. Prepare Community Profile and Inventory

A Proposal should include an analysis of relevant data and trends related to population, employment, housing, aging, work force and other relevant forecasts. A Proposal should also focus on demographics, environment and natural resources inventory, land use and zoning, housing and neighborhoods, transportation, traffic patterns, public utilities and infrastructure, parks, recreation, and open space, schools, library, economic conditions, and similar factors.

A Proposal should consider the Town's existing planning and related studies in the attached Appendix. The Proposal shall consider potential impacts and propose recommendations in response to developments plans in adjacent municipalities.

The Capital District Regional Planning Commission has provided the Town with "Town of Guilderland Demographic and Growth Analysis, 1990-2020" which provides background on housing growth and characteristics, demographic composition, population, diversity, education, and economic overview.

A Proposal shall include methods for incorporating the community profile and inventory with the Town's GIS mapping platform.

Task 3B. Articulate Goals

A Proposal shall include methods for identifying and articulating the Plan Update's goals, and creating specific short-, medium-, and long-term recommendations and goals for various topics, including, but not limited to:

- Sustainability and responding to climate change;
- Land use and open space conservation;
- Beautification and reduction of blight;
- Protecting natural resources and environmentally sensitive areas;
- Transportation and traffic;
- Promoting walkability and pedestrian safety;

- Advancing non-motorized connectivity of neighborhoods and destinations;
- Planning for water, sewer, and stormwater infrastructure;
- Economic development and responsible growth;
- Protecting farmland and agricultural uses;
- Expanding Parks & Recreation’s programs;
- Analyzing Police, EMS, and Fire services;
- Addressing needs of aging population, senior services, and affordable housing;
- Resiliency and emergency mitigation and preparedness;
- Short and long-term impacts of COVID-19 pandemic;
- Promoting diversity and social justice;
- Protecting the Town’s character and established residential neighborhoods;
- Community development and resources; and
- Historic preservation.

A Proposal shall include methods for articulating other goals and identifying future challenges and opportunities.

Task 3C. Identify Strategies

A Proposal shall identify strategies to meet the short-, medium-, and long-term goals for each of the topic areas listed above. This shall be accomplished using methods including, but not limited to:

- Consulting with subject matter experts; and
- Identifying best practices from comprehensive and other planning documents from other communities and through other research.

A Proposal shall describe specific steps, roles, responsibilities, costs, and performance measures to accomplish the identified strategies described above. A Proposal shall identify funding sources and implementation mechanisms.

Task 4. Prepare Draft Plan Update

A Proposal shall explain how the Consultant will work with the Committee and Town staff to analyze the information gathered in addressing the Tasks and drafting the Plan Update.

A Proposal should detail opportunities for public review and consideration of the draft Plan Update, presentation to the Committee, open houses at neighborhood meetings or other community gatherings, public meetings, and should include these activities as part of the community engagement in Task 2.

A Proposal shall include a plan for integrating the Plan Update with other relevant plans and initiatives adopted by the Town, and developing feasible and fiscally responsible recommendations as determined by the Plan Update. A Proposal should identify and recommend specific strategies to address the goals, objectives, and associated costs.

Task 5. Prepare Final Plan Update and Support Plan Adoption Process

A Proposal should include the preparation of the final Plan Update based on feedback received on the draft plan review.

A Proposal should detail opportunities for public review and consideration of the final Plan Update, presentation to the Committee, open houses at neighborhood meetings or other community gatherings, public meetings and hearings, and should include these activities as part community engagement.

A Proposal should include the final steps for adopting the final Plan Update including:

- Prepare a Long Form Environmental Assessment Form under the State Environmental Quality Review Act for consideration by the Town Board in making a declaration of significance on whether the adoption of the final Plan Update will have an impact on the environment.
- Provide all necessary materials for the Town Board to make a motion on the adoption of the final Plan Update.

A Proposal should include 20 hard copies and 10 DVDs or thumb drives of the final Plan Update and in a web-based interactive format so that the community can easily use the Plan Update.

Proposed Fee for Tasks – Awarding of Tasks

Consultants may respond individually or as a member of a team or both to Tasks 1, 2, 3, 4, and 5. A Proposal shall provide a separate fee for each Task so the Town can evaluate all responses comparatively. The Town reserves the right to award all Tasks to the Consultant team as submitted including sub-consultants of a team, or to individual Consultant submittals allowing the Town to create a team based on the Town's preferred selection. The selected Consultant(s) and Town shall enter into a formal agreement for services and approved by the Town Board.

