

**Village of Port Dickinson
Monthly Board Meeting
July 9, 2013
Port Dickinson Elementary School**

Officers Present:	Mayor	Kevin M. Burke
	Trustees	Robert Aagre Michael Cashman Richard Felo Herbert Kline Susan Fox Cheryl Miller
	Attorney	
	Clerk	
	Treasurer	
Absent:	Trustee	Michael Blakeslee

The regular monthly meeting was called to order at 6:00 pm by Mayor Kevin Burke

PUBLIC HEARING:

1. Proposed Local Law 9-2013 amending Chapter 24 of the Village Code entitled "Brush, Grass and Weeds"

Mayor Burke explained that the amendment would shorten the notice time from 10 days personal service and 15 days mail service to 5 days personal service and 10 days mail service for the Enforcement Officer to order cut/removal of long grass, brush, or weeds. Mayor Burke responded to a question that the Code covers the entire property. Mayor Burke reported that there is an Affidavit of Posting by the Village Clerk on the Village Sign Board, an Affidavit of Publication of Publishing of the legal notice in the Press & Sun Bulletin, and the Short EAF has been filed.

Motion by Trustee Cashman, seconded by Trustee Aagre to close the Public Hearing:

AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE

APPROVAL OF MINUTES:

Motion by Trustee Aagre, seconded by Trustee Felo, for approval of the minutes of the June 11, 2013 and June 25, 2013 meetings

AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE

PUBLIC COMMENT:

TREASURER'S REPORT:

Written report on file with the Village Clerk. Donations left in the Park box total \$53. The first sewer billing was sent to the Town of Dickinson under the new contract.

AUDIT AND PAYMENT OF CLAIMS (abstract 47, 2013-2014):

Motion by Trustee Felo, seconded by Trustee Cashman, to pay claims No. 1-39 as listed on the Abstract of Unaudited Vouchers for the General Fund for \$37,066.39

AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Felo, to pay claims No. 31.42-46 as listed on the Abstract of Unaudited Vouchers for the Water Fund for \$24,463.73

AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Cashman, to pay claims No. 14, 31, 40-41 as listed on the Abstract of Unaudited Vouchers for the Sewer Fund for \$2,150.12

AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE

COMMUNICATIONS:

COMMITTEE REPORTS:

Administration/Community Association: No report

Parks/Water/Sewer: Written report on file with the Village Clerk.

Planning Board: None

Public Safety: Written report on file with the Village Clerk.

Public Works : NYS has started surveying on Chenango St, near the intersection with Grant St which would be the 1st step toward beginning their work. Mayor Burke is in discussion with Larry Lepak, NYS Flood Control Engineer, regarding a pump not working near the levee at King Ave. NYS is researching ownership to determine who is responsible for repair/replacement of the pump. Trustee Cashman and Treasurer Miller have determined that the project would be eligible for CHIPS funding, should the Village be deemed responsible, as the water is from highway runoff.

Zoning: None

RESOLUTIONS:

1. Motion by Trustee Aagre, seconded by Trustee Felo, for a Resolution authorizing the adoption of the Broome County Multi-Jurisdictional all-Hazard Mitigation Plan
AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE
2. Motion by Trustee Cashman, seconded by Trustee Felo, for a Resolution approving the SEQR determination for LL 9-2013, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 24 of the Village Code entitled "Brush, Grass and Weeds"
AYE TRUSTEES AAGRE, CASHMAN, FELO
NAY NONE
3. Motion by Trustee Felo, seconded by Trustee Aagre, for a Resolution approving LL 9-2013, A LOCAL LAW OF THE VILLAGE OF PORT DICKINSON AMENDING CHAPTER 24 of the Village Code entitled "Brush, Grass and Weeds"
AYE MAYOR BURKE, TRUSTEE AAGRE, TRUSTEE FELO
NAY TRUSTEE CASHMAN

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Port Dickinson for a public hearing to be held by said Board at the Port Dickinson Village Hall, 786 Chenango Street in said Village, at 6:00 o'clock P.M. on July 9, 2013 to hear all interested parties on a proposed Local Law entitled "A Local Law of the Village of Port Dickinson Amending Chapter 24 of the Village Code Entitled 'Brush, Grass and Weeds'", as amended, and

WHEREAS, notice of said public hearing was duly advertised in the Press & Sun-Bulletin, the official newspaper of the Village, on July 2, 2013, and posted on the Village Clerk's sign board on July 1, 2013, and

WHEREAS, said public hearing was duly held at the Port Dickinson Village Hall at 6:00 o'clock P.M. on July 9, 2013, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Board of Trustees that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Board of Trustees, after due deliberation, finds it in the best interest of the Village to adopt said Local Law,

NOW, THEREFORE, the Board of Trustees hereby adopts said Local Law as Local Law No. 9-2013 entitled "A Local Law of the Village of Port Dickinson Amending Chapter 24 of the Village Code Entitled 'Brush, Grass and Weeds'", a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State.

