

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

PRESENT: Supervisor Ed Fairbrother
 Council Andy Gillette
 Bob Adams
 Lee Giammichele
 Mike Saglibene
 Attorney Tom Reilly
 Town Clerk Linda Cross

Supervisor Fairbrother called the Water Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

Councilmen Saglibene, introduced Nicole Cross a senior at Horseheads High School. Nicole is the new Junior Councilperson, she will receive the same packet at the Councilmen, if people have questions they can call her. Councilmen Saglibene stated we are interested in getting young people involved. She will be involved in all the discussions, but not vote. Supervisor Fairbrother welcomed Nicole, and mentioned that she will miss some meetings due to practice, she is an athlete.

NEW BUSINESS

RESOLUTION NO. 56-15
PERMANENT APPOINTMENT TO THE POSITION OF WATER OPERATOR 1 TRAINEE,
WATER DEPARTMENT APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Water Board created a third position of Water Operator 1 Trainee for the Water Department, and

WHEREAS Joshua Stermer had been appointed by the Water Board to the Water Operator 1 Trainee position on a provisional basis, Resolution 122-14, and he has taken the required Civil Service test, held on June 21, 2014, and is eligible for hire on the current Civil Service list as a result of that test, and

THEREFORE that employee Joshua Stermer will serve a probationary term, consistent with Civil Service Law, of nine weeks starting 1/29/2015 and ending 3/31/2015.

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such, no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board accepts the recommendation of the Town Supervisor, Commissioner of Public Works and the Water Systems Supervisor and hereby appoints Joshua Stermer to the position of Water Operator 1 Trainee to the Big Flats Water Department, effective January 29, 2015, and that he receive full Town benefits and be entitled to

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO. 56-15, PERMANENT APPOINTMENT TO THE POSITION OF WATER OPERATOR 1 TRAINEE, WATER DEPARTMENT APPROVED continued

the benefits of and subject to the terms and conditions of the current CSEA contract and Town Employee Handbook, as amended, and that the Town Supervisor is hereby authorized to complete and sign the appropriate report of Personnel Change and Extended Payroll Certificate (“RPC”) for this hiring.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 57-15
WATER DEPARTMENT ENCUMBRANCE FUNDS

Resolution by: Giammichele
Seconded by: Adams

RESOLVE the Water Board authorizes the following encumbrance:

Please authorize the following encumbrances:

Water District #1

Data processing –CO-S1.1680.0200	8,376.30
Administration –CO-S1.8310.0200	38,190.27
S of S Power & Pump-CO-S1.8320.0200	<u>55,983.58</u>
	102,550.15

Water District #2

Data processing –CO-S2.1680.0200	8,376.30
Administration –CO-S2.8310.0200	38,190.27
S of S Power & Pump-CO-S2.8320.0200	<u>23,709.00</u>
	70,275.57

Water District #3

Data processing –CO-S3.1680.0200	3,064.50
Administration –CO-S3.8310.0200	13,972.05
S of S Power & Pump-CO-S3.8320.0200	<u>9,032.00</u>
	26,068.55

Water District #4

Data processing –CO-S4.1680.0200	612.90
Administration –CO-S4.8310.0200	<u>2,794.41</u>
	3,407.31

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO. 58-15
2014 ACCOUNT PAYABLES APPROVED

Resolution by: Adams
Seconded by: Saglibene

RESOLVE the Water Board approve the following 2014 Account Payables:

WATER FUND:

Blair Supply Corp.	S1.8340.0400	\$	480.81
	S2.8340.0400	\$	480.81
	S3.8340.0400	\$	181.18
	S4.9060.0800	\$	150.81
Dig Safely NY Inc.	S1.8310.0400	\$	5.36
	S2.8310.0400	\$	3.36
	S3.8310.0400	\$	1.28
NYSEG	G1.8120.0400	\$	27.89
	SL.5182.0400	\$	442.36
	S1.8320.0400	\$	1,153.78
	S2.8320.0400	\$	1,002.34
	S3.8320.0400	\$	367.41
Microbac Laboratories Inc	S1.8320.0400	\$	77.50
	S2.8320.0400	\$	77.50
	S3.8320.0400	\$	29.52
	S4.8320.0400	\$	15.38
Five Star Bank	S1.8310.0400	\$	111.85
	S2.8310.0400	\$	111.85
	S3.8310.0400	\$	40.92
	S4.8310.0400	\$	8.18
	S4.8330.0400	\$	19.98
	S1.8340.0400	\$	131.55
	S28340.0400	\$	189.89
	S38340.0400	\$	48.13
	S48340.0400	\$	9.61
Hunt Engineering	S1.1440.0400	\$	522.36
	S2.1440.0400	\$	522.36
	S3.1440.0400	\$	198.99
Integrey Energy Service	S1.8320.0400	\$	783.03
	S2.8320.0400	\$	784.79
	S3.8320.0400	\$	298.29
Everett J. Prescott, Inc.	S1.8340.0400	\$	375.46
Ross Valve Mfg. Co , Inc	S1.8320.0400	\$	494.54
	S2.8320.0400	\$	494.54
	S3.8320.0400	\$	188.41
Staples Advantage	S1.8310.0400	\$	4.02
	S2.8310.0400	\$	4.02

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO. 58-15, 2014 ACCOUNT PAYABLES APPROVED continued

Staples Advantage	S3.8310.0400	\$	1.47
	S4.8310.0400	\$.29
Twin Tier Wallcovering	S1.8320.0400	\$	229.38
Vacri Construction Corp.	S1.8320.0200	\$	66,627.42
Verzion Wireless	S1.8310.0400	\$	47.97
	S28310.0400	\$	47.97
	S3.8310.0400	\$	17.55
	S4.8310.0400	\$	3.51

RESOLVE the Sewer Board approve the following 2014 Account Payables:

NYSEG	G1.8120.0400	\$	27.89
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CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

Since there was no further business to come before the Water Board, Supervisor Fairbrother closed the Water Board meeting at 7:08 P.M.

Supervisor Fairbrother Opened the Town Board Meeting at 7:09 p.m.

CONCERNS OF THE PEOPLE - None

MINUTES

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board Minutes of December 10, 2014 as presented. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of December 29, 2014 as presented. All in favor, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Saglibene to approve the Organizational Meeting Minutes of January 14, 2015 as presented. All in favor, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Saglibene to approve the Town Board Meeting Minutes of January 14, 2015 as presented. All in favor, motion carried.

