

Town of Orangeville - General Board Meeting  
3529 Route 20 A  
Warsaw, New York 14569  
February 14, 2019

The Town Board of Orangeville met in Warsaw, New York 14569 on February 14, 2019 to audit the town accounts and transact other such business as is necessary at this time.

Present were Town Board Members:

- Susan May Supervisor
- Hans Boxler, Jr. Councilman
- Andrew Flint Councilman
- James Herman Councilman
- Joseph Ahl Councilman

Others Present:

- Rosann A. Lowder, RMC
- Wade Roggow, Highway Superintendent
- Laura Kirsch, Court Clerk
- Sheryl Montgomery, Bookkeeper
- Thomas Suto, Zoning Officer

Guests:

Name	Town of Residence	Name	Town of Residence

Supervisor May called the board meeting to order at 7:30 p.m. at the town hall located at 3529 Rt. 20A, Warsaw, New York. The Pledge of Allegiance was completed and Supervisor May thanked all for attending the meeting.

Public Comments: There were no public comments or questions.

The Town Board review each of the Judges 2018 books, Judges Smith, Ficarella and Brown, with the Annual Check List for Review of Justice Court Records, with the assistance of the Court Clerk. On a motion by Mr. Flint, seconded by Mr. Herman to approve the Judges Court Books. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried.

Mr. Mark Green, asked the Board if there could be School Bus signs put up on Hermitage Road. Supervisor May will speak to the County and Mr. Green, will contact Mr. Todd Gadd.

Mr. Scott Livingstone asked about Verizon service and how there is a large area in our Town that gets limited or no service. Supervisor May explained that the use of a petition from residents in the Town may prove effective to improve the service for the residents. We might also put something on the website for signing the petition, to assist with increase cell service.

Supervisor May discussed that Spectrum has been held up d/t National Grid agreement with their poles.

Supervisor May requested a motion to approve the meeting minutes from 1/3/2019 and 01/10/2019. On a motion from Mr. Flint, seconded by Mr. Herman to approve both of the previous meeting minutes. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried

On a motion by Mr. Flint, seconded by Mr. Herman the Town Financial books were closed for 2018. Ayes [4] May Boxler Flint Herman Ahl Noes [0] Carried

Supervisor May asked for transfers for the following:

- Transfer \$286.76 from A1220.4 to A1420.4

- Transfer \$254.21 from A1220.4 to A1620.4

On a motion by Mr. Flint, seconded by Mr. Herman to approve the transfers. Ayes [4]  
May Boxler Flint Herman Ahl Noes [0] Carried

Supervisor May requested a motion to approve the Supervisors Report. A motion was made by Mr. Flint, seconded by Mr. Herman to approve the Supervisor Report. Ayes [4]  
May Boxler Flint Herman Ahl Noes [0] Carried

Supervisor May requested a motion to update the Town of Orangeville’s Purchasing Policy:

**WHEREAS**, the Town Board of the Town of Orangeville met at a regular board meeting at the Town Offices of the Town of Orangeville located at 3529 Route 20A, Warsaw, New York on the 14<sup>th</sup> day of February 2019, commencing at 7:30 p.m., at which time and place the following members were:

- |  |            |
|--|------------|
| <input checked="" type="checkbox"/> Susan May    | Supervisor |
| <input type="checkbox"/> Hans Boxler, Jr.        | Councilman |
| <input checked="" type="checkbox"/> Andrew Flint | Councilman |
| <input checked="" type="checkbox"/> James Herman | Councilman |
| <input checked="" type="checkbox"/> Joseph Ahl   | Councilman |

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, pursuant to Section 10-b of the General Municipal Law, every Town shall adopt internal policies and procedures governing all procurement of goods and services not subject to bidding requirement of General Municipal Law §103; and

**WHEREAS**, the current Purchasing Policy has been drafted to promulgate the rules of purchasing and contracting for the Town of Orangeville and to provide standards for awarding contracts and the purchasing of materials, supplies and equipment or for the accomplishing of public works within the Town; and

**WHEREAS**, the Town of Orangeville often purchases materials, supplies and equipment through the financial action of piggybacking off of state facilitated bids; and

**WHEREAS**, the Town Board of the Town of Orangeville is considering adopting a proposed update to the Purchasing Policy under Section IV(A), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, said update to the Purchasing Policy intends to facilitate compliance with the rules of purchasing and contracting in such a way that all Town officials are made aware of the purchase in consideration by receiving a copy of the applicable documentation for audit and approval; and

**WHEREAS**, the Town Board of the Town of Orangeville feels it is in the best interest of the Town to adopt the proposed update to the Purchasing Policy.