4. Motion by Trustee Aagre, seconded by Trustee Felo, for a Resolution adopting the following Procurement Policy.
 AYE TRUSTEES AAGRE, CASHMAN, FELO
 NAY NONE

5. Motion by Trustee Felo, seconded by Trustee Cashman, for a Resolution approving Change Orders 3, 4 and 5 on the Elevator Addition & Renovation Project
 AYE TRUSTEES AAGRE, CASHMAN, FELO
 NAY NONE

OLD BUSINESS:

1. Attorney Kline reported that Judge Fitzgerald awarded the Village \$500 for expenses and \$485 for Court costs in the Rutherford matter. A judgement has been filed with the Broome County Clerk.

ADJOURNMENT: Motion by Trustee Aagre, seconded by Trustee Felo for a motion to adjourn at 6:20 PM.

AYE TRUSTEES AAGRE, CASHMAN, FELO
 NAY NONE

Respectfully submitted,

Susan E. Fox

**A RESOLUTION OF AUTHORIZING THE ADOPTION OF THE
BROOME COUNTY MULTI-JURISDICTIONAL
ALL-HAZARD MITIGATION PLAN**

WHEREAS, all of Broome County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Broome County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Broome County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Sanford (the "Town") in regular session duly convened that the Town:

- 1) Adopts its entirety, the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

This resolution shall take effect immediately.

PROCUREMENT POLICIES AND PROCEDURES FOR VILLAGE OF PORT DICKINSON

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurement of goods and services which are not required by law to be publicly bid, and

WHEREAS, Comments have been solicited from all officers in the Village of Port Dickinson involved in the procurement process,

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Village of Port Dickinson, in regular session duly convened, that the Village of Port Dickinson does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

I. Procedures for determining whether a procurement is subject to bidding.

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and for documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: Every prospective purchase or contract must be reviewed to determine whether it is a “purchase contract” or a “public works contract”. Purchase contracts involve the acquisition of commodities (materials, supplies, or equipment), while contracts for public work involve services, labor, or construction. When a contract involves acquisition of both goods and services, the Village shall review, on a case-by-case basis, the “total character” of each procurement. If a contract involves a substantial amount of services so that the acquisition of commodities is only incidental to the work, or when the component of the contract requiring goods cannot be separated from the services, the Village shall consider it a contract for public work for purposes of the bidding threshold. Conversely, if services or labor are only minor or incidental to the acquisition of goods, the Village shall consider it a purchase contract.

In making determinations about dollar amounts purchases should be evaluated and categorized based on what the Village will spend for the same or similar items or services over the fiscal year not merely in the single instance. Prior years budgetary appropriations should be referred to for this information and compared with current projections.

After such determination, the procurement must be examined and categorized as follows:

1. Competitive Bidding is not required if the procurement falls into any of the following categories:
 - a) **Professional services or services requiring special or technical skill, training or expertise**—The individual or company must be chosen based on accountability, reliability,

responsibility, skill, education and training, judgment, integrity and moral worth.

In determining if something fits this category look at:

(1) Whether the services are subject to state licensing or testing requirements;

(2) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(3) Whether the services require a personal relationship between the individual and municipal officials.

b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law—these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents.

c) Purchases of surplus and second-hand goods from any source

d) Purchase contracts under \$20,000

e) Public works contracts under \$35,000

f) Sole Source—When it can be justified that this supplier is the only source which can manufacture a product or provide a service so that there is no possibility of competition (i.e. patent, directed by law, possesses unique expertise).

g) Single Source—Source identified as the result of previous standardization of a specific purchase when there are no other suppliers of that item for the Village service area.

h) Lease of equipment with operators so long as the project is under the complete control and supervision of the Village

i) Other—Procurements made pursuant to General Municipal Law § 103 (3) (through certain county contracts), § 103(8) (certain municipal hospital or nutrition program purchases), § 103(9)-(10) (certain food and milk purchases), § 104 (through certain State and Federal contracts), State Finance Law § 162, Correction Law §§ 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions).

2. Competitive Bidding OR Best Value:

a). Purchase contract of \$20,000.00 or more; except purchase contracts necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

b). Contracts for public works of \$35,000.00 or more; except purchase contracts necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

3. Competitive Bidding Only.

a) Purchase contract of \$20,000.00 or more necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

b) Contracts for public works of \$35,000.00 or more necessary for the completion of a public works pursuant to Article 8 of the State Labor Law.