UNFINISHED

RESOLUTION NO. 59-15
THE TOWN OF BIG FLATS PROCUREMENT POLICY AMENDED

Resolution by: Adams
Seconded by: Giammichele

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

**TOWN OF BIG FLATS
PROCUREMENT POLICY**

PART A. GENERAL RULE REGARDING PURCHASES NOT REQUIRING PRIOR

AUTHORIZATION OF THE BOARD

PART I. PURPOSE

PART II. DEFINITIONS

PART III. GENERAL PROVISIONS

PART IV. PROCUREMENT FOR PURCHASE CONTRACTS

PART V. PROCUREMENT FOR PUBLIC WORKS

PART VI. PROCUREMENT OF PROFESSIONAL SERVICES

PART VII. SOLE SOURCE PROCUREMENT

PART VIII. EMERGENCY PROCUREMENT

PART IX. EQUIPMENT LEASES

Part X. PROCUREMENT LOBBYING

PART XI. MWDDBE REQUIREMENTS

PART XII. PROPOSAL AND BID OPENINGS

PART XIII. RESPONSIBILITY DETERMINATIONS

PART XIV. PIGGYBACKING

PART XV. BEST VALUE

PART XVI. RECORDKEEPING

PART XVII. PROCUREMENT MANUAL

PART XVIII. INDIVIDUALS RESPONSIBLE FOR PURCHASING

PART XIX. STATUTORY AUTHORIZATIONS

PART XX EFFECTIVE DATE

PART A. GENERAL RULE REGARDING PURCHASES NOT REQUIRING PRIOR AUTHORIZATION OF THE BOARD IS THAT, OTHER THAN THE FOLLOWING PURCHASES, ALL PURCHASES OVER \$5,000 REQUIRE PRIOR BOARD APPROVAL

1. IN ALL MATTERS THE TOWN SUPERVISOR IS AUTHORIZED TO APPROVE PURCHASES OR SERVICES DURING EMERGENCIES WITHOUT PRIOR BOARD APPROVAL THAT EXCEED THE SUM OF \$5,000.

2. The Town Supervisor/Highway working Foreman/ and DPW Commissioner are authorized to perform the following:

- Make purchases up to \$5,000.00 for parts, services, and other equipment for use in the Department of Public Works, as necessary, provided they are covered in the budget, and
- To advertise for bids on tires, salt, cinders, sand, parts and tools, as needed, and
- To accept State and County bids for any and all items under State and County bid system, provided they are covered in the Highway budget; with the exception that any bid for vehicles and equipment shall be subject to prior Town Board approval, and
- Hiring of people from temporary agencies be pre-approved by the Town Board, or Town Supervisor, where applicable. (Per Board Resolution 30-14)

The Town Supervisor is authorized to pay the Five Star Bank Visa, Sam's Club accounts, any other authorized credit cards, debt service payments and utility bill as they become due without prior approval of the Town Board (Per Board Resolution 20-14).

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

OTHER THAN AS SET FORTH ABOVE, THE TOWN BOARD MUST APPROVE, PRIOR TO OBTAINING SERVICES, PARTS AND OTHER EQUIPMENT INCLUDING ENGINEERING, **ALL PURCHASES OVER \$5,000.**

PART I. PURPOSE

Pursuant to General Municipal Law §104-b, "so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption" the following Procurement Policy is applicable to the procurement of goods and services **not** subject to competitive bidding and certain rules that are applicable to procurement subject to competitive bidding as set forth under General Municipal Law §103.

PART II. DEFINITIONS

A. Best Value.

Means the basis for awarding contracts for services to the Town that optimizes quality, cost and efficiency, among responsive and responsible bidders. Non-price factors can be considered in awarding a purchase contract. The basis for a best value award shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for bidders that are small businesses or certified minority- or women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20), to be used in evaluation of offers for awarding of contracts for services. *See State Finance Law §163(1)(j)*. In awarding a contract or purchase on the basis of best value, the Town must be prepared to show that (1) the bidder is responsive and responsible and (2) that the Town applied objective and quantifiable standards, when possible, to determine that the offer optimizes quality, cost and efficiency. If the award is based on criteria that are not objective and quantifiable then there should be written justification for the award kept in the records.

B. Commodities.

As used in this Policy, unless stated otherwise, means material goods, supplies, products, construction items or other standard articles of commerce, other than technology, which are the subject of any purchase or other exchange. *See State Finance Law §160(3)*.

C. Contract Administrator.

Refers to the staff member who assists with or handles procurement matters also referred to herein as the procurer.

D. Professional Services.

Are a subset of the general category Services, further defined in Part VI of this Policy.

E. Public Work.

Refers to §103 of the General Municipal Law and encompasses contracts for services, labor or construction.

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

F. Public Improvement.

Means projects involving the erection, construction, reconstruction or alteration of Town facilities, including but not limited to buildings, grounds and roads.

G. Purchase Contract.

As used in General Municipal Law, this means a contract for goods, commodities and equipment, including technology.

H. Service or Services.

Means the performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange. *See State Finance Law §160(7).*

I. Technology.

Means either a good or a service or a combination thereof, resulting in a technical method of achieving a practical purpose or in improvements in productivity. Goods may be either new or used. *See State Finance Law §160(10).*

PART III. GENERAL PROVISIONS

A. Applicability of Policy

1. Applicability and Funding Source Requirements. **Unless the funding source (i.e. a state or federal grant) for a purchase requires otherwise**, procurements not subject to competitive bidding under General Municipal Law §103 must be made in accordance with this Policy. **If funding source guidelines conflict with or are more stringent than this policy**, Contract Administrators should confer with the Town Attorney prior to soliciting or acquiring the commodity, equipment or service.

2. Applicability by Procurement Methods

Parts IV and V of this policy are not applicable if a procurement is made:

- ☞ through Preferred Sources pursuant to State Finance Law §162 (However, an explanation of Preferred Source requirements as applied to Purchase Contracts and Public Works can be found in Parts IV and V, respectively.);
- ☞ through the New York State Office of General Services pursuant to General Municipal Law §104;
- ☞ through another New York county's contract pursuant to General Municipal Law §103(3);
- ☞ in an emergency pursuant to General Municipal Law §103(4) and Part VIII of this Policy;
- ☞ as a Professional Service pursuant to Part VI of this Policy;
- ☞ as a Sole Source pursuant to Part VII of this Policy;
- ☞ through federal, New York State, or New York political subdivisions, districts or public benefit corporations when the purchase is surplus or second-hand supplies, material or equipment pursuant to General Municipal Law 103(6) or the purchase of from another New York municipality services provided by that municipality in an effort to share services between municipalities ;

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

- ✍ through certain federal General Services Administration schedules pursuant to General Municipal Law §103(1-b) or §104(2);
- ✍ through "piggybacking" on other federal, state or local government contracts for certain goods and services pursuant to General Municipal Law §103(16) and Part XIV of this policy; or
- ✍ through other exemptions as may be authorized by the laws of the State of New York.

B. Determining Whether a Procurement is Subject to Competitive Bidding

Before any solicitation occurs, procurers need to first determine whether the intended procurement is subject to competitive bidding under General Municipal Law §103. Competitive bidding is required if the reasonably expected countywide **aggregate** will exceed the threshold amounts of \$20,000 for "purchase contracts" (commodities and technology when services are not the predominant portion of the procurement) or \$35,000 for "public works" (services, exclusive of professional services) within 12 months of the date of the planned purchase.