Submittal Requirements

The Consultant shall submit one (1) unbound original, seven (7) copies and one (1)

digital copy of the Proposal submittal. The Town encourages the use of recycled paper products and double sided print.

The deadline to submit Proposals is **Thursday, August 4, 2022 at 4:00 PM.**

The Proposal submittal should be submitted in a sealed envelope labeled **“RFP: 2022 Comprehensive Plan Update Proposal”** and delivered to:

Town of Guilderland
Attn: Lynne Buchanan Town Clerk
5209 Western Turnpike, PO Box 339
Guilderland, NY 12084

Proposal Format and Requirements

Proposals should contain the following information:

1. **Title Page:** Provide the name of your firm, mailing and email addresses, website, telephone number, and name of contact person on a title page.
2. **Letter of Transmittal:** Provide a complete statement regarding the understanding of the project and your interest in working with the Town on the Plan Update. A duly authorized officer shall sign the transmittal letter with the right to bind the Consultant submitting a Proposal for consideration.
3. **Firm Background:** Provide information on the size, location, available resources and brief discussion on experiences related to updating comprehensive plans, and/or the specific task addressed in the Proposal.
4. **Project Team:** Identify the project team (including subconsultants) and provide a statement of qualifications for each individual, including education, professional registration, areas of expertise, and years of service in their respective field. Identify the project manager with overall responsibility for the effort and communication with the Town and include an organization chart. Explain good faith efforts to achieve MWBE contract participation.
5. **Work Samples:** List and provide in electronic format only (webpage link to the document or electronic format) three (3) samples of comprehensive plans for communities similar to the Town or planning documents completed by your firm. Identify client and contact information for each sample.
6. **Methods and Approaches:** Provide detailed descriptions of the methods and approaches proposed by the firm to complete each listed Task and to prepare the Plan Update. Identify how the Town’s background and characteristics

might affect the proposed methods and approaches.

7. Understanding of Guilderland: Provide information that demonstrates your understanding of the Town and the unique issues facing the Town. Identify any experience in preparing comprehensive plans for municipalities in Home Rule States such as New York.
8. Schedule: Include a detailed schedule for each listed Task, and an estimated completion time for each Task. The schedule shall include estimated duration for each proposed Task. The schedule should include an estimated start date and completion date of the Plan Update, based on an estimated Consultant selection date in August 2022.
9. References: Submit names, mailing and email addresses, and telephone numbers of municipal officials that we may contact to verify performance on projects identified in the Firm Background section of the submitted Proposal.
10. Verify Firm Capacity: Provide a statement verifying your ability to begin work on the Plan Update and complete the Tasks within the timeframes identified in the Methods and Approaches section of the submitted Proposal based on your firm's current workload capacity.
11. Cost Proposal: Submit a not-to-exceed cost for each listed Task and not-to-exceed total cost for the Plan Update, inclusive of all costs and expenses. The cost proposal shall include not-to-exceed hourly rates for each category of staff involved.
12. Supporting Information: Provide other supporting information that further explains your firm's qualifications and ability to complete the Plan Update.

Tentative Schedule

The tentative schedule for this Request for Proposals is as follows:

- Release of RFP: June 22, 2022
- Deadline for questions: July 8, 2022
- Question responses and/or addenda to RFP: July 22, 2022
- Proposal submission deadline: August 4, 2022
- Selection of Consultant: August 18, 2022

Questions

The deadline for questions regarding the Proposal is July 8, 2022. Questions can be

directed to Town Planner Ken Kovalchik by e-mail only at kovalchikk@togny.org
Responses to questions and/or addenda deemed by Town staff to clarify this RFP will be posted to the Planning Department’s webpage under a hyperlink entitled “2022 Comprehensive Plan Update” no later than July 22, 2022.

Evaluation and Consultant Selection Process

The Town will follow the below process to select the Consultant for the Plan Update:

1. The Committee to evaluate submitted Proposals and recommend a Consultant to the Town Board shall consist of Peter G. Barber, Stephen Feeney, Caitlin Ferrante, Ken Kovalchik, and Christine Napierski.
2. The Committee will review each Proposal submitted by the deadline to determine whether it includes all required materials by the RFP.
3. The Committee shall review the submitted Proposals based on evaluation criteria provided below.
4. After the Committee completes its evaluation of the submitted Proposals, it will narrow down the number of Proposals to a “short list” of Consultants for interviews. The interview process will include a brief presentation by the Consultant and a question and answer session led by the Committee. The Consultant shall bear all costs related to the interview process.
5. The Committee will recommend the selected Consultant to Town Board for approval at a Town Board meeting. The selected Consultant and Town shall enter into a formal agreement for services and approved by the Town Board.

