

Town of Hamilton Regular Board Meeting Minutes
Thursday, July 9, 2015, 6:00 p.m.
Held at the Town Office, 16 Broad Street, Hamilton, NY

Present: Eve Ann Shwartz, Suzanne Collins, David Holcomb, Sue Reymers, Brynley Wilcox, Bert Glazier. Absent: Chris Rossi, Peter Darby. Others Present: Donald Haight. Tom Fagan 7:00 p.m.

Call to order & Welcome: Supervisor Shwartz called the meeting to order at 6:04 p.m.

Public Comments: None.

GENERAL:

Claims for Payment:

RESOLUTION 2015-75: Audit of Claims

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the bills contained on Abstract #7 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund A	No.	155	<i>through</i>	177	\$ 15,074.62
General Fund B	No.	19	<i>through</i>	21	\$ 466.50
Highway Fund DA	No.	67	<i>through</i>	76	\$ 3,142.19
Highway Fund DB	No.	16	<i>through</i>	22	\$ 18,131.68
Lighting Districts	No.	11	<i>through</i>	12	\$ 386.00

TOWN REPORTS:

Highway Superintendent - Bert Glazier

The grading on the berm has been completed. Three inches of topsoil was added. We borrowed the hydro seeder from Town of Cazenovia and the hydro seeding is now done. The crew chip sealed 15 roads with 1 A stone. All of them were patched beforehand. There have been two guys working on the Milford demo. There were three layers of wall. The crew moved the records from 20 Utica to the garage and it is covered. The room is not built yet, but it will be done soon and there will a temporary light put in it as well. The summer maintenance is done on the vehicles. They helped Eaton, Lebanon and Nelson with their paving and chip sealing. Matt from the NYSDEC said what has been done was fine. A letter of confirmation will come soon.

Town Clerk - Sue Reymers

Monthly Fees collected for June \$2,037.00. Dump ticket sales increased. Disbursements: Town Revenue: 803.87, NYSDEC: \$321.23, NYSDOH: \$112.50, NYSAM: \$35.00, Mad Co: \$764.40. Hunt/Fish Licenses: 15, Marriage Licenses/Copies: 6, Dog Licenses: 31, Dog Redemptions: 1, Landfill Tickets: 56, Building Permits: 4.

VALESKY/MAGEE Requests for Funding: Valesky: 6/30/15- Spoke with Scott Butler. They are granting us funds, details pending. Magee: 5/14/15 – Spoke with Laura. They submitted request for \$50,000 for 38 Milford Street. Waiting to hear back.

NYSERDA Funding: Electric Vehicle Charging Stations: similar to Unified Solar Permit. Pending research. Funding for Capital Projects: 38 Milford & Garage Energy Reno. Being researched with someone from REDC-CNY.

Planning Board: General Meeting Scheduled for Thursday, July 16 at 7 p.m.

Salt Shed Grant: In process. Waiting for support letters from several people that have been approached. Need to get the Berm and other misc. expenses spent on the project already for the grant.

Professional Development, Associations & Misc.: NYS Town Clerk Association: was sworn in as a board member for District 6, which serves 8 counties, for a 3 year term. I'll be serving on several committees. Board Meets 4 times a year in September, December, March and April which will involve travel and overnight. I will be out of the office for one day each time, except April which is during the Clerk Conference for which I will be gone for 3 days.

Jury Duty: I have been summoned for Jury Duty for Madison County Court on Monday July 20. Potential for a trial that would last 1 week or so.

Clerk Reymers shared with the council a letter of appreciation from the Hamilton Library.

Town Justice - Donald Haight

Things have been slow in the court for the summer. Other courts are slow, too. Caught up on fines and operating as normal. Bert Glazier has been cooperative for community service placement and the court is thankful for his help. Bert also said if there are any more community service people to send them his way. Main thing tonight is talking about personnel coverage with court clerk.

RESOLUTION 2015-76: EXECUTIVE SESSION

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was ADOPTED: Ayes: 3 Nays: 0

Resolved that this Board move into an Executive Session for the purposes of personnel at 6:20 p.m.