Submission of items put out for bid or RFPs will be done by the Town **electronically** via its web site as much as possible as well as by print methods as required. "Sealed bids" or "sealed offers" may also be submitted in an electronic format and they must also contain the statement of non-collusion required by Section 103(d) of the General Municipal Law. Submission in electronic format may, for technology contracts only, may be required as the sole method for the submission of bids and offers. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerers to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offers.

Under General Municipal Law §103(1), aggregates must be examined in two ways:

1. By Commodity or Service – Procurers must determine the reasonably expected aggregate amount of all purchases of the same commodities, services or technology that will be made within 12 months of the date of the planned purchase. This means that if your department is purchasing janitorial services for \$1,000 on October 13, you need to evaluate whether it is reasonably expected that the entire Town will purchase over \$35,000 in janitorial services within 12 months of October 13. If it is reasonable to expect this, the \$1,000 in janitorial services for your department must be competitively bid pursuant to General Municipal Law §103. Artificial division of purchases of commodities, technology or services to avoid the thresholds is prohibited by General Municipal Law §103(1); and

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

2. By Vendor – Procurers must also determine whether the reasonably expected aggregate amount of all purchases of the same commodities, services or technology within 12 months of the date of the planned purchase will be made from the same vendor. Therefore, if your department is purchasing \$500 in software from XYZ Corp. on February 7, you need to evaluate whether it is reasonably expected that the entire Town will purchase over \$20,000 in similar goods from that same vendor within 12 months of February 7. If it is reasonable to expect this, the \$500 in software must be competitively bid pursuant to General Municipal Law §103. GML §103 (1) does not permit change orders to or renewals of contracts that were not competitively bid initially because they did not meet the \$20,000 threshold if the change order or renewal would bring the reasonably expected 12-month aggregate amount of purchases from the same vendor over the \$20,000 threshold. Therefore, if you need additional software in November from the same vendor, i.e., XYZ Corp., you must first determine whether the vendor already has over \$20,000 in contracts with the County before you prepare and submit a change order or renewal of the initial contract on February 7. If the aggregate amount exceeds \$20,000, a change order to or renewal of the initial contract would not be legal and the additional software purchase must be bid.

While it is not easy to examine or guarantee the accuracy of aggregates, the following methods may be useful:

- ☞ reviewing past use of that commodity, technology, service or vendor, both from general knowledge and by querying; other sources;
- ☞ conferring with the other departments that are known to use similar commodities, technology, services or vendors to determine their reasonably expected procurements for the 12 months after your purchase; or
- ☞ noting grant awards or significant projects (e.g. when they are announced in other meetings) that may involve major purchases that could be similar to yours.

PART IV. PROCUREMENT FOR PURCHASE CONTRACTS

A. General Provisions for Purchase Contracts

Except in emergency situations, if items required for a Purchase Contract are available from a Preferred Source in the form, function and utility required by the procurer, the items must be purchased through a Preferred Source Provider and is not subject to competitive bidding. Preferred sources have been set by the State of New York by statute. *See immediately following Section B of this Part IV for more information on Preferred Source procurement for Purchase Contracts.*

B. Preferred Source Exception for Purchase Contracts

Except in emergency situations, when commodities or goods are available from a Preferred Source in the form, function and utility required by the procurer, they must be purchased from one of the Preferred Source providers identified on the list below in descending order **prior to** any solicitation from any other vendor. *See NYS Finance Law §162 for updates to this list and any changes to order of priority.*

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

1. The New York State Department of Corrections, Correctional Industries Program (CORCRAFT)
 2. Approved charitable non-profit-making agencies for the blind
 3. Qualified non-profit-making agencies for other severely disabled persons, a qualified special employment program for mentally ill persons or a qualified veterans' workshop
- Consult the Preferred Source Guidelines on the Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf> for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources if your procurer determines that the commodity offered on the List of Preferred Source Offerings does not meet the form, function and utility you require (e.g. a Preferred Source offers staplers but not the kind of staplers that meet your form, function and utility requirements). *State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.*

C. Other Expedited Procurement Methods for Purchase Contracts

If a procurement is not an emergency or if the items cannot be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts per General Municipal Law §104. Certain State contracts for procurement of commodities, equipment, materials, supplies, services, technology and food products are made available to local governments through the New York State Office of General Services (GSA) and are accessible at www.ogs.ny.gov and orders should be made directly with the contractors listed, using the Town's purchase order and having on the purchase order and the original invoice presented for payment the State contract number. For price sensitive commodities subject to volatile market conditions OGS has an online "fixed requirements" database to assist procurers. Please pay attention to the rules regarding these commodities and the purchases thereof.
2. Other counties' contracts per General Municipal Law §103(3). Any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, other than services subject to article eight or nine of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase or contract for any such services

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

through the county in which the political subdivision or district is located or through any county within the state when bids and offers have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

3. A group purchasing organization, if your unit of government is eligible, per General Municipal Law §103(8)
4. Surplus or second-hand supplies, materials or equipment from the federal government, the state of New York, or from any other New York political subdivision, district or public benefit corporation per General Municipal Law §103(6)
5. Certain Federal GSA Schedules, if the procurement involves the applicable type of goods per General Municipal Law §103(1-b) or §104(2) and/or GSA "Schedule 70."
6. "Piggybacking" on other federal, state or local government contracts which have been extended to apply to local governments for purchase of "apparatus, materials, equipment and supplies" per General Municipal Law §103(16) or
7. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

Any orders placed directly with contractors included in the above expedited methods should have on the order and the original invoice presented for payment the nature of the expedited procurement method used.

If you aren't using any of the expedited methods then the general policy described in this Part applies to the Purchase Contract.

D. The following guidelines apply to all purchase contracts where the purchase of the goods, commodities or technology is not an emergency and procurement cannot be made through a Preferred Source or other expedited procurement method.

For Purchase Contracts **They may be purchased:**
estimated to cost as follows for purchases under \$10,000:

Under \$100	At the discretion of the procurer.
\$100-499	By soliciting 2 verbal quotes.
\$500-\$999	By soliciting 3 verbal quotes.
\$1,000-\$4,999	By soliciting 2 written quotes.
\$5,000-\$19,999	by soliciting 3 written quotes.

For Purchase Contracts estimated to cost over \$20,000:

\$20,000 and up by sealed competitive bids or Best Value procurement in conformance with General Municipal Law §103 and Part XIX of this Policy, as applicable at the time of purchase.