Evaluation Criteria

Firm Background, Project Team, Firm Experience, and MWBE participation	15%
Work samples	10%
Methods and Approaches for Each Task	30%
Understanding of Guilderland	15%
Schedule	10%
Cost Proposal	20%
Total	100%

Appendix – Supportive Plans, Policies, Studies, and Related Materials

Comprehensive Plan, Neighborhood Plans & Studies

- [Comprehensive Plan \(2001\)](#)
- [Fort Hunter / Carman Rd. Neighborhood Transportation Plan \(2003\)](#)
- [McKownville Corridor Study \(2003\)](#)
- [Rural Guilderland: Open Space and Farmland Protection Plan \(2005\)](#)
- [Guilderland Hamlet Neighborhood Plan \(2007\)](#)
- [Route 20 Corridor Study \(2008\)](#)
- [Neighborhood Master Plan for the Guilderland Center Hamlet \(2010\)](#)
- [McKownville Drainage Study \(2010\)](#)
- [Railroad Avenue Area Transportation & Revitalization Plan \(2011\)](#)
- [Westmere Corridor Study \(2016\)](#)
- [Zoning Map](#)
- [Zoning Code \(Town Code Chapter 280\)](#)
- [Subdivision of Land \(Town Code Chapter 243\)](#)

Capital District Regional Planning Commission’s “Town of Guilderland Demographic and Growth Analysis, 1990-2020”

Town of Guilderland – Biking & Trail Studies

- [Parks, Trails & Open Space - UAlbany Graduate Planning Studio \(2020\)](#)
- [Hike Guilderland! \(2019\)](#)
- [Biking in Guilderland \(2004\)](#)
- [Guilderland Pathways Study \(2005\)](#)
- [Pathways Master Plan \(2005\)](#)
- [Walkable Destinations in Guilderland \(2004\)](#)

Conservation Easement Program

Interactive Mapping

Watervliet Reservoir Relicensing Reports (2019-2022)

- [City of Watervliet FERC Application](#)
- [Downstream Fish Passage and Protection Study](#)
- [Downstream Flow Study Report](#)
- [Water Chestnut Control Study](#)
- [Water Quality Monitoring](#)

Normans Kill Riparian Corridor Study (2007)

- [Normans Kill Report](#)
- [Normans Kill Report Maps](#)

Water Gap Analysis – Pace University Land Use Law Center (2019)

- [Water Gap Analysis](#)

GIS Maps

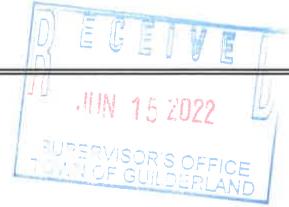
- [Water Systems Map](#)

DRAFT

AGENDA ITEM # 3

Memorandum

TO: TOWN SUPERVISOR
FROM: COMPTROLLER'S OFFICE
SUBJECT: PROCUREMENT AND BUDGET POLICIES
DATE: JUNE 15, 2022



Please consider adopting the attached revised Procurement and Budget Policies.

**TOWN OF GUILDERLAND
LOCAL LAW NO. 6 OF 2022
(ADDING NEW CHAPTER 13 (BUDGET) & NEW CHAPTER 85
(PROCUREMENT AND PURCHASING))**

Be it enacted by the Town Board of the Town of Guilderland that Town Code Chapter 13 (Budget) and Chapter 85 (Purchasing) are replaced in their entirety by new Town Code Chapter 13 (Budget) and Chapter 85 (Procurement and Purchasing).

SECTION 1. The following provisions are added:

**CHAPTER 13
BUDGET**

§ 13-1 Purpose.

The purpose of this chapter is the orderly and proper preparation of the Town budget by setting tasks and deadlines consistent with NYS Town Law.

§ 13-2 Submission of estimated budget revenues and proposed appropriation requests.