RESOLUTION 2015-77: RETURN TO REGULAR SESSION

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was ADOPTED: Ayes: 3 Nays: 0

Resolved that the Board return to regular session at 6:34 p.m.

RESOLUTION 2015-78: Authorize Deputy Clerk to work with Court Clerk

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was ADOPTED: Ayes: 3 Nays: 0

Resolved that the Deputy Clerk train with the Justice Clerk for back-up coverage for one hour per week for four weeks and to report back at the August board meeting.

Judge Haight will follow-up on Village hiring a Justice Clerk. A brief discussion about consolidation of the town and village court included questions about revenue, village law, traffic tickets and the impact of consolidation. Needs study.

Codes Enforcement Officer-Donald Forth

There were four building permits that included two decks, a pool, and a new garage.

Supervisor/Bookkeeper – Brynley Wilcox

Court Report: June check (\$1,253), Comptroller/Town Share: Unknown at this time

Financial Updates: Bank Reconciliations-Petty Cash, Payroll, Money Market and General Fund have all been reconciled through June. Income: Pellet Stove Sold for

\$1,500. The broom attachment sold for \$2,525. Insurance: Reimbursement: \$201.30 pending (for Highway Equipment schedule amendment because of redundancy and deleted 20 Utica Street from policy). Audit of 2014: Cwynar is waiting on a letter from Steve Jones and then will be ready to wrap up the 2014 audit. Internal Policies:

Procurement Policy – a chart has been added to the second page of the policy in order to account for repairs made to highway equipment. Resolution is needed. Sales Tax – A Resolution is needed to switch sales tax distribution methods

2% Foreign Fire Tax Money: A Resolution is needed to ok the distribution of monies to the fire departments/districts. **Question: What is the Foreign Fire Tax Program?**

Answer: The foreign fire tax program as set forth in New York Insurance Law §§ 9104 and 9105 requires foreign and alien insurance companies to pay a 2% tax on premiums written for insurance against loss or damage by fire on property located in the State. Excess line brokers licensed to place insurance business with an unauthorized insurer as set forth in New York Insurance Law § 2118 are required to pay a 3% tax on fire insurance premiums on property located in the State. The tax collected from the insurance companies and brokers by the Department of Financial Services is distributed to fire departments, fire districts, fire department benevolent associations, and the Firemen's Association of the State of New York (FASNY).

Collateralization Agreement: NBT will be migrating our third-party custody accounts from M&T Bank to the Bank of New York Mellon (BNYM). A Resolution is needed in order to authorize our CFO to sign the new agreement.

RESOLUTION 2015-79: FIRE TAX DISTRIBUTION

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was ADOPTED: Ayes: 3 Nays: 0

Resolved that Fire Tax total of \$2,010.92 be distributed as follows: Hamilton fire: \$1,082.28; Hubbardsville fire: \$713.07; Earlville fire: \$215.57.

RESOLUTION 2015-80: COLLATERALIZATION AGREEMENT

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was ADOPTED: Ayes: 3 Nays: 0

WHEREAS, M&T Bank has acted as Custodian and Collateral Agent for Town of Hamilton funds managed through NBT Bank, N.A., and

WHEREAS, the Town of Hamilton was notified that M&T Bank will no longer be the designated Collateral Agent, effective later this year, 2015, and

WHEREAS, Bank of New York Mellon (BNYM) has been selected by NBT Bank, N.A. to be the successor third party custodian for these funds, and

WHEREAS, this Board need to approve a new Third Party Custodian Agreement with BNYM, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby consents to the appointment of BNYM as third party custodian and collateral agent for the Town funds managed through NBT Bank, N.A., and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Third Party Custodian Agreement with NBT Bank, N.A. and BNYM and any and all other documents necessary to effectuate said agreement.

RESOLUTION 2015-81: Authorization to transfer Funds

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that \$30,000 in DB Money Market Account from Oneida to NBT Checking for payment of monthly bills.