Awards for purchase contracts estimated to cost less than \$20,000 may be made to the responsive

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

and responsible potential vendor submitting the lowest price and if considered the best value. In any case, if the award is given to someone other than the lowest bidder, and the basis of award was **not** Best Value in accordance with Part XV of this Policy, then General Municipal Law §104-b requires that the Department justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award: furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption. Unless delegated otherwise in writing by the Town Supervisor, all goods, equipment and commodities shall be procured through the Town of Big Flats Procurement Policy. Compliance with this Policy and any related procedures for such purchases will be the responsibility of the procurer or his/her designee.

PART V. PROCUREMENT FOR PUBLIC WORKS

A. General Provisions for Public Works Contracts

Except in emergency situations or when procuring professional services, if services required for a Public Works contract are available in the form, function and utility required by the Procurer from a Preferred Source, the services must be purchased through a Preferred Source Provider. *See Section B of this Part V for more information on Preferred Source procurement of services.* The following guidelines apply to the procurement of all Public Works, absent an emergency, purchase through a preferred source or other expedited procurement method.

For Public Works They may be purchased:

estimated to cost under \$20,000:

Under \$1,000	At the discretion of the procurer.
\$1,000- \$4,999	By soliciting 2 verbal quotes.
\$5,000-\$9,999	By soliciting 2 written quotes.
\$10,000-\$34,999	By soliciting 3 written quotes.

For Emergencies There is no restriction except as set out below.

For insurance and professional services RFPs may be solicited at the discretion of the procurer.

For Public Works estimated to cost over \$35,000: \$35,000 and up by sealed competitive bids or Best Value procurement in conformance with General Municipal Law §103 and Part XIX of this Policy, as applicable at the time of purchase.

Awards for public works contracts estimated to cost less than \$35,000 may be made to the responsive and responsible potential vendor submitting the lowest price and/or best value. If the award is given to someone other than the lowest bidder and the basis of award was not Best Value in accordance with Part XV of this Policy, then General Municipal Law §104-b requires that the Department justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased services are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption. The procurement

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

of services for each unit of Town government shall be the responsibility of that unit of government. The Town Supervisor reserves the right to solicit and procure services of any type for all or several units of government in the aggregate and all such units of government shall be required to use the aggregate contract once the current term of any unit's contract for the same service expires. Each Department Head or his or her written designee or the designated procurer shall be responsible for and maintain appropriate documentation to demonstrate his or her unit's compliance with this Policy and any related procedures. Procurers responsible for procurement activities must be designated in writing by the Department Head, which shall be maintained on file with the Town Clerk and shall be updated as changes occur.

B. Preferred Source Exception for Public Works Contracts

Pursuant to State Finance Law §162 and except in emergency situations, when Services are available in the form, function and utility required by a Procuring Agency, those services MUST be purchased from the following Preferred Source Providers, according equal priority to:

1. Approved, charitable, non-profit-making agencies for the blind;
2. Approved, charitable, non-profit-making agencies for other severely disabled persons;
3. Qualified special employment programs for mentally ill persons; and
4. Qualified veterans' workshops.

See NYS Finance Law §162 for updates and any changes to the order of this list.

If multiple sources meet the specifications, cost shall be the determining factor in selection.

Consult the Preferred Source Guidelines on the NYS Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf>, for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources of your Department's need for services that appear on the List of Preferred Source Offerings (i.e. if you need janitorial services and janitorial services is on the List of Preferred Source Offering, those Preferred Sources must be notified of your form, function and utility requirements.)

State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.

C. Other Expedited Procurement Methods for Public Works

If a procurement is not a Professional Service, an emergency or if the services cannot be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts per General Municipal Law §104
2. Other counties' contracts, except those involving services subject to Article 9 of the New York State Labor Law, per General Municipal Law §103(3)
3. A group purchasing organization, if your unit of government is eligible, per General Municipal Law §103(8)
4. Federal GSA Schedules if the procurement involves the applicable type of services per General Municipal Law §103(1-b) or §104(2)
5. "Piggybacking" on other federal, state or local government contracts for "services related to the installation, maintenance or repair of apparatus, materials, equipment and supplies" per

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

General Municipal Law §103(16) or

6. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

If you aren't using any of the expedited methods then the general policy described in this Part applies to all purchase contracts.

PART VI. PROCUREMENT OF PROFESSIONAL SERVICES

A. Determination of Professional Services

"Professional Services" are defined in New York case law and Comptroller opinions. As a general guideline, "Professional Services" require specialized or technical skills or expertise, training, licensing or certifications, exercise of professional judgment or discretion or a high degree of creativity and/or a relationship of personal trust and confidence. Some examples of Professional Services include but are not limited to, services provided by: physicians, nurses, therapists, engineers, surveyors, attorneys, designers, publicity agents, laboratories, and insurance or financial service firms. Consult the Town Attorney prior to any solicitation with any questions regarding the Professional Services exemption.

Procurements that involve both the acquisition of Professional Services and Goods (e.g. equipment or computer software that needs to be customized for the Town) may not be subject to competitive bidding if there is an "inextricable integration of scientific and technical skills" required with the purchase of the Goods. *Burroughs Corp. v. New York State Higher Education Services Corp.*, 458 N.Y.S.2d 702 (3 Dept. 1983). This integration analysis also applies to procurements that involve the acquisition of Professional with other Services (e.g. design work with printing). To determine whether the procurement is subject to competitive bidding, you should look to whether the other Services are predominant or merely incidental. If you have questions or are uncertain whether the procurement is exempt from competitive bidding, consult the Town Attorney prior to soliciting any such procurements.

B. Solicitation of Professional Services

Unless exempted under Part VI.C:

If the estimated cost of a particular Professional Service contract is \$75,000 or more, the Procuring Agency may issue a Request for Proposals (RFP) that, at a minimum, requires submission of pricing and qualifications by potential service providers so long not prohibited by any State or Federal law or regulation.

When quotes or proposals are required for Professional Services and a contract is not awarded to the lowest priced quote or proposal submitted, General Municipal Law §104-b(e) requires that the procurer justify and document in writing the reasons for awarding the contract. The written justification must generally address how such an award furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption.

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

C. Exemptions from Solicitation for Professional Services

Certain types of professional services may be exempt from any RFP process upon approval of the Town Supervisor. Such an exemption might apply to contracts for services with set rates for classes of vendors or for contracts where the Town was mandated to use certain vendors by State or Federal laws, regulations or grant requirements. Examples of such contracts include, but are not limited to:

- a.) Contracts with third-party agencies hired by the State to pass-through funds for or implement certain State programs;
- b.) Contracts at rates set by federal, state or local agencies, statute and/or regulation;
- c.) Sub-grants, inter-municipal and similar agreements for professional services provided in relation to a State or Federal grant for which the Town is the responsible Grantee and the contracted party was identified in the grant application.
- d.) Funding agreements with not-for-profit corporations and other service organizations that provide a unique service that advances the public good. Where more than one such organization provides the same services, as Determined by the Town Supervisor or his designee, then such funding agreement may be subject to a Request for Applications (RFA).
- e.) Contracts with former employees for transitional consulting services
- f.) Contracts to fund entities that operate emergency and transitional housing
- g.) Contracts to implement a program that is jointly funded by the Town and an outside agency or entity; i.e., a program in which both the Town and/or the outside agency or entity contributes funding or in-kind services.
- h.) Contracts for existing projects that require the continuity of professional services to ensure proper completion of the project

All requests for exemptions, except those on the basis of a – c above, require that the procurer provide written justification for the request to the Town Supervisor. The written justification must generally address how such an award furthers the public good; assures the prudent use of taxpayers' money; ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and guards against favoritism, extravagance, fraud and/or corruption.