The Comptroller shall provide each department with form(s) for estimated revenues and proposed appropriation requests for the next budget year no later than July 1. Each department shall submit estimated revenues and mark proposed appropriation requests on the relevant budget line as critical, important or optional on the provided form to the Comptroller no later than July 15. The Comptroller shall provide the Supervisor with a written estimate of budget revenues, proposed appropriation requests, and indebtedness no later than August 1.

§ 13-3 Submission of tentative budget.

The Supervisor and Comptroller shall review proposed revenues and appropriations, and meet, as necessary, with departments to prepare a tentative budget. The Supervisor shall file the tentative budget with the Town Clerk no later than September 30. The Town Clerk shall present the tentative budget to the Town Board no later than October 5.

§ 13-4 Budget workshops and submission of preliminary budget.

The Town Board shall schedule budget workshops to consider the tentative budget, make revisions, and submit a preliminary budget to the Town Clerk no later than October 26.

§ 13-5 Notice of public hearing and adoption of final budget.

The Town Clerk shall publish notice of a public hearing for preliminary budget that will be held on or before the Thursday immediately after the general election. The public hearing may be adjourned but not beyond November 15. After the public hearing but prior to adoption, final revisions shall be made to the preliminary budget. The Town Board shall adopt the final budget no later than November 20.

**CHAPTER 85
PROCUREMENT AND PURCHASING**

**ARTICLE I
PROCUREMENT POLICY**

§ 85-1 Purpose.

It is the policy of the Town to award contracts for the purchase of goods and services to the lowest bidder at the lowest quote unless there is a determination of “best value” to award a contract to another responsible bidder. With the exceptions noted herein, all goods and services shall be procured pursuant to competitive bidding as set forth in this articles and in General Municipal Law (“GML”) §103. Goods and services that are not required by law to be procured by competitive bidding shall be procured in a manner as to assure the prudent and economical use of public moneys in best interest of taxpayers, and to facilitate the purchase of goods and services of maximum quality at lowest possible cost.

§ 85-2 Annual Review.

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable. The Comptroller shall be responsible for conducting an annual evaluation of the effectiveness of this policy and its procedures, an evaluation of control procedures established to ensure compliance with this policy, and informing the Town Board of any recommended changes.

§ 85-3 Exceptions.

Unless otherwise directed by the Town Board, this article is not applicable to:

- A. The purchase of products and services under \$3,000, and other special department purchasing thresholds approved by the Town Board.
- B. The procurement of professional and technical services, under GML § 104-b(2)(F), that require special or technical skill, training or expertise, are subject to state licensing or testing requirements; and require substantial formal education or training

as a necessary prerequisite to the performance of the service. Professional and technical services shall include, but not be limited to, attorney, physician, engineer, insurance broker, certified public accountant, investment management services, printing services involving extensive writing, editing or artwork, property management, computer software, network management, and management consulting services. The Town Board may require formal bidding for awarding a contract for professional services and shall approve a professional services agreement.

- C. Procurements under GML § 103(3) (county contracts); GML § 104 (certain state and federal contracts); GML § 103(16)(piggybacking on certain government contracts); GML § 104-b (state contracts); State Finance Law § 175-b (agencies for the blind or severely handicapped); Correction Law §§ 184, 186 (articles manufactured in correctional institutions).
- D. Emergency purchases under GML § 103(4) that arise out accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the residents of the Town require immediate action which cannot await competitive bidding, quotes or prior approval. When circumstances warrant, the Town Board shall approve emergency purchases. In the absence of an opportunity for Town Board approval, the Town Supervisor shall authorize emergency purchases, with notice to the Town Board.
- E. Sole-source procurements. Competitive bidding is not required under GML § 103 where there is only one possible source from which to procure goods and services required in the public interest, such as in the case of certain patented goods and services or public utility services. Required quotes may not be required in cases where a manufacturer must be used and the product has no reasonable equivalent. The department head shall document the sole-source procurement on a justification form provided by the Comptroller.
- F. Single source. "Single source" means a procurement in which although two or more offerers can supply the required commodities or services, the department head, upon written findings setting forth the material and substantial reasons therefor, may procure the commodities or services from one offerer over the other. A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. The department head shall document the single source procurement on a justification form provided by the Comptroller.

§ 85-4 Procurement Requirements.