RESOLUTION 2015-82: Receive and File Financials

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the July 2015 monthly financials be received and filed.

COMMITTEE REPORTS:**SOMAC - David Holcomb**

Supervisor Shwartz shared that Mr. Darby, Mr. Faraone and Ms. Shwartz met to discuss what to submit to Town of Lebanon. There was an article in the paper today. There were two options, one based on the tax rate like before or the other option based on calls. They will be attending the Town of Lebanon's next meeting to go over the request. Lebanon received a letter, the existing year's budget and a preliminary 2016 budget. If they don't contract with SOMAC, they need to figure out what to do. Mr. Holcomb stated that you can request any ambulance you want. Additionally, SOMAC sent a letter of request for funds, which does not need a resolution. Clerk Reymers reported that the SOMAC audit is still in process. Need more time to complete. Clerk Reymers and bookkeeper keep meeting to go over various bookkeeping and files.

Comprehensive Plan:

Intern is working on the power point presentation. The information meetings are going to be on September 15, 16, 17 at the Poolville Community Center, Earlville and Hubbardsville Fire Departments. The public hearing is scheduled for Saturday, September 26 at the Hamilton Library or the School. The board needs to keep reading through the plan.

Partnership for Community Development:

Participating in interviews. There are three strong candidates and they are checking references. The hiring committee is meeting on Monday to make a recommendation to the PCD board.

Deer Management Task Force

Clerk Reymers spoke with Rick Gifford. The village still needs to approve the plan. Meanwhile, the Task Force is moving forward working on the plans for locations and securing volunteers.

38 Milford Street Building Committee – Suzanne Collins

The committee is meeting with the architect on Wednesday July 22 at 4:00 p.m. at 38 Milford. The committee wondered if we need our own updated survey to prevent any potential issues with neighbors. A verbal quote from Chapin Land Surveyors was provided for \$675 which includes maps, pins and right of ways. Chapin noted that Snyder and Chapin don't agree on their surveys. The council discussed if it was necessary. Supervisor Shwartz will ask Chris Kendall about the right of way agreement and the surveys. Mr. Kendall noted that there is a discrepancy between the two surveys. A boundary line agreement might resolve it but do we need it, is the question.

PUBLIC HEARING – LOCAL LAW #2 of 2015 Residency Requirement**RESOLUTION 2015-83: Move to Scheduled Public Hearing on Local Law #2 Of 2015, entitled, A local law to provide for the appointment of a Deputy Town Clerk who is not a resident of the Town of Hamilton.**

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, the following resolution was: ADOPTED: Ayes: 3, Nays: 0

Resolved that this meeting be interrupted to hold a Public Hearing advertised and scheduled for this evening at 7:00 p.m.

Following distribution of the Local Law to the Town Board members in June 2015, Notice of said Public Hearing was duly published in the Oneida Daily Dispatch on July 2 with the same being posted on the June 26 until July 9 at the Town Hall as well as the website. Supervisor Shwartz read out loud to the public, the contents of the local law. (Attachment A)

Public comments: none

RESOLUTION 2015-84: Move to close the Public Hearing

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, the following resolution was: ADOPTED: Ayes: 3 Nays: 0

Resolved that the town board close the public hearing at 7:14 p.m.

The Town board resumed the regularly scheduled meeting at 7:14 p.m.

OLD BUSINESS:

RESOLUTION 2015-85: Authorizing Adoption of Local Law #2 of 2015

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, following resolution was: ADOPTED: Ayes: 3, Nays: 0.

Roll Call Vote: Suzanne Collins-yes, Peter Darby-absent, David Holcomb-yes, Eve Ann Schwartz-yes, Chris Rossi-absent.