D. Advertising for Professional Services Solicitations

It is recommended **but not required** that RFPs be advertised in the official paper(s) and/or be made available on the Department's website and/or any website consistently used by the Town for solicitation, for at least five (5) days, commencing with the date after the day of publication and not including the proposal opening date .

E. Award of Professional Services RFP's

It is important to keep in mind that the award of a RFP must be made in accordance with the evaluation criteria specified in the RFP.

PART VII. SOLE OR SINGLE SOURCE PROCUREMENT

Sole or single source procurement is an exception to the general rules and policies stated herein, governing the procurement of goods and/or services. Sole or single source procurement may only

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

be used in rare and extraordinary cases where the goods or services sought and required are manufactured, sold or performed by only one entity and/or individual. Generally, this will only apply in the following situations:

- ☞ Only one company in the world makes and sells a certain good or provides a certain service.
- ☞ Only one company in the world can service or maintain the equipment without voiding the warranty. (Note: This only applies during the warranty period so you cannot continue to use the sole source exemption after warranty expiration. After warranty expiration, repairs and maintenance must be bid.)
- ☞ Leasing equipment like postal machines or copiers that have a certain type of consumable component (e.g. ink cartridges) that must be used to avoid breaching a warranty or a maintenance provision of a lease.
- ☞ It is a service performed by companies that traditionally have territories (e.g., cable TV or certain types of equipment dealerships).
- ☞ Software licensing and/or maintenance contracts specific to the software.

In determining whether a purchase qualifies for a Sole or Single Source exemption, the procurer must document, at a minimum:

- a.) The unique benefits to the Town of the product or service as compared to other products or services available in the marketplace;
- b.) That no other product or service provides substantially equivalent or similar benefits;
- c.) That, considering the benefits received, the cost of the product or service is reasonable in comparison to other products or services in the marketplace;
- d.) That there is little or no possibility of competition from competing dealers or distributors.

No Sole or Single Source purchase will be approved by the Town Attorney without written justification from the procurer responding to points (a) through (d) above and supporting documentation on the letterhead of the entity providing the good, equipment, commodity or service that they are the sole source.

PART VIII. EMERGENCY PROCUREMENT

General Municipal Law §103 defines a "public emergency" as "arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants" of the Town "require immediate action which cannot await competitive bidding". Procurement in emergency situations is exempt from competitive bidding. However, when practicable you should make every effort to obtain three (3) written quotes for the required goods or services or, if not practicable, three (3) verbal quotes. If three (3) quotes, written or verbal, are not practicable in light of the emergency, then you should make every effort to obtain two (2) written quotes, if practicable, or if not, two (2) verbal quotes. If it is not practicable to obtain any written or verbal quotes based upon the conditions and needs created by the emergency, then no quotes are necessary. Nevertheless, procurements in emergency circumstances should be justified in writing by the procurer or his or her designee, and approved in writing by the Town Supervisor or his/her designee.

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

PART IX. EQUIPMENT LEASES

True Leases* of equipment require quotations from at least three (3) separate potential vendors, if available. Procurers are reminded to consider the cost of consumable items (e.g. print cartridges for printers) when comparing potential vendors. Even if equipment is leased, the purchase of consumable items for the leased equipment is still subject to the applicable provisions of this Policy and may require that the consumable items be subject to competitive bidding or other applicable procurement methods.

* True leases include leases that do not contain or refer to installment plans, purchase options or the ownership of the leased equipment at the expiration of the lease. Please contact the Town Attorney if you have questions regarding true leases.

PART X. PROCUREMENT LOBBYING

A. Solicitation Requirements and Contacts During the Restricted Period

State Finance Law §139-j prohibits "Contacts" (verbal, written or electronic) that are intended to influence the Town's conduct or decision regarding a "Governmental Procurement" during the "Restricted Period." This period begins when the earliest written notice, advertisement or solicitation of a purchase and/or service procurement occurs and ends when the final contract is awarded and approved.

A Governmental Procurement involves a "Procurement Contract" which is a procurement involving an estimated annualized expenditure in excess of \$15,000 including any amendment, extension, renewal or change order. This includes all goods and services contracts as well as sale, lease, acquisition or granting of an interest in real property and revenue contracts where the Town is granting a concession or franchise. *See State Finance Law §139-j1 (e) and (g) and §139-k(1)(e) and (g)*. Grants, intergovernmental agreements and utility relocation project agreements, among other statutory exceptions, are not considered Procurement Contracts.

Every Request for Quotes (RFQ), Request for Proposals (RFP) or Request for Bids (RFB) for a Procurement Contract, must designate a person or persons who may be contacted by Offerors or Bidders in relation to the Procurement Contract. *State Finance Law §139-j (2) (a)*.

The following types of contacts are permissible exceptions during the Restricted Period:

- ☞ Submissions of Quotes, Proposals or Bids
- ☞ Questions submitted for question and response under the RFQ, RFP, or RFB
- ☞ Participation in conferences open to all Offerors or Bidders;
- ☞ Complaints to the County Attorney that the designated individual of the Procuring Agency has failed to respond in a timely manner to authorized contacts;
- ☞ Negotiation of contracts with Offerors or Bidders who have been notified of a tentative award;
- ☞ Offerors or Bidders contacting the designated individual(s) to request review of an award;
- ☞ Contacts by Offerors or Bidders in protests, appeals or other review proceedings or, complaints of alleged improper conduct to the District Attorney *See State Finance Law §139-j(3)(a)*.

