

**MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
MAY 13, 2013**

The Board of Trustees met on Monday, May 13, 2013 at the Village Hall, 100 East Shore Road, Great Neck, New York at 7:30 p.m.

Present: Mayor Robert Stern, Deputy Mayor Steven Weinberg, Trustee Gary Noren and Trustee To-on Pang

Absent: Trustee James Sharkey

The Mayor opened the meeting at 7:35 p.m.

APPROVAL OF MINUTES:

RESOLUTION 13 - 32

Upon motion of Deputy Mayor Weinberg, seconded by Trustee Pang and unanimously approved, the following resolution was adopted:

RESOLVED that the minutes of the Board of Trustees meeting held on April 8, 2013 are hereby approved and accepted as presented.

Public Hearing Bill T-1301

Upon motion of Mayor Stern, seconded by Trustee Pang and unanimously approved, the following resolution was adopted:

RESOLUTION 13-33

RESOLVED, that a Public Hearing will be held on Monday June 10, 2013 at 7:30 PM for Bill T-1301 a local law to amend the Code of the Village of Thomaston, in relation to repealing Chapter 152 Residential Rental Properties.

Procurement Policy Revision

Mayor Stern presented the revised procurement policy. The change being the number and nature of proposals (e.g. whether oral or written, etc.) has been changed from three (3) To two (2). (Attachment A)

Upon motion of Mayor Stern, seconded by Deputy Mayor Weinberg, and unanimously approved the following resolution was adopted:

RESOLUTION 13-34

RESOLVED, that the Village Procurement policy as modified is adopted, and will be reviewed at the next organizational meeting in April 2014. This policy is to take effect immediately.

VOUCHERS

RESOLUTION 13-35

Upon motion of Deputy Mayor Weinberg, seconded by Trustee Pang and unanimously approved, the following resolution was adopted:

RESOLVED, that the vouchers in the aggregate amount of \$181,926.18 (constituting the vouchers itemized in the report dated Monday May 13, 2013) are hereby approved for payment, all allocated to the General Fund.

Other Business

Deputy Mayor Weinberg reported on the new sewer lines miss-placement too close to the water line at the location on East Shore Road. Instead of 12" apart the lines were located only 6" apart, creating a potential hazard should there be a break in the sewer line. The danger of contamination would jeopardize the entire water supply of the Great Neck North Water District. There is currently a Stop Work Order in place while both parties work toward a resolution.

Mr. Sandy Caplan, a resident of 8 Avalon Road read a letter to the Board regarding the rear property at 4 Avalon and 17 & 19 Linden Street including photos of the overgrowth and fallen trees. He asked that the Board take some action to force these residents to clean and maintain this area as it is a breeding ground for insects and other vermin. The Board said they would investigate and make every effort to gain the cooperation of the owners.

There being no further business, the motion to adjourn was made by Trustee Pang at 8:25, seconded by Trustee Noren and unanimously approved.

Respectfully Submitted

Barbara J. Daniels

Village Administrator

ATTACHMENT A

Revised and Adopted May 13, 2013 to reflect changes in the number and nature of proposals required

VILLAGE OF THOMASTON

PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law, as adopted by Chapter 413 of the Laws of 1991, requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, the Board of Trustees has examined the Village's policies and procedures for such procurement, and has determined appropriate procedures to comply with this new legislation,

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Thomaston 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 (which supersedes the procurement policy heretofore in effect).

PROCUREMENT POLICY FOR THE VILLAGE OF THOMASTON

1. Every purchase 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 single fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$25,000 and public works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; contracts for personal services; and surplus and secondhand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase or proposing that the Board of Trustees approve a purchase. This documentation 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 will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts under \$25,000 and public works contracts \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; where permitted by law, purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated

<u>Amount of Purchase Contract</u>	<u>Minimum Required Method</u>
\$1,000 - \$9,999	2 verbal quotations
\$10,000 – \$25,000	2 written/fax quotations
<u>Estimated Amount of Public Works Contract</u>	<u>Minimum Required Method</u>
\$1,000 - \$9,999	2 verbal quotations
\$10,000 - \$35,000	2 written/fax quotations

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 the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible, or any other reason why the contract was awarded to other than the lowest responsible offerer. A determination that the offerer is not responsible shall be made by the purchaser and. may not be challenged under any circumstances.

6. Pursuant to General Municipal Law S104-b(2)(f), the village's procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Thomaston to solicit quotations or document the basis for not accepting the lowest bid:

A. Professional services or services recurring special or technical, skill, training, or expertise. The individual must be chosen based on the accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These 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.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines:

- (a) whether the services are subject to State licensing or testing requirements;
 - (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services;
and
 - (c) whether the services require a personal relationship between the individual and municipal officials.
- Professional or technical services shall include but not be limited to the following:

services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage 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; 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 a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude seeking alternate proposals if time permits.

C. Purchases of surplus and second-hand goods. Such purchases may be made without alternate proposals, because if alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually' obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

D. Goods or services under \$5,000. The time and documentation required to purchase through this policy may be more than the item itself and would 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.

And it is further

RESOLVED, that this resolution shall be effective as of May 13, 2013, and will be reviewed annually by the Board of Trustees.

Previously amended 9/14/98 and 2/13/12