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Hamilton for a public hearing to be held by said Town Board on July 9, 2015 at 7:00 p.m. at the Town of Hamilton Office, 16 Broad Street, Hamilton, New York to hear all interested parties on a proposed local law entitled "A local law to provide for the appointment of a Deputy Town Clerk who is not a resident of the Town of Hamilton"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town; and

WHEREAS, each member of the Town Board duly received a copy of said proposed law in final form the required amount of time prior to final passage of the local law; and

WHEREAS, said public hearing was duly held on July 9, 2015 at 7:00 p.m. at the Town of Hamilton Office, 16 Broad Street, Hamilton, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, The Town Board of the Town of Hamilton, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamilton hereby adopts, by roll call vote, said Local Law #2 entitled "A Local Law to Provide for the appointment of a Deputy Town Clerk who is not a resident of the Town of Hamilton", a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law book of the Town of Hamilton and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Highway – Salt Shed:

Letters of support for the Salt Shed grant have been received from NYSDEC, Valesky, Magee, Soil & Water, Mad Co Highway Superintendent. Waiting for letter from John Becker, and hoping for letters from Joanie Mahoney and/or Rob Simpson, who are all on the REDC-CNY board. REDC reviews the grant applications and its worth 20% of the scoring.

RESOLUTION 2015-86: Authorizing the solicitation of Bids for the Procurement of a Salt Storage Roof System for the Town of Hamilton Highway Department

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, following resolution was: ADOPTED: Ayes: 3, Nays: 0.

Roll Call Vote: Suzanne Collins-yes, David Holcomb-yes, Eve Ann Shwartz-yes, Chris Rossi-absent, Peter Darby-absent.

WHEREAS, the Town of Hamilton Town Board has been notified by the Town of Hamilton Highway Superintendent of the need for a structure for the protection of the Town's salt reserves necessary for the appropriate maintenance of the town's roads; and

WHEREAS, the Barton & Loguidice in cooperation with the Town of Hamilton has prepared bid specifications for the procurement of a salt storage roof system; and

WHEREAS, the Town Board and Highway Superintendent will fully review the proposed salt storage roof system bid package to ensure its appropriate pursuant to the requirements of the General Municipal Law and the Town's Procurement Policy; and

WHEREAS, the Town Board has determined that in solicitation for bids to utilize the best value factor in said solicitation.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of Hamilton Town Board hereby authorizes the Town Highway Superintendent to solicit and obtain bids through the public bidding process pursuant to GML Section 103, including the usage of best value practices (as adopted by Local Law 1 of 2015) for the purchase/procurement of a salt storage roof system; and it is further

RESOLVED that said bids shall be opened on Wednesday, August 5 at 11:00 a.m. at the Town of Hamilton office at 16 Broad Street, Hamilton, NY 13346.

RESOLUTION 2015-87: AUTHORIZE APPLICATION TO NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION WATER QUALITY IMPROVEMENT PROGRAM NON AGRICULTURAL NON-POINT SOURCE PROJECT

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, following resolution was: ADOPTED: Ayes: 3, Nays: 0.

Roll Call Vote: Suzanne Collins-yes, David Holcomb-yes, Eve Ann Shwartz-yes, Peter Darby-absent, Chris Rossi-absent.

WHEREAS, the Town of Hamilton approved a resolution on June 11, 2015 authorizing the submission of an application to the NYS Department of Environmental Conservation for grant funding from the 2015 Water Quality Improvement Program to subsidize 75 percent of the costs associated with the construction of a new salt storage facility; and

WHEREAS, the Town was subsequently notified of specific language required for said resolution, which follows; and

WHEREAS, the Town of Hamilton herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest and is required in order to implement the project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Hamilton

1. That Eve Ann Schwartz, Supervisor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to state assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution shall take effect immediately.

Ambulance Contract:

The board reviewed the contract. Supervisor Shwartz will discuss with Vinny Faraone about a reasonable expectation for 'out the door' response time to include in the contract. This will be reviewed at the September meeting.

Annexation Update:

Public hearing is on Monday, July 27 at 7 p.m. at the Court House. The annexation checklist and reminder was emailed to all of the council members. Letters were sent from the Town to the School and Colgate.