Every solicitation (RFQ, RFP or RFB) for a Procurement Contract, as defined in this Part XI, must include a summary of the policy and prohibitions regarding permissible contacts, a copy of any guidelines, rules and regulations regarding permissible contacts and must also require a

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

written affirmation from the Offeror or Bidder as to their understanding of an agreement to comply with the Town's procedures relating to permissible contacts. *See State Finance Law §139-j(6)(a) & (b).*

Every solicitation for a Procurement Contract must also require Bidders or Offerors to disclose findings of non-responsibility due to violations of the permissible contacts provisions within the previous four years by any governmental entity where the prior finding of non-responsibility was due to violation State Finance Law §139-j or the intentional provision of false or incomplete information to a governmental entity. *State Finance Law §139-k (2).* Furthermore, the solicitation must also require Bidders or Offerors to certify that all information provided with respect to this disclosure requirement is complete, true and accurate. *State Finance Law §139-k (5).*

For any Contact during the restricted period, the procurer must obtain the name, address, telephone number, place of principal employment and occupation of the person or organization making the Contact and inquire and record whether the person or organization making such contact is a Bidder or Offeror or was retained, employed or designated by or on behalf of a Bidder or Offeror to appear before or contact the procurer about the procurement. All such Contacts must be included in the Procurement Record. *State Finance Law §139-k (4).* However, any communications received by a Procuring Agency from members of the state legislature, or state legislative staff, when acting in their official capacity, shall not be considered to be a Contact and shall not be recorded by the Procuring Agency. *State Finance Law §139-k (6).*

B. Violations and Investigations

Any officer or employee of the Town who becomes aware that a Bidder or Offeror has violated the restrictions on permissible contacts shall immediately notify the Town Supervisor or Town Attorney. *See State Finance Law §139-j (8).*

Upon notice of any allegation of a violation of the restricted contacts provisions, the Town Supervisor shall immediately cause an investigation of the allegation to be initiated and, if sufficient cause exists to believe it is true, give the Bidder or Offeror reasonable notice of the investigation and an opportunity to be heard. *State Finance Law §139-j (10) (a).* If a violation is found to be knowing and willful, the Bidder or Offeror shall be deemed non-responsible and the Director of Operations and Cost Control must notify the New York State Office of General Services of any such finding of non-responsibility. *State Finance Law §139-j (10) (b).*

In the event of a knowing and willful employee violation, the Director of Operations and Cost Control shall report the employee's violation of this Policy and procedures to the Procuring Agency's head. *State Finance Law §139-j (10) (b) and (c).*

PLEASE SEE STATE FINANCE LAW SECTION 139-J FOR COMPLETE PROVISIONS REGARDING THIS COMPLEX LAW.

PART XI. MWDBE REQUIREMENTS

All solicitations shall be performed and contracts prepared in compliance with any applicable state or federal laws, regulations, grant requirements, Town policies and procedures governing and/or relating to Minority, Women and/or Disadvantaged Business Enterprises.

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

PART XII. PROPOSAL AND BID OPENINGS

Prior to awarding a quote, bid or proposal, the individual making the award must have a written designation authorizing that individual to make such award on file with the Town Supervisor. The Town Supervisor shall have the discretion to approve such designations, which shall be made and maintained by the procurers. Designations may be made with regard to the type of procurement, dollar thresholds, etc. as the procurer in consultation with the Town Supervisor, shall see fit.

PART XIII. RESPONSIBILITY DETERMINATIONS

In addition to the responsibility determination required for Procurement Contracts under Part XII of this Policy and applicable state laws and regulations, the procurer must determine that any Bidder awarded a contract pursuant to General Municipal Law §103 is responsible and responsive. It is also recommended, though not required, that responsibility determinations be made with regard to vendors, consultants or contractors under all other types of solicitations. Responsible Bidders or Offerors are those that have the financial ability, legal capacity, integrity, and past experience to perform the contract. *See State Finance Law §163(c)*. Responsive Bidders or Offerors are those that meet the minimum specifications or requirements set forth in the solicitation for the procurement. *See State Finance Law §163(d)*. Bidders or Offerors who do not meet these standards may be declared non-responsible. Before declaring a Bidder or Offeror non-responsible, the procurer, in consultation with the Town Attorney, must provide the Bidder or Offeror notice that he or she may be declared non-responsible and an opportunity to be heard in accordance with procedures for all such hearings by any procurer as established by the and approved by the Town Attorney and Town Supervisor.

PART XIV. PIGGYBACKING³

General Municipal Law §103(16) allows procurement of certain goods (including apparatus, materials, equipment and supplies) and services through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding, and has been made available for use by other governmental agencies. Approval for the use of “piggybacking” will be through the Department of General Services in collaboration with the County Attorney.

PART XV. BEST VALUE

Pursuant to General Municipal Law § 103(1) purchase contracts or public works contracts (except those subject to New York State Labor Law Article 8) may be awarded on the basis of the Best Value to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Best Value solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The Basis of Award of the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by a Procuring Agency in its determination of Best Value. The evaluation may also identify a quantitative factor for small businesses or certified minority- or women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15)

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

and (20). The Basis of Award shall reflect, wherever possible, objective and quantifiable analysis. Documentation in the Procurement Record shall, where practicable, include a quantification of the application of the evaluation criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that Best Value will be achieved.

If Best Value is authorized as a procurement method eligible for piggybacking consideration, then any potential piggyback contract should be evaluated for substantial compliance with the above. All procurements based upon Best Value are subject to review and/or approval by the Town Supervisor or his designee. This supersedes and replaces Board Resolution No. 94-14 (Setting Best Value Award Policy).

PART XVI. RECORDKEEPING

In addition to any further recordkeeping requirements promulgated by the Town Supervisor and any federal or state law or funding source requirements, procurers shall maintain a written record for every procurement, which contains the following information, **as applicable**:

- ✍ Written determination of whether the procurement is subject to competitive bidding.
- ✍ Preferred Source Solicitation documentation.
- ✍ Documentation from Preferred Source, Town official or other government surplus programs, or group purchasing organizations and/or their distributors pertaining to purchases made through those entities.
- ✍ Solicitation documentation appropriate to the procurement method used (Request for Quotes/Bids/Proposals; advertising and other records of public distribution; contact records required by the Procurement Lobbying Law, the quotes, bids or proposal received, etc.).
- ✍ Award documentation (score sheets or other written analysis of the quotes, bids or proposals, the award decision, notice of award, etc.).
- ✍ Purchase Order or Contract documentation (purchase order or contract with all attachments, appendixes, business associate agreements, insurance, etc.).
- ✍ Contract Administration documentation (performance reports, invoices, payroll certifications, payment records, records of disputes, etc.).

PART XVII. INDIVIDUALS RESPONSIBLE FOR PURCHASING.

Certain designated individuals are procurers and are responsible for purchasing decisions. However no contract is binding on the Town until approved and executed by the Town Supervisor and or Town Board. Also pursuant to Chapter 402 of the Laws of 2007, effective January 1, 2009, as required under Section 104-b of the NYS General Municipal Law, the Town is including the municipal positions responsible for purchasing decisions, as follows (THIS LIST MUST BE REVIEWED BIENNIALY):

Town Supervisor
Town Council
Town Attorney
Town Justice
Bookkeeper
Commissioner of DPW

RESOLUTION NO. 59-15, THE TOWN OF BIG FLATS PROCUREMENT POLICY
AMENDED continued

Highway Supervisor
Water Supervisor
Town Clerk & Receiver of Taxes and Fees
Planning & Code Enforcement
Youth Coordinator
Director of Recreation
Assessor

PART XVIII. PROCUREMENT MANUAL

The Town Supervisor is authorized to promulgate procedures to implement this Policy. For complete procedures outlining specifics of the entire procurement process in more detail.