A. Types of procurements

1. **Purchase of Products or Services.** The acquisition of commodities, materials, supplies, equipment or other similar items with no more than incidental labor required shall be procured as follows:

Amount of Purchase (see §3 below)	Requirements
Less than \$3,000	Discretion of department head
\$3,001 to \$10,000	2 written or verbal quotes
\$10,001 to \$20,000	3 written quotes
Greater than \$20,000	Formal bid procedures

2. **Public Works Contract.** Contracts for services, labor, construction, repairs and/or maintenance or other work that include the furnishing of supplies or materials incidental to the work shall be procured as follows:

Amount of Purchase (see §3 below)	Requirements
Less than \$5,000	Discretion of department head
\$5,001 to \$20,000	2 written or verbal quotes
\$20,001 to \$35,000	3 written quotes
Greater than \$35,000	Formal bid procedures

3. **Determination of threshold purchase amount.** The determination of the threshold amount of a purchase shall consider the reasonably expected aggregate amount of all purchases of the same commodities or services to be made within the twelve-month period commencing on the date of purchase. Purchases shall not be artificially divided for the purpose of satisfying or avoiding a purchase threshold requirement.

B. Required documentation.

- (1) Verbal quotes. Verbal quotes shall be documented, including date, description of items or details of the purchase, price quoted, and name of the contact person at the firm, on a quote sheet and forwarded as part of the documentation for payment. An approved purchase order is required prior to purchasing.
- (2) Written quotes. Written quotes can be written, faxed or e-mailed and shall be retained and forwarded as part of the documentation for payment. At a minimum, this documentation shall include the date, description of the purchase, price quoted, and name of the contact person at the firm. An approved purchase order is required prior to purchasing.

- (3) Formal bid procedures. The formal bid procedure shall involve the preparation of a request for proposals ("RFP") with specifications of the requested materials, standards for considering responses, and evaluation criteria. The department head shall receive approval from the Town Board to issue the RFP. The Town Clerk shall publish the RFP in an official Town newspaper and, with input from department head and staff, advertise the RFP in a manner to generate fair competition among multiple vendors. The Town Clerk shall receive and publicly open the responses to the RFP at the specified date, time and place set forth in the RFP. The Town Clerk shall tabulate the responses and provide a copy to the department head. The department head shall prepare a report for the Town Board containing their recommendations for the award to the lowest and best responsible bidder or bidder with the best value as provided in §85-5. The Town Board shall review and, if deemed appropriate, award the contract.
- (4) A good-faith effort shall be made to obtain the required number and type of quotes or bids. If the department head is unable to obtain the required number or type, the department head shall document the attempts. In no event shall the failure to obtain the required number of type of quote be a bar to the procurement. The unintentional failure to comply with this chapter or the provision of GML §104-b shall not be grounds to void action taken or provide a basis for a cause of action against the Town or any officer or employee.
- (5) Any purchase made by using federal funding shall be completed and monitored by adhering to the requirements in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance), Title 2, Subtitle A, Chapter II, Part 200, as may be amended.

§ 85-5 Apprenticeship training program.

- A. Pursuant to NYS Labor Law § 816-b, the Town requires that all contractors and subcontractors entering into any construction contract with the Town to have an established apprenticeship agreements appropriate for the type and scope of work to be performed under the contract, that have been approved by the NYS Commissioner of Labor. Such contractor must provide proof of such apprenticeship participation before entering into a construction contract with the Town.
- B. All contractors and subcontractors entering into any construction contracts with the Town shall make every effort to employ apprentices that reside in the Town.
- C. Definitions. For purposes of this section, the following definitions shall apply:

"Construction contract" shall mean any contract with a value in excess of \$300,000 involving the construction, improvement, rehabilitation, installation,

alteration, renovation, demolition, or otherwise providing for any building, facility, or physical structure of any kind.

“Participation” or “participate” in a New York State registered apprenticeship program means that the contractor or subcontractor is a signatory to a collective bargaining agreement with a labor organization which sponsors an apprentice program registered with the New York State Department of Labor; or individually sponsors an apprenticeship program registered by the New York State Department of Labor; is signatory to or otherwise bound by a project labor agreement covering the project which provides for referral of apprentices. In all cases, such apprenticeship program must be specific to the type and scope of work that is being performed and must have a graduation rate of at least thirty percent, as determined by the New York State Department of Labor.

§ 85-6 “Best Value” Procurement.

- A. Standards for best value. Goods and services procured and awarded based on best value are those that the department head determines are of highest quality while being the most cost-efficient. “Best value” is used as a basis for awarding contracts “to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. The determination of quality and cost-efficiency shall be based on objectively quantified, described and documented criteria, which may include, but shall not be limited to cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.
- B. Documentation. Whenever any contract is awarded based on best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented. All contracts awarded based on best value shall require Town Board approval.