**NOW ON MOTION OF Mr. James Herman**, which has been duly seconded by Mr. Joseph Ahl, therefore, be it

**RESOLVED**, that the Town Board of the Town of Orangeville has reviewed the proposed update to Section IV(A), a copy of which is attached hereto as Exhibit A; and be it further

**RESOLVED**, that the proposed update will ensure that each Town official receives a copy of the applicable documentation for audit and approval of each purchase in consideration and as such will further facilitate compliance with the rules of purchasing and contracting; and be it further

**RESOLVED**, that the Town Board of the Town of Orangeville hereby adopts the update to the Town of Orangeville Purchasing Policy, a copy of which is attached hereto as Exhibit A. Ayes [4] May Boxler Flint Herman Ahl Noes [0] Carried

## TOWN OF ORANGEVILLE PURCHASING POLICY

## SECTION I. GENERAL POLICY STATEMENT

Pursuant to requirements of General Municipal Law (section 100 et, al.) the purpose of this Purchasing Policy is to bring together, in one document, comprehensive policy and procedural guidelines for the purchasing function; including all facets of the purchasing process: vouchers, abstracts, approvals, filing, etc.

All Town purchasing decisions should be designed to procure needed commodities of the desired quality at the lowest total cost to the Town.

Documentation requirements should be followed to act as evidence that the Town obtained the needed commodities of the desired quality at the lowest total cost to the Town, and that purchasing procedures complied with State and Town laws, rules, regulations and policies.

## SECTION II. REVIEW, UPDATE AND DISTRIBUTION

This policy shall be reviewed annually at the organizational meeting of the Town Board and revised and/or updated as necessary. It will be the responsibility of the Clerk to distribute the current copy to responsible department heads.

## SECTION III. NEW YORK STATE MANDATING BIDDING

It is the policy of this Board that all purchases and services over New York State bidding thresholds (currently \$10,000 and \$20,000) will be publicly advertised for competitive bids.

Aggregation: All anticipated purchases of alike commodity or commodity group will be aggregated to determine if the Town will exceed the threshold. Each department head will be responsible to continually monitor his usage patterns to be aware of commodities that over a period of time will exceed the thresholds.

Time Period: The time period of aggregation will be the Town's fiscal year, or if more appropriate, the formal purchase season for the commodity group (example: winter months for road salt, etc.)

Advertising: Will comply with state guidelines (i.e. published at least five (5) days prior to bid opening and published in the legal newspaper.

Bid Files: All bid files will be filed with the Town Clerk with in marked folders indicating item bid and date, per item.

Bid Reviews: The applicable department head and the Town Board will review bid compliance for each submittal. Compliance for each bid specification will be noted on the bid submittal for each vendor.

Bid Specifications: Shall include all conditions that will be used to evaluate compliance, including but not limited to, product description, quality, alternatives and options, trade-in, delivery, mileage allowances, repair needs, etc. Considerations that are not listed in the specifications list cannot be used as the basis to measure compliance with the proposals and the award of the contract. Also each bid submittal shall require a statement of non-collusion by the vendor.

Bid Award: After compliance and price review, the Board will make a determination of which vendor is the lowest, *responsible* bidder meeting bid specifications and award the contract accordingly. This determination will be entered as a resolution in the minutes and, if the award is to other than the apparent low bidder, such resolution will specify in what material respects the low bidder (s) did not comply with specifications.

SECTION IV. EXCEPTIONS

A. PURCHASES UNDER STATE AND COUNTY CONTRACTS

The Town is not required to perform their own advertising for competitive bids if the purchases are properly made under a state or county contract.

- 1. The purchase must be the same commodity, price, conditions and vendor as under the state or county contract.
- 2. ~~Each department head shall attach a copy of the applicable state or county award documentation to the claim voucher submitted to the Board for audit and approval.~~ The Supervisor and each Town Board member shall receive a copy of the applicable state or county award documentation attached to the claim voucher submitted for audit and approval. The Town Clerk shall have a copy of all documentation on file in the Town Office.

B. EMERGENCY PURCHASES

Emergency purchases are not subject to State mandated bidding procedures.