B. Documentation - Determination that a purchase is not subject to competitive bidding requirements shall be documented as follows, and kept with the records of the purchase:

1. Copies or notations of all written dollar amounts.
2. Notation of all verbal dollar amounts.
3. Reference to prior years budgetary purchase amount information when used to make a determination under “Other Analysis” above.
4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.

5. In the case of “best value” the basis for determining best value, as well as the justifications behind the choice must be thoroughly and accurately documented.

6. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

Whenever any contract is awarded to other than the lowest responsible offerer, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b as set forth herein above shall be documented as follows:

Notations and/or copies of all documents, and notations of verbal or other data justifying why any purchase is made from other than the lowest responsible vendor or contractor submitting a complying quotation or proposal, as being in the best interest of the government unit, shall be included with the purchase records. If full compliance with this provision is not practical, a written note of explanation shall be made and placed with the purchase records.

II. Methods of Competition to be used for Non-Bid Procurement When the requirements of competitive bidding/offering are not required, the Village shall utilize the following requirements for achieving competition:

	Verbal Quotes			Written Quotes		RFP	Other
	0-1	2 or more	3 or more	2	3 or more		
Purchase Contracts							
Up to \$250	X						
\$251 - \$1,000		X					
\$1,001 - \$2,000			X				
\$2,001 - \$10,000				X			
\$10,001 - \$19,999					X		
\$20,000 or above						X	
Contracts for Public Works							
Up to \$1,000	X						
\$1,001 - \$5,000		X					
\$5,001 - \$10,000			X				
\$10,001 - \$20,000				X			
\$20,001 - \$34,999					X		
\$35,000 or above						X	
Professional and Consulting Services							
Up to \$2,000						X	
\$2,001 - \$4,000						X	
\$4,001 - \$20,000						X	
\$20,000 or above						X	
Emergencies							a,b
Insurance							a
True Leases (Other than School districts)							a
Second-Hand Equipment from other Governments							a
Certain Food & Milk Purchases (Schools)							a
Certain Municipal Hospital Purchases							a
Sole Source (For example, patented or monopoly items)							a

(a) All available verbal and written quotes shall be presented to the Village Board, which shall determine whether the proposed procurement is cost effective and in the best interest of the Village. Note, the number of verbal or written quotes are suggestions. It is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available.

(b) Where by virtue of the nature of the emergency option, a review by the Village Board is not available, approval may be given by the Village Mayor or Acting Village Mayor, or any Village Board Member of the appropriate legislative committee.

III. "Piggybacking" Law.

A. Contract subject to Piggybacking: Pursuant to Section 103(16) of the General Municipal Law, purchases of equipment and services may be made through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding consistent with New York State Law and the contract must be made available for use by other governmental entities. Purchases made in accordance with Section 103(16) are not subject to the competitive bidding requirements of Section 103 of the General Municipal Law.

Guidelines found at: www.ogs.state.ny.us/procurecounc/pdfdoc/pgbcI288.pdf

B. Authorization to Piggyback: Pursuant to and in accordance with GML section 103(16), the Village of Port Dickinson is hereby permitted to “piggyback” off of other municipal contracts, as described above, as well as, in the Village’s discretion, open up its own purchase and public works contracts to other appropriate municipalities.

IV. Minority and Women-Owned Business Enterprises (M/WBE) and Section 3 Businesses Participation in Procurement and Contracting:

As part of the Village’s efforts to affirmatively increase procurement and contracting opportunities for minority and women-owned businesses and Section 3 businesses, as defined by the U.S. Department of Housing and Urban Development, the Village will solicit up to three quotes or bids (depending on the item(s)/services to be purchased/contracted) from certified M/WBEs and Section 3 businesses as part of its procurement process, when appropriate. All purchase/contracting thresholds referenced herein will apply.

For purposes of the above, an M/WBE must be certified by the Empire State Development Corporation (ESDC) through the Division of Minority and Women Business Development. The Village will document any M/WBE and/or Section 3 solicitation in its files and any responses thereto.

V. Input from Officers:

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VI. Annual Review.

The governing board shall annually review these policies and procedures. The Village Mayor shall be responsible for conducting an annual review of the procurement policy. The annual review will be made during annual budget preparation, or such other time as the Village Mayor may designate.

VII. Unintentional Failure to Comply:

It is the purpose of this policy to assist Village of Port Dickinson officials in obtaining the best value for the Village of Port Dickinson, New York, consistent with the stated purpose of this resolution. It is acknowledged that perfect compliance is not always practical. In such cases, consistent with the requirement of GML Section 104, the reasons for any deviations shall be noted with the purchase files. Furthermore, the unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Village of Port Dickinson or any officer or employee thereof.

VIII. Repealer.

All prior Ordinances, Local Laws, Policies and parts thereof inconsistent with this Resolution are hereby repealed.