

Resolutions for September 13, 2017

Resolution #2017-48 Local Law #____-2017 “ Best Value Competitive Bidding and Procurement Law”

WHEREAS, the Enfield Town Board wishes to pass the following Local Law called "Best Value Competitive Bidding and Procurement Law" and

WHEREAS, a public hearing was held on the matter on August 9, 2017, now therefore be it

RESOLVED, that the following draft Local Law #____2017 be passed by the Enfield Town Board:

BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT LAW

Section 1. Title

This Local Law shall be known as the “Town of Enfield Local Law No. ____.” A local law Authorizing Best Value Competitive Bidding and Procurement.”

Section 2. Legislative Intent and Purpose

The intent of this law is to allow the Town Board the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under § 103 of the General Municipal Law on the basis of a low bid or “best value” as defined in §163 of the New York State Finance Law.

Section 3. Authority

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the Town of Enfield to enter into contracts and engage in contracting for services.

Section 4. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law §103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law. The “best value” option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award Based on Best Value.

The Town Board may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance law §163. All contracts or purchase orders awarded based on best value bidding bases shall require Town Board approval.

C. Applicability.

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York General Municipal Law §103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be

superseded by such §103 and this local law shall be read as if the number are amended to conform to said §103.

D. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost, and efficiency among responsive and responsible bidders, as set forth in the procurement policy of the Town, as time-to-time and hereafter amended by the Town Board.
2. Where possible the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors; longer product life; product performance criteria; quality of craftsmanship.

E. Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

F. Piggybacking of purchases.

Notwithstanding the provisions of this Local Law, the Town of Enfield may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. The Town of Enfield may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

1. Pursuant to General Municipal Law § 103 the Town of Enfield may purchase through the bids solicited and bid lists generated by the United States government and New York State (and its political subdivisions and school districts) whenever such bids or bid lists are generated in a manner as complies with said § 103.
2. If not a bid or list generated by a New York State governmental body or agency, then whenever such contract or bid lists were let in a manner consistent with or materially equivalent to the requirements of the State of New York as reflected in the policy and language of said § 103.
3. The Town may also piggyback upon any contract or foreign bid or bid list specifically approved for piggybacking through the New York State Office of General Services, as well as foreign bids and bid lists (mainly, of sister states) that meet the above criteria for piggybacking as set forth in sections 4(F)(1) or 4(F)(2) of this local law, immediately above.

G. Procurement Policy Superseded Where Inconsistent.

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this Local Law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this local law.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

This local law shall take effect immediately.

**Resolution #2017 - _____ ESTABLISHING ENERGY BENCHMARKING
REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Enfield is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Enfield Board desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Enfield; and

WHEREAS, as such the Town of Enfield Board desires to establish procedure or guideline for Town of Enfield staff to conduct such Building Energy Benchmarking; and now therefore, it is hereby **RESOLVED**, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Enfield;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Enfield that is 1,000 square feet or larger in size.

(D) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(E) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(F) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(H) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(I) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(J) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(K) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all covered municipal buildings as defined in Section 2 of this policy.

(2) The Town Supervisor may exempt a particular covered municipal building from the benchmarking requirement if the Supervisor determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1 every year, the Town Supervisor or his or her designee shall enter into Portfolio Manager the total energy consumed by each covered municipal building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new covered municipal buildings that have not accumulated 12 months of energy use data by the first applicable date following occupancy for inputting energy use into Portfolio Manager, the Town or his or her designee from the Town shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Town shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for covered municipal buildings; and

(2) The Town shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on energy consumption for covered municipal buildings derived from aggregation of Benchmarking Information; and

(b) For each covered municipal building individually:

(i) The status of compliance with the requirements of this policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Town Supervisor or his or her designee from the Town shall be the Chief Enforcement Officer of this policy.

(2) The Chief Enforcement Officer of this policy may promulgate regulations necessary for the administration of the requirements of this policy.

(3) Within thirty days after each anniversary date of the effective date of this policy, the Chief Enforcement Officer shall submit a report to the Town of Enfield including but not limited to summary statistics on energy consumption for covered municipal buildings derived from aggregation of Benchmarking Information, a list of all covered municipal buildings identifying each covered municipal building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this policy.

FURTHER RESOLVED, the Town of Enfield Board, does hereby authorize and direct the Supervisor to execute such other and additional documents as may be required to perfect the resolutions herein.

Resolution #2017-_____ CEMETERY FEES

WHEREAS the Cemetery Committee has made a recommendation that interments fees be raised and the Cemetery Caretaker be compensated for his services, now therefore be it

RESOLVED, that the following fee schedule be adopted by the Town:

Interment - A fee of five hundred twenty-five dollars (\$525) (\$475 + \$50 to cover cost for Cemetery Caretaker) for opening and closing a plot shall be charged.

Cremation burials - A fee of three hundred and twenty-five dollars (\$325) (\$275 plus \$50 to cover cost for Cemetery Caretaker) shall be charged.

RESOLUTION #2017 - _____

TOWN OF ENFIELD CHOOSES CIVILITY RESOLUTION

WHEREAS, the right to self-expression and free speech are fundamental rights and essential in preserving democratic values and promoting the common good;

WHEREAS, a robust exchange of ideas is necessary to the health of society as well as in the discourse of public and private organizations working for the common good;

WHEREAS, civility in discourse contributes to the well-being of a community, underscores its general health and wellness and depends in great part on how a community's members treat each other;

WHEREAS, embracing civility allows diverse and impassioned opinions and viewpoints to be considered with respect and due consideration in an inclusive and respectful environment for members of the governing body as well as for the public;

WHEREAS, concern for the common good and well-being of all citizens is one of the highest virtues in a democratic society;

WHEREAS, every citizen is responsible for demonstrating such behavior; and,

WHEREAS, the Town of Enfield promotes civil behavior between and by its board members, committee members, staff and residents, now, therefore be it

RESOLVED to exhibit and encourage the kinds of personal qualities that are typical in a civil society—gratitude, humility, openness, passion for service to others, propriety, kindness, caring, sense of duty, and a commitment to doing what is right in the Enfield community. All Enfield board members, committee members and staff shall strive to:

1. Treat everyone courteously
2. Listen to others respectfully
3. Give open minded consideration to all viewpoints
4. Focus on the issues and avoid personalizing debate
5. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions and

BE IT FURTHER RESOLVED that Enfield board members, committees and staff shall strive to promote the use of and adherence to these guidelines in all Enfield community activities.