NEW BUSINESS:

Madison County 2016 Tax Collection Shared Services Agreement Resolution

RESOLUTION 2015-88: Authorize Supervisor to sign Agreement for Tax Collection

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, following resolution was: ADOPTED: Ayes: 3, Nays: 0

Resolved that Supervisor Shwartz be authorized to enter into a shared services agreement with Madison County Treasurer's office for Tax Collection for 2016.

Recognition of Carol Dewey:

The Town Council along with the Town Clerk of the Town of Hamilton, Madison County, New York State, presents the following resolution with appreciation to Carol Dewey, Deputy Clerk.

RESOLUTION 2015-89: Resolution Thanking Carol Dewey

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, following resolution was: ADOPTED: Ayes: 3, Nays: 0

WHEREAS, Carol Dewey has served the residents of the Town of Hamilton as Deputy Town Clerk for the past five years; and

WHEREAS, during that time Carol has been a friendly and familiar face responsive to the various needs of all citizens who visit or call the Town office, providing information, selling tickets, licenses and permits. She always served with great warmth and a smile.

NOW THEREFORE, BE IT RESOLVED THAT due to Carol Dewey's dedication to the Town of Hamilton, the Council wishes to formally thank her for her service, and to approve this resolution which shall be entered into the minutes of the Council meeting of July 9, 2015.

Sales Tax

RESOLUTION 2015-90: RESOLUTION ELECTING DIRECT PAYMENT OF SALES TAX REVENUES IN LIEU OF REDUCTION OF COUNTY AND GENERAL TOWN TAXES LEVIED UPON REAL PROPERTY WITHIN THE TOWNSHIP

On a motion of Councilmember Holcomb, seconded by Councilmember Collins, following resolution was: ADOPTED: Ayes: 3, Nays: 0

Roll Call Vote: Suzanne Collins-yes, David Holcomb-yes, Eve Ann Shwartz-yes, Peter Darby-absent, Chris Rossi-absent.

WHEREAS, Section 1262 of the Tax Law governs the distribution and payment of sales tax revenues between the County and the Town, and

WHEREAS, said statute allows said sales tax revenues to be "applied first to reduce county taxes levied upon the real property..." and "(A)ny balance remaining shall then be applied to reduce general town taxes levied upon real property...". In the alternative said statute allows the Town to direct that said sales tax revenues be applied directly to the Town and to be used for Town purposes, and

WHEREAS, the Town Board has investigated and determined that it would be in the best interest of the Town taxpayers to have said sales tax revenues paid directly to the Town where said funds can be applied to Town purposes,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hamilton, Madison County, NY, pursuant to Section 1262 of the Tax Law, hereby elects to receive direct cash payment of the full amount of county sales tax revenues which

would otherwise be applied to reduce county/town taxes levied upon real property in such township; and

BE IT FURTHER RESOLVED, that this resolution shall take effect January 1, 2016, and

BE IT FURTHER RESOLVED, pursuant to Section 1262 of the Tax Law, that this resolution shall be mailed by registered or certified mail to the Madison County Treasurer before the first day of September 2015.

Procurement Policy

RESOLUTION 2015-91: Approval of Updated Procurement Policy

On a motion of Councilmember Collins, seconded by Councilmember Holcomb, following resolution was: ADOPTED: Ayes: 3, Nays: 0

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

WHEREAS, comments have been solicited from all officers in the Town of Hamilton involved in the procurement process,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that the Town of Hamilton does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE TOWN OF HAMILTON

1.a. Every prospective purchase of goods to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

b. The following items are not subject to competitive bidding pursuant to section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state, county and certain federal contracts; surplus and second-hand purchases from another government entity; and purchases made through the use of certain contracts let by other states and political subdivisions.

c. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This document may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the

circumstances which led to an emergency purchase or any other written documentation that is appropriate.

2. All goods and services not subject to competitive bidding will be secured by use of written requests for proposals (RFPs), written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and/or the best value and that favoritism will be avoided.

