

**REGULAR MEETING
SHELDON TOWN BOARD
April 21, 2015**

The Regular Meeting of the Sheldon Town Board held April 21, 2015 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:00 p.m.

Present: Supervisor John Knab
Councilmen: Vince Kirsch, Brian Becker, Mike Armbrust, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Attorney David DiMatteo, Highway Superintendent David Ricketson
Also Present: A signed list of those present is on file in the Town Clerk's office.

Executive Session

At 7:02 p.m. a motion was made by Vince Kirsch and seconded by Mike Armbrust to enter into Executive Session to hear legal communication from the Town Attorney regarding the Varysburg Water Project.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Exit Executive Session

At 7:15 p.m. a motion was made by Joe Meyer and seconded by Brian Becker to exit from Executive Session and return to the regular meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

At 7:15 p.m. Attorney DiMatteo left the meeting.

Minutes

A motion was made by Mike Armbrust and seconded by Joe Meyer that the minutes from the March 17, 2015 regular meeting and the minutes from the special meeting on March 26, 2015 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Communications

The Town Clerk reported on the following:

#14 Animal Shelter & Dog Control Officer Inspections

The NYS Ag & Markets inspection reports for the Wyoming County Municipal Shelter & Dog Control Officer were received. Both reports were satisfactory.

#15 Planning & Zoning Training

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize Town Planning & Zoning Board members and other appropriate employees to attend the Genesee/Finger Lakes Regional Planning spring government workshop on May 14, 2015 in Pittsford, NY and the Southern Tier West Regional Planning & Development Board annual government conference on May 6, 2015 in Houghton, NY.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

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#16 Notice of Claim – Highway Pickup Truck Accident

The Town Clerk received a notice of claim regarding an accident the Highway Supt. was involved in on 3/2/15. The Notice of Claim names AllState Insurance Company A/S/O Robert DeCecco against the Town of Sheldon. The loss valuation is in the amount of \$4,007.39. The Town Clerk notified Tompkins Insurance of the claim.

Reports

Financial Reports were presented for the month of March 2015 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Sheldon Highway Superintendent David Ricketson reported on the following:

Falls Rd. Bridge Replacement

The Highway Supt. met with the County Highway Supt. to review the proposed bridge replacement on Falls Road.

2006 Peterbilt Repairs

Good news regarding the repair of the 2006 Peterbilt – the cost to repair the engine was approximately \$9,000.00 not \$18,000.00. The damage was not as extensive as initially diagnosed.

Supervisor's Report

Supervisor Knab reported on the following items:

Franchise Fees

The Town received a franchise fee payment of \$18,668.18 from Time Warner.

CHIPS Payments

The Town received \$107,390.15 in CHIPS payment and an additional \$15,335.21 for extreme winter conditions.

Sale of Sprinklers in County

The Board of Supervisors voted down a proposed local law that would have permitted the sale of sparklers in the County. Supervisor Knab voted no on the proposed law.

Wyoming County Bills

County bills for March 2015 were \$2,383,476.00.

Pioneer FFA

The Board of Supervisors heard a presentation from the Pioneer FFA regarding the topic "Should the National School Lunch Program offer additional milk options to school age children."

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Special Public Forum Meetings – Board of Supervisors

The Board of Supervisors will hold the following special public forum meetings:

- May 7, 2015 at 7:30p.m. at the Attica Central School Auditorium
- May 30, 2015 at 11:00 a.m. at the Castile Town Hall
- June 18, 2015 at 7:30 p.m. at the Supervisor’s Chambers in the Wyoming County Government Center

BAN Renewal

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor to pay off one third of the principal plus interest (\$54,445.66 plus \$2,036.04 interest for a total of \$56,481.70) on the existing Bond Anticipation Note (BAN) with Steuben Trust Company and to authorize the Law office of David DiMatteo to draw up the paperwork to put the remaining balance (\$108,891.34) into another Bond Anticipation Note (BAN), soliciting rates from Five Star Bank, Bank of Castile, Steuben Trust Company and Alden State Bank.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Acceptance of Reports

A motion was made by Mike Armbrust and seconded by Vince Kirsch to accept all reports as presented.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Old Business

Town Hall Renovation

Supervisor Knab asked Councilman Kirsch to give an update on the Town hall renovation plans. Councilman Kirsch outlined the following:

- The floor tile was sent for testing and tested positive for asbestos in the tile and the mastic.
- An abatement project will cost approx. \$11,000.00
- Timeframe for the abatement will be approximately 10 days – at that time all articles will need to be removed from the town offices and stored in the highway garage
- Councilman Kirsch suggests that other suspicious areas be tested for asbestos before the abatement of the tile begins

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize Councilman Kirsch with the assistance of Town Clerk Zittel to obtain three quotes for asbestos testing on any other suspected asbestos containing areas in the Town hall.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

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Generator

Over the past several months, the Town Board has discussed various generator options. Three quotes were obtained from the following:

Company	Address	Type of Generator	Price
Key Power Systems Inc	953 Creek Rd., Attica, NY 14011	Kohler 48KW	\$17,855
Brown Electric	6421 Campbell Blvd., Pendleton, NY 14094	Kohler 20KW	\$20,343 (used prevailing wage rate)
Capital Heat Inc.	2975 Walden Ave., Depew, NY 14043	Generac 20KW	\$10,996

Authorization to Purchase Generator

A motion was made by Mike Armbrust and seconded by Brian Becker to purchase a 20KW Generac air-cooled generator from Capital Heat Inc., 2975 Walden Ave., Depew, NY 14043 in the amount of \$10,996 inclusive of labor and the installation outlined on the price quote.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

New Business

Highway School

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Highway Superintendent to attend summer highway school in Ithaca June 1-3, 2015.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Adoption of New Procurement Policy

A motion was made by Brian Becker and seconded by Joe Meyer to adopt the new procurement policy.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

**TOWN OF SHELDON
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

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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 will be publicly advertised for competitive bids. Purchase contracts involving expenditures in excess of twenty thousand dollars (\$20,000) (effective June 22, 2010) and contracts for public work involving expenditures in excess of thirty-five thousand dollars (\$35,000) (effective November 12, 2009)

Aggregation: All anticipated purchases of a like 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/her 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 normal 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.