PART XIX. STATUTORY AUTHORIZATIONS

All procurement under this Policy related to federal or state statutory citations shall be made in accordance with the current version of the statute at the time of procurement, notwithstanding the specific language of this Policy. Procurements may also be made in accordance with any additional statutory authorizations, existing or future, regardless of whether they are mentioned in this Policy.

PART XXI. EFFECTIVE DATE

The effective date of this Policy as modified and shall reaffirmed immediately.

This policy shall go into effect the date after this policy is approved, and will be reviewed annually.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

NEW BUSINESS

RESOLUTION NO.60-15
BUDGET TRANSFERS APPROVED

Resolution by: Giammichele
Seconded by: Saglibene

WHEREAS a memorandum was received from the Bookkeeper, dated January 20, 2015, requesting the following budget transfers due to overspending budgets, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO.60-15, BUDGET TRANSFERS APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfers:

General

Please authorize the following budget transfers due to overspent budgets:

To Refuse & Garbage CE -A.8160.0400	72.00	
From Drainage CE- A.8540.0400		72.00

Highway Fund

To Perm Improvements-CE—D.5112.0400	5,134.00	
Machinery -CE—D.5130.0400	53.00	
Snow Removal-CE---D.5142.0400	2,300.00	
From Gen Repairs & Maint—PS-D5110.0100		7,487.00

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO.61-15
2014 ACCOUNT PAYABLES APPROVED

Resolution by: Adams
Seconded by: Gillette

RESOLVE the Town Board approve the following 2014 Account Payables:
GENERAL FUND

Action Fire & Safety Inc.	A1640.0400	\$ 150.00
I.D. Booth	A1620.0400	\$ 4.20
CDW Government Inc.	A1680.0200	\$ 1,388.37
Chemung Supply	A3310.0400	\$ 356.80
Cook Brother	A8540.0400	\$ 25.00
Fastenal Company, Inc.	A1640.0400	\$ 2.00
Five Star Bank	A1110.0400	\$ 84.95
	A1220.0400	\$ 101.68
	A1430.0400	\$ 148.25
	A1490.0400	\$ 21.38
	A1620.0400	\$ 383.10
	A1680.0400	\$ 475.84
	A7310.0400	\$ 60.42
	A7110.0400	\$ 22.40
	A8021.0400	\$ 97.91
Fosters' Disposal	A8160.0400	\$ 330.00
Integrey Energy Service	A7110.0400	\$ 57.82
Jeff's Septic Service	A7110.0400	\$ 65.00

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO.61-15, 2014 ACCOUNT PAYABLES APPROVED continued

Miner Bros Inc.	A7140.0400	\$ 4.58
	A1640.0400	\$ 4.89
	A1220.0400	\$ 20.27
Municipal Solutions, Inc.	A1620.0400	\$ 90.00
NYSEG CORP.	A7110.0400	\$ 56.32
	A5182.0400	\$ 372.06
	A1620.0400	\$ 5,096.74
	A1620.0401	\$ 138.64
	SL5182.0400	\$ 442.36
NYS Unemployment Ins.	A9050.0800	\$ 1,498.34
Sam's Club	A7140.0400	\$ 325.60
	A7310.0400	\$ 88.58
Sheriff	A1110.0400	\$ 922.50
Staples Advantage	A1430.0400	\$ 27.68
	A1490.0400	\$ 37.57
	A1670.0400	\$ 43.83
	A1680.0400	\$ 43.83
Star Gazette	A8021.0400	\$ 9.96
Techline	A1620.0400	\$ 85.00
T-M-T Gravel & Contracting	A8540.0400	\$ 1,482.12
Verizon Wireless	A7110.0400	\$ (28.84)
	A1355.0400	\$ 42.30
West Group Payment Ctr.	A1010.0400	\$ 119.73
Williams Lubricants, Inc.	A1640.0400	\$ 58.92

HIGHWAY FUND

Beam Mack Sales/Service	D5130.0400	\$ 5,977.14
Cargil	D5142.0400	\$ 4,572.91
Cook Brothers Co. Inc.	D5130.0400	\$ 96.88
Coyne Textile Service	D5130.0400	\$ 120.00
Dalrymple Gravel & Cont.	D5112.0400	\$ 11,375.60
Five Star Bank	D5130.0400	\$ 505.12
Griffith Energy	D5110.0400	\$ 2,001.54
Miners Bros. Inc.	D5130.0400	\$ 3.49
Parmenter, Inc.	D5130.0400	\$ 161.51
Milton Cat	D5130.0400	\$ 68.36
Sam's Club	D5010.0400	\$ 16.48
Staples Advantage	D5010.0400	\$ 4.80
Stephenson Equipment. Inc.	D5130.0400	\$ 60.30
Verzion Wireless	D5010.0400	\$ 52.52

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
 NAYS: None

RESOLUTION NO. 62-15
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Saglibene
Seconded by: Gillette

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for January 2015, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 127,667.07
HIGHWAY FUND	\$ 68,350.18
WATER DISTRICT #1	\$ 8,262.17
WATER DISTRICT #2	\$ 8,580.17
WATER DISTRICT #3	\$ 3,025.96
WATER DISTRICT #4	\$ 588.98
TRUST & AGENCY	\$ 3,170.40

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 63-15
SKID STEER SWEEPER PURCHASE APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Commissioner of Public Works recognizes the need to purchase a Skid Steer Sweeper, and

WHEREAS the purchase of a Skid Steer Sweeper was planned and budgeted for purchase for the year 2015, and

WHEREAS the quoted amount from Bobcat of the Twin Tiers was\$ 4,477.00, and

WHEREAS the State Bid Contract Discount #PC66576 for the Skid Steer Sweeper is \$992.40, bringing the quote down to \$3,484.60, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a Skid Steer Sweeper using State Bid Contract Discount #PC66576 for the sum not to exceed \$3,484.60.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 64-15
ALAMO 10' EAGLE MECHANICAL FLEX WING ROTARY MOWER PURCHASE
APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Commissioner of Public Works recognizes the need to purchase a Alamo 10' Eagle Mechanical Flex Wing Rotary Mower, and

WHEREAS the purchase of a Alamo 10' Eagle Mechanical Flex Wing Rotary Mower was planned and budgeted for purchase for the year 2015, and

WHEREAS the quoted price from Tracey Road Equipment using the NJPA Contract # 031711-AGI/070313-AGI which was approved in resolution 147-14 for the Alamo 10' Eagle Mechanical Flex Wing Rotary Mower is \$18,496.00

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a Alamo 10' Eagle Mechanical Flex Wing Rotary Mower as outlined in the NJPA Contract # 031711-AGI/070313-AGI for the sum not to exceed \$18,496.00

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 65-15
PURCHASE FROM HOUSTON-GALVESTON AREA COUNCIL (H-GAC) APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Town is required to purchase certain items under bid, to obtain lowest price or Best Value, and

WHEREAS the Houston-Galveston Area Council (H-GAC) that performs governmental functions and services, such as purchase of goods and services, and

WHEREAS the Town will be able to save time and money by using the cooperative purchasing program, which it contracts with eligible entities under the Act, and

WHEREAS the Town Supervisor and Commissioner of Public Works recommend purchasing from Houston-Galveston Area Council (H-GAC), and

RESOLUTION NO. 65-15, PURCHASE FROM HOUSTON-GALVESTON AREA COUNCIL (H-GAC) APPROVED continued

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor and the Commissioner of Public Works to purchase from Houston-Galveston Area Council (H-GAC).