3. a. The following method of purchase will be used when required by this policy in order to achieve the highest savings (*Highway Repairs EXEMPT***):

Estimated amount of <u>purchase contract</u>	<u>Method</u>
\$1 to \$500	Discretion of purchaser
\$500 to \$1,000	Two written or verbal quotations, plus approval of the Town Supervisor
\$1,000 to \$20,000	Three written quotations, plus approval of the Town Supervisor

****FOR HIGHWAY REPAIRS ONLY:**

Estimated amount of <u>purchase contract</u>	<u>Method</u>
\$1 to \$5,000	Discretion of Superintendent
\$5,001 to \$10,000	Approval of the Town Supervisor
\$10,000 to \$20,000	Approval of the Town Board

Estimated amount of <u>public works contract</u>	<u>Method</u>
\$1 to \$500	Discretion of purchaser
\$500 to \$3,000	Oral request and oral/fax quotes from two contractors, plus approval of Town Supervisor
\$3,001 to \$10,000	Written RFP and written/fax proposals from three contractors, plus approval of Town Supervisor
\$10,001 to \$35,000	Written RFP and written/fax proposals from three contractors, plus approval of Town Supervisor

b. Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

c. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

d. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

4. The lowest responsible proposal or quote, and/or the best value quote, shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low proposer and/or the best value. If a proposer is not deemed responsible, facts supporting that judgment shall also be documented and filed with the records supporting the procurement.

5. Pursuant to General Municipal Law section 104-b(2)(f), the solicitation of alternative proposals or quotations will not be required in the best interest of the municipality in the following circumstances where proper qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures;

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

In determining whether a service shall fit into this category, the Town Board shall take into consideration the following guidelines:

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

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

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

Professional and technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or

architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; and computer software or programming services for customized programs or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and delay in order to seek alternate proposals may threaten life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals were required, it might prevent the Town from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually contained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods under \$500 and public works contracts for less than \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and therefore not be in the best interest of the taxpayer. In addition, it is not likely that such *de minimis* contracts would be awarded based on favoritism.

6. No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under \$20,000 or public works projects under \$35,000, if so desired.

7. a. In accord with Town of Hamilton law, "best value" as defined by State Finance Law 163, may be considered in certain purchase contracts (including contracts for services) that are subject to competitive bidding. Best value may also be considered in procurement under this policy. Factors that may be considered include, but are not limited to:

(A) Lowest cost of maintenance; (B) Durability; (C) Higher quality; (D) Longer product life; (E) Location.

b. A procurement decision based upon best value, instead of lowest responsible bidder, should be accompanied by a writing which lists the factors considered and the decision regarding each such factor.

8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as reasonably practicable.

9. This resolution shall take effect immediately

POLICY DOCUMENT CONTROL: Procurement Policy First Adopted 21 Sep. 2010; Updated 09 Jul. 2015.

Concerns of Town Board: None

Supervisor's Report:

Madison County Activities:

Supervisor has nothing to report. At the County board meeting, the law that was introduced to get passed at State for Madison County to get 25% of sales tax at gambling facility – Magee was able to get it on the floor to vote and it passed but Valesky could not get it out of committee. Supervisor Shwartz serves on Native American Committee and there is an arbitration clause in the contract. They are bringing in outside counsel because it could be a lot of money for the county.

The County hired an emergency coordinator, Ted Halpin, who came to the last Ambulance Working Group meeting and gave a presentation. It was a good discussion of the issues that are confronting all small towns. He has experience with a fly car system for emergency response and proposes that we need to study situation in our County. The Hamilton problem is happening throughout the County. Ted Halpin proposed he handle the study. The Supers decided for an independent study of emergency service and response times. The decision had full support from supervisors. There is an inequality of service. In some communities only one person is holding it up. There is a disaster plan being worked on. They are hiring a deputy, too.

With no further business, on a motion of Councilmember Holcomb, seconded by Councilmember Collins, the meeting was adjourned at 7:53 p.m. Carried unanimously.

Respectfully submitted by
Suzanne Reymers, Town Clerk