**ARTICLE II
PURCHASING POLICY**

§ 85-7 Purchasing Procedure.

- A. General.
 - (1) The purchasing procedures employed shall comply with all applicable laws and regulations of New York State and shall be subject to Town Board approval.

(2) No Town employee shall be interested financially in contracts entered into by the Town as defined in GML § 800 and shall adhere to the Town of Guilderland Code of Ethics.

B. Request for the payment of an invoice shall be made by the department head on forms provided by the Comptroller's Office. The following procedures shall be followed to document and support all claims:

(1) Department head. The department head is responsible to ensure that:

- (a) Compliance with laws and policies covering procurement and purchasing.
- (b) No expenditure shall be made or obligation authorized unless an appropriation has previously been made and there is, at the time, a sufficient unencumbered balance for the appropriation.
- (c) There are sufficient funds in the proposed budget line or has made an appropriate request for a budget amendment to the Comptroller and Town Board as necessary.
- (d) Any employee violating the policy regarding unauthorized purchases may be held personally accountable for the purchases. Violation of the purchasing policy may result in disciplinary action, up to and including dismissal.
- (e) Goods and services are requisitioned in such a way as to allow time for competitive bidding, ordering, and delivery of materials, except for an emergency purchases as detailed in § 85-3(D).
- (f) Adequate documentation of all action taken in connection with each method of procurement is maintained.
- (g) Sign the claim form and forward it to the Comptroller with the following documentation:
 - (i) Original invoice.
 - (ii) Receiving report, delivery tickets or packing slip for goods received.
 - (iii) Purchase order with required documentation attached.

(2) Comptroller (or designee). The Comptroller shall ensure that:

- (a) The claim contains required documentation, signatures, and approvals.

- (b) The claim is a valid, legal, and necessary obligation incurred by an authorized employee, in its proper form, is mathematically correct, does not include charges previously paid, and complies with all Town policies and procedures.
- (3) Fiscal Officer (or designee). The Fiscal Officer shall ensure that:
- (a) There is an unencumbered balance and adequate funds available in proposed budget line for the proposed purchase.
 - (b) The claim is a valid, legal, and necessary obligation incurred by an authorized employee, in its proper form, is mathematically correct, does not include charges previously paid, and complies with all Town policies and procedures.
- (4) Finance Clerk. The Finance Clerk shall prepare the proposed check run for paying the claim properly processed under this policy, and shall issue the check in payment of the claim after the Town Supervisor has reviewed and signed the proposed check run.
- C. Exceptions to purchasing requirements.
- (1) The use of petty cash to reimburse an employee for authorized incidental purchases as authorized by the Town Board. The use of petty cash should not be considered as a substitute for regular purchasing procedures.
 - (2) Direct payables. A direct payable is used for transactions that are preapproved and contractual in nature, or which have already taken place, and where other purchasing methods would not apply, including:
 - (a) Utilities: phones, gas and electric.
 - (b) Insurance benefits: health, dental and other personnel expenses.
 - (c) Postal fees.
 - (d) Police contraband fund.
 - (e) Bond payments (bank transfer).
 - (f) Retirement disbursement to New York State.
 - (g) Payment of county taxes.
 - (h) "Pass through" grants.
 - (i) Payroll direct payables.
 - (j) Refunds.
 - (3) Travel and conference expenditures. Travel and conference expenses shall be approved in advance by the department head pursuant to the travel policy.

Preapproval by the department head or Town Supervisor is required for all overnight travel. These expenses are reimbursable on the claim form, or preapproved payment may be made on a Town credit card.

§ 85-8 Credit cards.