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
2. 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
3. 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

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- 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 two thousand dollars (\$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.

1. Upon the adoption of a resolution by a vote of at least two-thirds ($\frac{2}{3}$) 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 ten thousand dollars (\$10,000) may be awarded by the Board to the lowest responsible bidder, after public advertisement for bid for that particular commodity.
2. The Board shall set forth in such a resolution specifically how such standardization will result in greater efficiency or economy.
3. Standardization of a commodity is not be confused with a sole source purchasing situation.

E. SOLE SOURCE

1. If a commodity type can be purchased only from one source, the Town need not go through the process of advertising for competitive bids.
2. It is acknowledged that true sole-source situations (other than regulated utilities, etc.) are rare and that proper documentation should be provided to back up a 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.
3. 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.
4. 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.
5. If a commodity purchase is to be made under a sole-source situation without advertising for competitive bids, the Town Board shall vote to declare a sole-source situation, and shall delineate their reasoning for determining a sole-source situation exists.
6. A sole-source situation shall not be confused with a standardization issue.

F. 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.

SECTION V. OTHER PURCHASES NOT REQUIRING STATE BIDDING COMPLIANCE

1. Individual purchases which are not subject to state mandated bidding procedures will be

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governed as follows:

- a. Less than \$10,000, but greater than \$3000 require a written request for the proposal and written/fax quotes from 3 vendors.
 - b. Less than \$3000 but greater than \$1000 requires an oral request for goods and oral/fax quotes from 2 vendors.
 - c. Less than \$1000 but greater than \$250 is left to the discretion of the purchaser.
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. The purchase order/ voucher will be attached to the invoice when it is signed and submitted for payment.
 4. All purchase order/voucher rules must be followed.
 5. 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.
 6. Such quotes will be documented on a quote form and attached to the claim voucher submitted to the Board for audit and review.
 7. 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

1. 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 item. If 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. Where applicable, they will also fill out and sign a voucher form and attach the invoice and any other departmental purchase orders, counter slips, receiving reports or shipping documents. The Dept. head is also responsible for approval in writing of each invoice and/or voucher and noting on the invoice or voucher the correct budget account number and Town Clerk abstract sequence number.
2. Each month, the package of invoices and numerically sequenced vouchers will be

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delivered to the Town Board for review and audit at the next regularly scheduled Town Board meeting. The Town Board shall approve the payment of all invoices through a majority resolution to be entered into the minutes for the meeting.

3. The Supervisor and/or Town Councilmember's that are auditing vouchers for a particular month hereby have the option to direct the Bookkeeper to cause a department to present a purchased item for verification and comparison to the invoice.
4. The only exception is for prepaid invoices necessary to maintain essential utilities and services to Town Offices and Personnel. These invoices will be paid by prior approval of the Town Supervisor and still require submission to the Town Board for auditing and review at the next regular Town Board meeting.
5. The Town Clerk will collect all audited invoices and/or vouchers and subsequently produce a complete numerical abstract by fund type identifying:
 - a. The Claim number
 - b. Claimant
 - c. Budget Account Number
 - d. Amount of invoice
6. Prior to submitting the invoices/vouchers to the Bookkeeper for payment, the Town Clerk will total the invoices on the abstract and sign and date this document certifying the audited package of invoices/vouchers matches the totals approved by the Town Board.

SECTION VIII. UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to comply fully with the provisions of General Municipal Law, § 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Sheldon or any officer or employee thereof.

4-H Welcome Sign

The Town Supervisor asked the Highway Superintendent to place the 4-H welcome sign on the front lawn of the town hall in a spot to be determined by the Highway Supt. and Town Clerk.

2002 Peterbilt Truck Declared Surplus

A motion was made by Mike Armbrust and seconded by Vince Kirsch that the 2002 Peterbilt truck be declared surplus equipment and to authorize the Highway Superintendent to list the truck on auctions.com with a minimum bid of \$25,000.00.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Fund Transfer

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the transfer of \$75,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for March 2015 bills and payrolls.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

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Bills

Supervisor Knab confirmed that the Board had a chance to review the bills.

A motion was made by Brian Becker and seconded by Vince Kirsch that the

General Bills #106 to #139 for a Total of \$15,110.74, the

Highway Bills #56 to #83 for a Total of \$48,926.79, the

Trust & Agency Bills #13 to #18 for a Total of \$3,050.22 the

Varysburg Water District Bills #19 to #29 for a Total of \$4,351.24 the

Capital Project Bills #9 to #11 for a Total of \$5,041.04 and the

Lighting District Bills for a Total of \$847.55 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Comments from the Floor

Supervisor Knab opened the floor to comments.

Streambank Revitalization Grant

Resident Mark Parton asked for an update on the streambank revitalization project. Supervisor Knab responded that the project is expected to go to bid within 30 days.

Adjournment

A motion was made by Mike Armbrust and seconded by Vince Kirsch to adjourn the April 21, 2015 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.