- 1. Prior to making emergency purchases without advertising for bids, the department heads and the Supervisor, or in his/her absence, the Deputy Supervisor, shall determine that an emergency situation exists that immediately threatens the life or health of Town residents, or the imminent destruction of Town property; and

Such determination will be reviewed and affirmed by resolution of the Town Board at the next scheduled board meeting, specifying the condition and the threat; and The department head will still be required to document the solicitation of at least two (2) informal quotes as outlined in the section "Other Purchases Not Requiring State Bidding Compliance."

C. PROFESSIONAL CONTRACTS

Professional services are not subject to State mandated bidding procedures.

- 1. Such professional services shall include, but not be limited to accounting, legal, insurance coverage, engineering, computer consulting, etc. Items not classifiable as professional services include, but are not limited to, tree removal, paving, etc.
- 2. However it is the policy of this Board that such professional services that will exceed \$2,000 during a fiscal year will be subject to request for proposals, if the Board so deems it necessary.
- 3. Such requests shall include (as specifications) all descriptions, conditions, alternatives and options that shall be used as the basis for making the decision and awarding the contract.
- 4. The Town Clerk shall maintain separate folders for proposals per item bid with dates indicated.
- 5. The decision to award such a contract for professional services shall be made by specific resolution of the Town Board.

D. STANDARDIZATION

The Board may determine that it is in the best interest of the Town to standardize on a particular commodity.

- 6. Upon the adoption of a resolution by a vote of at least two-thirds (b) of all the members of the Town Board stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than

\$10,000 may be awarded by the Board to the lowest responsible bidder, after public advertisement for bid for that particular commodity.

- 7. The Board shall set forth in such a resolution specifically how such standardization will result in greater efficiency or economy.
- 8. Standardization of a commodity is not be confused with a sole source purchasing situation.

E. SOLE SOURCE

- 9. If a commodity type can be purchased only from one source, the Town need not go through the process of advertising for competitive bids.
- 10. It is acknowledged that true sole-source situations (other than regulated utilities, etc.) are rare and that proper documentationshould be provided to back up a sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendorknown to deal in a commodity is not enough, by
- 11. Town policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Town business for an apparent sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendor known to deal in a commodity is not enough, by itself, to support a sole-source assertion.
- 12. Town policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Town business for an apparent sole-source situation.
- 13. If a commodity purchase is to be made under a sole-source situation without advertising for competitive bids, the Town Boardshall vote to declare a sole-source situation, and shall delineate their reasoning for determining a sole-source situation exists.
- 14. A sole-source situation shall not be confused with a standardization issue.

F. PIGGY BACKING

- 15. Piggybacking – Effective August 1, 2012, a new subdivision 16 was added to General Municipal Law (GML) § 103 to authorize municipalities to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, 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 made available for use by other governmental entities.

G. BEST VALUE STANDARD

- 16. *Best value standard – Effective January 27, 2012, the piggybacking exemption to General Municipal Law (GML) § 103 was amended by chapter 497 of the Laws of 2013 to provide that the contract must be let either to the lowers responsible bidder or on the basis of best value in a manner consisted with GML § 103. The amendment to subdivision 16 is scheduled to expire on August 1, 2017. This standard allows municipalities to use "best value" methodology when purchasing a good or service as defined in § 163 of the State Finance Law. Goods or services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria which may include, but shall not be limited to, any or all of the following:*

1. *cost of maintenance;*
2. *proximity to the end user if distance or response time is a significant term;*
3. *availability of replacement parts or maintenance contractors;*
4. *longer product life;*
5. *product performance criteria; and*
6. *quality of craftsmanship.*

**\*NOTE- This portion of the Policy will not become effective until a Best Value Local Law is passed allowing the same.\***

SECTION V. OTHER PURCHASES NOT REQUIRING STATE BIDDING COMPLIANCE

1. Individual purchases over \$5,000.00 which are not subject to state mandated bidding procedures shall be approved by the Town Board.
2. In the event that an appropriation balance is insufficient, the Bookkeeper will notify the department head. An explanation must be submitted as to why the account should be increased which may be done by Board action at the next regularly scheduled meeting.
3. Each such purchase or series of purchases will require the solicitation of at least three (3) informal quotes by the department head doing the purchasing.
4. Such quotes will be documented on a quote form and attached to the claim voucher submitted to the Board for audit and review.
5. The quote form will indicate:
  - a. A description of the commodity including options, etc.
  - b. Prices and conditions quotes
  - c. Date of quote and duration
  - d. Contact person
  - e. Department head determination of the preferred vendor with his/her reasons for such a determination.