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 66-15
VACUUM SWEEPER PURCHASE APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Commissioner of Public Works recognizes the need to purchase a Vacuum Sweeper, and

WHEREAS the sweeper will be replacing the 2001 Freightliner Vacuum Truck VIN: 1FVABV9121H73827. Which shall be surplus in 2015, and

WHEREAS the purchase of a Vacuum Sweeper was planned and budgeted for purchase for the year 2015, and

WHEREAS the quoted amount through HGAC buy contract No. SW04-14 from Johnston North America was \$233,930.00, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a Vacuum Sweeper using HGAC Contract #SW04-14 for the sum not to exceed \$233,930.00.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO.67-15
AGREEMENT WITH HAYLOR, FREYER & COON, INC
FOR CYBER LIABILITY INSURANCE APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS the town uses the cyber network to transfer funds and other monetary fund's and legal document's to operate, and

WHEREAS this coverage is only available by a specialized insurance coverage, and

WHEREAS the Town Board has appointed Haylor, Freyer & Coon Inc. as its insurance broker, and

WHEREAS the coverage for Cyber Insurance was found at Evanston Insurance Company by Haylor, Freyer & Coon, Inc. for the best coverage for the Town of Big Flats, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Haylor, Freyer & Coon, Inc. for Cyber Insurance for a cost not to exceed \$4327.09

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO.68-15
AGREEMENT WITH CHEMUNG COUNTY FOR THE GIS ENTERPRISE SERVER FOR
THE YEARS OF 2015, 2016 & 2017 APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Town of Big Flats is a large user of the GIS program and its systems for all departments, and

WHEREAS the County of Chemung has purchased the GIS Enterprise system for use with villages and towns in Chemung County, and

RESOLUTION NO.68-15, AGREEMENT WITH CHEMUNG COUNTY FOR THE GIS ENTERPRISE SERVER FOR THE YEARS OF 2015, 2016 & 2017 APPROVED continued

WHEREAS the cost to the Town of Big Flats for 2015 is zero, with a cost for 2016 and 2017 of \$1,000 per year, is a significant savings to the Town of Big Flats for the use of the GIS program, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 9 (c) (18) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to enter into an agreement for the years of 2015, 2016 and 2017 with the County of Chemung for the GIS Enterprise Server not to exceed a total cost of \$2,000.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 69-15
WILLIAMSON LAW BOOK TOWN CLERK / TAX COLLECTOR
ANNUAL SOFTWARE SUPPORT APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the Town Clerk and Tax Collection with Tax Glance currently have the Williamson Law Book Company software and maintenance, and

WHEREAS said Annual Software Support contract agreement expired on January 1, 2015, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Annual Software Support contract with Williamson Law Book Company at a cost not-to-exceed \$967.00 commencing January 1, 2015 through December 31, 2015.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO.70-15
PURCHASE MICROSOFT PRO 3 TABLETS APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Town Board is going paperless for doing Town Business and for Communication, and

WHEREAS the Town Clerk is looking at agenda programs for this process, and

WHEREAS Councilman Andy Gillette and Supervisor Fairbrother have done research as to the best tablet for value and use, and

WHEREAS the Town Water Department and the DPW department have also budgeted for tablets for use with the GIS in the field, and

WHEREAS the Town Supervisor has received three quotes on the Microsoft Pro 3 tablets, with CDW-G being the lowest price and best value, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to purchase six Microsoft Pro 3's tablets, four for the Town Board, one for the Water Department and one for the DPW department, from CDW-G not to exceed \$8,066.34

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 71-15
JANUARY 28, 2015 COMMUNICATION LOG APPROVED

Resolution by: Gillette
Seconded by: Giammichele

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

December 11, 2014

NYS Environmental Facilities Corp. – RE: Planning Grant #42239, Town of Big Flats

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

RESOLUTION NO. 71-15, JANUARY 28, 2015 COMMUNICATION LOG APPROVED
continued

Davenport/Olcott Road area Wastewater Study. Referred to: *Town Board, Water Department, DPW Department, Code and Planning and Town Clerk for filing.*

January 7, 2015

Big Flats Business Association- RE: Meeting Minutes. Referred to: *Town Board and Town Clerk for filing.*

January 9, 2015

Department of Public Service- RE: Reforming the Energy Vision (REV) proceeding. Referred to: *Town Board and Town Clerk for filing.*

January 21, 2015

Time Warner Cable – RE: January 21, 2015 Programming Notice Changes Referred to: *Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

Supervisor Fairbrother reports:

- Big Flats Times News Paper – going out in 2 weeks
- Comprehensive Plan Revision & Revisions / I 86 Plan
- Fund Balance
- Highway additional Roads
- Handbook – HR Sector to look at, then to the Union. It will be finalized in March.
- Shared Service – Assessing, Water, Payroll
- AOT meeting in NYC
- Trucks for Water Department should be here next Monday.
- Software update - Councilperson Gillette is working on IT
- Tablets – Ed will work with everyone / training
- State Aid for the Southern Tier – New programs
- LED Signage – Councilperson Saglibene will have information for our next meeting.
- Fund Balance – in Good Financial Shape
- Labor Market Profile – Handout, latest report Binghamton region/ we are involved with
- Update on Fiber – Starting the end of March, April Hook up starts.

Councilperson Adams mentioned he met with Supervisor Fairbrother and Patricia Hartigan-Huten, Director of the Community Center regarding the cost of the round tables.

- Cost for setting up and taking down tables, (if we have to bring in custodian to help there will be a cost)
- \$30.00 minimum
- If there is someone there to set up and take down there is no cost.
- Anything over and above that is at the discretion of the Director.

WATER / TOWN BOARD MEETING OF JANUARY 28, 2015

Supervisor Fairbrother made a motion, seconded by Councilperson Giammichele for the Town Board to enter into an executive session at 8:31 p.m. regarding a personnel matter for a specific job. All in favor, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 10:00 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk