

**HOPKINTON FIRE DISTRICT**

 2876 State Highway 11B

Hopkinton, New York 12965

(315) 328-4682

Board of Fire Commissioners Special Meeting Minutes – November 29, 2022

Present: Richard Powers, Ernest Wood, Rob Stillwell, Sue Wood, Joachim VanElls, Earl McBride

Absent: Carl Pitts

Guest: Greg Crump, Peggy and Jeff Burnham, Dave Perry, Steve Parker, Vickie French, Susan Lyon, Brooks Washburn, Dick Eakins

The meeting was called to order at 7:00 p.m. by Chair Joachim VanElls followed by the Pledge of Allegiance.

The meeting was called regarding two (2) issues – bid not awarded to low bidder and the low bidder did not name the Hopkinton Fire District but named the Town of Hopkinton instead. Carl Pitts, who was not able to attend the meeting, sent his response in email and stated the bid should go to the lowest bidder.

Brooks Washburn stated he was out of town the evening the bids were opened and would like to say a few words. His company does bid processes all the time. Heritage Homes was the low bidder but due to an error they withdrew their bid. When bids are put together the cost of bonds are deducted. NYS does not certify contractors. The work is done in steps and paid at end after review and the architect signs off. Northern Tier had an error naming the Town of Hopkinton that was blamed on the secretary. Without the bonds, the final prices were:

 Northern Tier $69,000

 Friend Commercial $70,976

Chair VanElls stated that the bid directions were clear. Surety & Bid Bond documents were submitted from both. Friend Commercial Contracting complied with the bid specifications while Northern Tier did not as they named Town of Hopkinton not Hopkinton Fire District. Brooks Washburn stated this could be changed with a new sheet.

Ernest Wood stated that time is on our side. We could throw out all the bids and rebid. We also could take the spoils form the retention pond and fill in the basement. Brooks stated this could not be done as was not specified in the bid and also not recommended. Number 2 stone was specified. Joachim VanElls stated if the project is rebid that the specifications would need to change. An example would be to include the hauling away of material. Peggy Burnham asked why the original bid can be awarded? Joachim VanElls explained that after the awarding of the bid, a letter was sent to Northern Tier informing them of the decision. This was approved by the district attorney. Northern Tier filed a complaint, although nothing official was received by the district, regarding the notation about a woman owned business. Peggy Burnham noted that when the motion was made there was nothing mentioned regarding a woman owned business – only best value and a local business. Joachim VanElls stated that since he was not present at that meeting, he relied on an email which was sent from Richard Powers. Richard Powers stated that he made the assumption based on the criteria for Best Value. He did not realize that the company was not certified. Peggy Burnham asked if there is a law stating you don’t need to take low bids. Brooks Washburn stated that Northern Tier can file Article 78 and take the district to court. Joachim VanElls again stated that Northern Tier did follow the instructions, but all the other bidders had the correct information. He had relayed to information to Corey Mousaw.

Greg Crump asked if the business had stated they were woman-owned and certified and did they mention that they were not going to take all the debris to the landfill? Joachim VanElls stated that this was not in the specifications that were submitted.

Dick Eakins asked why Heritage was allowed to withdraw their bid. The specifications gave 3-5 days for this. If the project is rebid, why would the district be responsible for the tipping fees? Based on the fees, you really don’t know who the low bidder is. Brooks Washburn mentioned that he knows all the contractors and none of them are dishonest. Dave Perry stated that since time is on our side, the tipping fees are one step in the award. The best course of action would be to rebid. Joachim VanElls stated that the specifications would need to be revised. We could take out the tipping fees and go through the process again. Brooks Washburn questioned what the advantage would be. Vickie French stated that the rules were there for all, and all had the same packets and only one (1) company had an error. Rob Stillwell asked what the cost would be for the district to rebid. Brooks Washburn stated it would be approximately $700-$800 for the advertisement. Ernest Wood (Joachim VanElls) moved to make a motion that the bid remains awarded to Friend Commercial. All in favor; motion carried.

Joachim VanElls will send another letter. Brooks Washburn asked why they were planning to use the $2500 if the bond is not needed. Richard Powers (Rob Stillwell) moved to accept the bid without the bond. All in favor; motion carried.

Joachim VanElls noted that the district did not get the ARPA funds from the IDA. Therefore, we need to apply for the bond anticipation note from Community Bank. Richard Powers (Rob Stillwell) moved to apply for the note through Community Bank. All in favor; motion carried. This would be rolled into the loan for the building at 5.49% interest through the bond counsel.

Vickie French inquired about the hiring of the Clerk of the Works. She feels that one is needed since this is such a big expense. Brooks Washburn stated that the architect would go out and make inspections. Dick Eakins agreed that a Clerk of the Works is needed and to have a say in the specifications for the building before it goes out to bid. This will be put on the December agenda.

Richard Powers (Rob Stillwell) moved to adjourn the meeting. All in favor; motion carried. The meeting adjourned at 7:43 p.m.

Minutes submitted by Sue Wood, Secretary