SECTION VI. BUDGETARY CONTROL

Each department head is primarily responsible to monitor his budget each month, and to keep his/her purchases and expenditures within the available budget for each line it appears that there is not enough budget money, he/she should either:

- a. Restrict spending or
- b. Recommend an appropriate budget adjustment to the Board
2. The Bookkeeper should also monitor budget compliance. Based on the monthly budget report, he/she should alert the Board to any accounts that appear to be nearing or exceeding the budget. He/she could also advise or recommend remedies, such as restricting spending, budget transfers, excess fund balances, or unanticipated excess revenues.
3. The Board should also monitor budget compliance on a monthly basis by reviewing the monthly budgetary reports and taking official board action to implement any proper budgetary sections they deem advisable.
4. No purchase can be made until the Board has made available proper budgetary authority to spend.

SECTION VII. PREPARATIONS, APPROVAL, AND AUDIT OF CLAIM VOUCHERS

1. Vendor invoices will be given directly to the responsible department head. They will review the invoice, to verify the commodities delivered, price and proper accounting. They will also fill out and sign a voucher

- form and attach the invoice and any other departmental orders, counter slips, receiving reports or shipping documents.
- 2. This package will be submitted to the Clerk on the Saturday before the Board meeting for processing. He/she will submit these vouchers, along with a tentative summary listing, to the Board for their audit and approval. Upon audit and approval, the Supervisor and Councilmember's will sign the abstract of audited vouchers prior to the Bookkeeper preparing the final checks and mailing them to the vendor.
- 3. The Supervisor and/or Town Councilmember's that are auditing vouchers for a particular month hereby has the option to direct the Bookkeeper to cause a department to present a purchased item for verification and comparison to the invoice.

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Zoning Officer Report: Report in packets.

Highway Superintendent Report: Mr. Roggow discussed the issue with no heat in the judge's office or the Clerk's office. He contacted Taylor and they no longer work in this area. Harding from Perry are taking these over. Reisdorf was also contacted for a quote on the repair, crack heater exchange.

- Reisdorf: \$2450.00.
- Harding: \$4250.00

Strykersville Hardware: could not give quote for repair.

We will put a space heater in the Clerk's office and contact Reisdorf for repair of the furnace. On a motion by Mr. Flint, seconded by Mr. Ahl to have the furnace repaired by Reisdorf, Inc. Ayes [4] May Boxler Flint Herman Ahl Noes [0] Carried  
The employees will complete defensive driving this May. We need to have a prepayment voucher and one for the Highway Schooling. Warsaw lost a truck, so we may to help them. A couple of breaks on the radiator on the freightliner, \$1100.00 turbo went again in 06. The excavator is ready to be delivered, but waiting for a bit better weather.

Town Clerk Report- The Towns total revenue for the month of January 2019 was \$524.00. \$105.00 for Zoning, \$324.00 for dog licenses, \$5.00 for late fees, and \$90.00 for Registrar. We had 9 new dog licenses and 21 renewal licenses. To the general fund, Supervisor May \$295.00, Dogs were \$95.00, \$5.00 in late dog license fees, \$105.00 Zoning and \$90.00 for Registrar. We disbursed \$185.00 to Wyoming County, \$44.00 to Ag and Markets for dogs. No marriage licenses this month.

Tax Collector report: \$87,053.43 was presented to the Supervisor. Varysburg Fire District - \$65,968.67, Warsaw Fire - \$17,630.00, Orangeville Light - \$700.00, Sheldon Water District - \$2,714.76 and \$40.00 unpaid water bills.

Supervisor May requested a motion to approve the 2019 Highway Fund Bills: Abstract #2 Vouchers #05 through #26, totaling \$50,201.26. A motion was made by Mr. Herman, seconded by Mr. Flint to approve the payment of the Highway Fund bills. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried.

Supervisor May requested a motion to approve the 2019 General Funds bills: Abstract #2 Vouchers #05 to #26, totaling \$100,300.06. A motion was made by Mr. Flint, seconded by Mr. Herman to approve the payment of the Highway Fund bills. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried.

February 14, 2019

General Board Meeting

The meeting was adjourned at 9:45pm on a motion by Mr. Flint, seconded by Mr. Herman to adjourn. Ayes [4] May Boxler Flint Herman Ahl. Noes [0] Carried.

Respectfully submitted

*Rosann A. Lowder, RMC*

Rosann A. Lowder, Registered Municipal Clerk  
Town of Orangeville