

At a regular meeting of the Board of Trustees held the 7<sup>th</sup> day of January, 2016, at the Town of Eaton Offices, Morrisville, there were:

Present:	Mark Shepard	Mayor
	Margaret Brody	Trustee
	Emily Marshall	Trustee
	Kathleen Roher	Trustee
	Allen Noel	Trustee
	James Stokes	Attorney
	James Cunningham	Waste Water Operator
	Amy Will	Clerk-Treasurer

Others: Connie Shepard, Sue Bartow and Anthony Gianti, residents.

Mayor Shepard opened the meeting at 7:01 p.m. with the Pledge of Allegiance.

Minutes of the 12/05/15 meeting were reviewed. Trustee Brody made a motion to approve the minutes as written, seconded by Trustee Noel, all ayes. Motion carried.

**Morrisville Food Pantry:** Mayor Shepard discussed the food pantry and the village appropriation. In 2013 Trustee Marshall suggested that, in addition to funding the Friendship Inn, the board consider funding the food pantry. At that point a budget line was added for the food pantry. However, until now the food pantry hadn't requested those funds. In 2015, due to a loss of funding Community Action Program ceased to administer the program. The Morrisville Community Church took over January 1 (2016). Sue Bartow indicated she is the administrative director for the food pantry. She provided an overview of the Feeding America program and how the food pantry is funded, which is solely through grants and donations. Ms. Bartow noted that they have already spent a substantial amount of their grant funds to stock the food pantry. Trustee Marshall questioned whether those using the services of the food bank pay anything; Ms. Bartow indicated they do not. People must enroll and be within 185% of the poverty level. She said they do not ask a lot of questions, but those using the services of the food pantry are very deserving. They serve approximately 50 families per month. The board was previously provided with a copy of the contract for review. After discussion Trustee Roher made a motion to approve the Contract for Indigent Food Services Programs, authorizing Mayor Shepard to sign said contract, seconded by Trustee Noel, all ayes. Motion carried. Ms. Bartow thanked the board for this much needed funding.

**Code Enforcement Report:** Mr. Sutton has been out of the office at training and was unable to submit a written report.

**DPW Report:** Trustee Roher indicated that Mr. Heh would like to look into getting internet service at the shop. This will be discussed at upcoming budget meetings.

**Wastewater Report:** Mr. Cunningham provided the board with his annual report for 2015. The DEC inspection in November went very well. They have added additional effluent testing, but Mr. Cunningham doesn't believe this will be an issue.

Mr. Cunningham discussed the status of the proposed brewery at the Copper Turret. He had been corresponding with Dave Mancini from Morrisville College. Things were progressing until Mr. Cunningham began asking technical questions. He did advise Mr. Mancini that they must apply to the village for a permit to discharge industrial wastewater. Mr. Cunningham advised the board that we will need to set a rate per pound of BOD. The charge won't be based on the amount of flow, rather it will be based on the concentration of the material they send us. He also noted that the board will need to amend the local law and establish an enforcement response plan to set fines and fees if they don't meet our requirements. Mr. Cunningham stated that we need to protect our plant and recover the cost of treating this waste water. He said we should issue a temporary 90 day permit then conduct a high intensity sample during that period to determine what the brewery is producing.

**Planning Board:** Trustee Marshall noted that the Planning Board recently reviewed the application for a sign permit for the Plate and Pallet restaurant. She indicated the restaurant will open mid-January, and the liquor store will be opening soon as well.

**Sheriff's Department:** Trustee Brody discussed the bill for the months of October and November. She found that there was

a patrol both Friday and Saturday after Thanksgiving, when the students were not here. She said this wasn't on our request for coverage so she will address this with the Undersheriff. For January, she provided the specific days we would like coverage which should alleviate any issues.

**Campus/Community Committee:** Trustee Roher said Winterfest will be held February 27 at the Elementary School. They are planning an array of events for the day. Morrisville College picks up most of the cost for this event.

**Public Comment:** Anthony Gianti addressed the board regarding his property at 14 East Maple Avenue and an issue he has with the men who plow the sidewalks. He said he has lived here for 7.5 years and every winter his yard is being plowed up and damaged. He understands the issue is due to the plow being wider than the sidewalk and it tends to hit stuff on either side. Mr. Gianti said every year he has dealt with this. Several years ago he stated that he built a rock wall and each year the wall gets broken and knocked down. He continued that his trees have been killed because of snow being pushed 5 or 6 feet into his yard. Mr. Gianti said the other day when there was a dusting of snow, the plow hit a rock and moved it into the center of his driveway where it froze and he could not move it back. Mr. Gianti also indicated an issue with water from Union Street flowing to East Maple Avenue. Due to the lack of curbing and drainage, that water flows down the sidewalk from Wayne Smith's property to his. Brud Williams replaced his sidewalk so the flow doesn't continue past Mr. Gianti's property. Mr. Gianti stated there is an issue with the accumulation of ice on his sidewalk due to this. He noted that he could do a much better job maintaining his sidewalk and would like the opportunity to do so.