Town-issued credit cards may be used by authorized persons for purchases authorized under this policy, as follows:

- A. The Comptroller may be authorized to contract with a credit card company, bank or vendor to obtain credit.
 - (1) The total aggregate credit line request shall not exceed \$30,000.
 - (2) The Town Supervisor shall authorize all cardholders and approve a credit limit for each.
- B. Persons are authorized to use Town-issued credit cards under the following conditions:
 - (1) All cardholders shall sign the acknowledgment of card receipt and cardholder agreement.
 - (2) In no event can the purchases on a credit card circumvent the purchase order process. All transactions require a purchase order to be issued to the credit card company.
 - (3) Credit cards are to be used only for authorized Town purchases.
 - (4) No sales tax is to be charged on any purchases except for gas, restaurants and out-of-state hotel bills.
 - (5) Any misuse of the credit card shall result in revocation of the card and, if necessary, appropriate disciplinary action.
- C. Authorized credit card transactions include but are not limited to:
 - (1) Travel and conference expenditures, including registration fees, hotel, rental car, food and gas expenditures.
 - (2) Webinar fees.
 - (3) Internet purchases.
 - (4) Dues and subscriptions.
- D. Credit cards should not be used for vendors with which the Town has an established credit account.
- E. If it is necessary to make frequent credit card purchases at the same local vendor, the establishment of a credit account with that vendor may be warranted.

- F. All purchases of goods or services transacted with a credit card shall comply with all other sections of this policy.
- G. All required documentation shall be promptly forwarded to the Town Comptroller's Office so that any charges incurred are paid within the applicable grace period to avoid incurring finance charges.

§ 85-9 Petty Cash.

- A. General. Each year, the Town Board shall designate, by resolution, the Town departments that are authorized to use petty cash funds, the purpose(s) for the use of petty cash funds, and the authorized amounts.
- B. Process.
 - (1) Amount. Unless otherwise approved by the Town Board, the amount of petty cash funds shall not exceed \$300 per authorized department. Any disbursements from petty cash funds shall not exceed \$25 for any single transaction.
 - (2) Replenishment. Petty cash funds may be replenished by an authorized Department providing the Comptroller with the following: (1) signed claim form listing all disbursements from petty cash funds since the date that funds were last replenished; and (2) receipted bills supporting such disbursements. The Comptroller shall replenish petty cash funds from the appropriate budget line(s) in an amount equal to the total of approved disbursements.
 - (3) Authorized department responsibility. A department head whose department is authorized to use petty cash funds shall:
 - (a) Designate a department employee who is responsible for the safekeeping of funds in a safe and secure location.
 - (b) Record all petty cash transactions in a written account log.
 - (c) Maintain original receipts supporting the use of petty cash.
 - (d) Reconcile on a monthly basis the petty cash-on hand and unreimbursed receipts against the authorized petty cash amount.
 - (e) Provide a yearly accounting of the petty cash account to the Comptroller.

§ 85-10 Conflict of interest.

Any Town officer or employee who has, will have, or acquires an interest in any actual or proposed contract with the Town of which the person is an officer or employee shall publicly disclose the nature and extent of such interest in writing to the Town Board as

soon as the person has knowledge of an actual or prospective interest. This written disclosure shall be made part of the official minutes of the Town Board. If an officer or employee has a reason to believe that the person may have a conflict of interest, the Town Attorney should be contacted immediately.

SECTION 2. SEQRA Determination. The Town Board declares that this Local Law is an Unlisted Action under the State Environmental Quality Review Act and determines that it will not have a significant impact upon the environment and that a negative declaration should issue.

SECTION 3. Inconsistency. Any local law, ordinance, resolution or portions thereof of the Town of Guilderland not consistent with this Local Law in whole or in part shall be repealed.

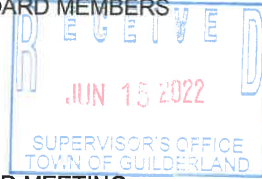
SECTION 4. Severability. If any provision of this Local Law or the application thereof shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 5. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

AGENDA ITEM #4

Memorandum

TO: TOWN SUPERVISOR, TOWN BOARD MEMBERS
FROM: FISCAL OFFICER
SUBJECT: BUDGET MODIFICATIONS
DATE: TOWN OF GUILDERLAND BOARD MEETING
 JUNE 21, 2022



- ▶ In accordance with authority in Town Law Section 112, consider authorizing the following budget modifications to provide additional funding for amounts made or to be made in excess of the appropriation provided in the 2022 adopted budget.

Department	Object	Code	Increase/ (Decrease)
1 <i>To approve the appropriation of ARPA funds for the purchase of CHAMP audience router/remote meeting integration and to amend the budget to increase both revenue (Federal ARPA Aid) and expenditure for the purchase. Note this purchase goes along with the media room equipment that was approved and purchased in March of 2022.</i>			
General Fund Revenue	Federal Aid	A4089	6,500.00
Information Technology	Equip/Capital Outlay	A1669.2	6,500.00