Mayor Shepard said the problem with Mr. Gianti's stone wall is that it was built on the very edge of the sidewalk. The DPW has tried to stay to the left of the stone wall when plowing, but Mr. Gianti was unhappy about this because it resulted in the sod between the sidewalk and street being dug up. Mayor Shepard said that any damage to the stone wall has not been done intentionally. As to Mr. Gianti's request to maintain his sidewalk, this was an issue in the past. The village previously agreed to no longer plow the sidewalk in front of his property but Mr. Gianti failed to keep the snow clear and we received complaints about pedestrians, including children, needing to walk out into the street in this section. Mayor Shepard suggested that Mr. Gianti place markers where the rock wall is located which may help the DPW to avoid it. He also stated that the village will address Mr. Gianti's sidewalk concerns in the spring.

**Trustee Report:** Trustee Marshall indicated that Community Cares coordinated the placement of 29 paintings in the windows of village businesses. These paintings were the work of MECS elementary students. The paintings will remain in the windows for about a month. Artwork from high school students will be placed in the windows next.

Trustee Noel discussed the draft source water protection plan received from NY Rural Water. The report proposes three sites to pursue for a new well. He suggested that the village consider a test drill to see if there is another aquifer below the existing one. Trustee Marshall suggested an additional well where the reservoir was. Trustee Noel responded that we could test for that, but it's a matter of having the funds to do so. He suggested that once the next census is complete the village budget for the drilling of test wells.

**Mayor's Report:** The board discussed the letter from NYS DOT regarding a shared service agreement to allow DOT to provide emergency assistance to municipalities in the absence of a Governor's emergency declaration. Attorney Stokes reviewed the shared service agreement and noted his concern that the indemnification only runs one way; providing indemnification for the DOT, but not the village. In his opinion, this is not a good form of agreement. Trustees Noel and Brody indicated they were not interested in moving forward with this. Attorney Stokes said it's not a bad idea to be in a position to do this, but he is unsure how much flexibility they have with the agreement itself though. Trustee Marshall suggested that this be sent to Mang Insurance for review. Trustee Brody made a motion to table the matter for additional review, seconded by Trustee Noel, all ayes. Motion carried.

Mayor Shepard advised Attorney Stokes that the maintenance agreement for the Dollar General property hasn't been signed by the property owner. Attorney Stokes indicated that he wasn't aware of this. He said an appearance ticket can be issued for violating the terms of the planning board approval if the board so desired. Attorney Stokes will speak to Mr. Sutton regarding this matter.

The board discussed the draft narrative received by the master plan committee. There was concern about time constraints if we meet and discuss at a regular board meeting. The board decided to hold a special meeting on February 18 for the purpose of discussing the draft narrative with the master plan committee.

The board discussed the draft local law requiring new and existing rooming houses to obtain an annual license. Trustee

Brody made a motion to schedule a public hearing on February 4, 2016 at 7:30 p.m. to consider the adoption of this local law, seconded by Trustee Noel, all ayes. Motion carried. Attorney Stokes to revise and send to Mrs. Will for distribution to the board.

**Clerk-Treasurer Report:** The board was provided financial reports detailing income and expenditures to date by fund.

The board discussed a recent accident involving the village dump truck. The truck was parked at the DPW and another vehicle struck it, causing some damage. Mang Insurance Agency was notified of the accident, but the board needs to decide whether we want to collect under our policy or deal directly with Nationwide (the insurance company for the other vehicle). The board suggested that we obtain an estimate of damages and contact Nationwide and see what happens.

The board reviewed the most recent draft of the procurement policy. It was noted that Jim Cunningham requested that purchases of less than \$1,000 be approved without the need for a quote. The board agreed. Trustee Noel made a motion to adopt Resolution 16-01, seconded by Trustee Roher, all ayes. Motion carried.

**RESOLUTION NO. 16-01  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF MORRISVILLE**

**PROCUREMENT POLICY FOR THE VILLAGE OF MORRISVILLE**

WHEREAS, Section 104-b of the General Municipal Law 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, comments have been solicited from all officers in the Village of Morrisville involved in the procurement process.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Village of Morrisville does hereby adopt the following amended procurement policy which is intended to apply to the procurement of goods and services by the Village of Morrisville as provided herein.

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. In general, if the contract involves a substantial amount of services that is the focal point of the agreement, and the purchase of goods is incidental, it will be considered a contract for public work. Conversely, if services or labor is only minimal or incidental to the purchase of goods, it is generally considered a purchase contract.

2. Once the determination is made between a purchase contract or a public works contract, a good faith effort shall be made to determine whether it is known or can reasonably be expected that the combined amount to be spent on the item of supply or service is subject to competitive bidding, taking into account past purchases and the combined amount to be spent in a year. The following items **are generally subject to competitive bidding** pursuant to Section 103 of the General Municipal Law:

- Purchase contracts over \$20,000
- Public work contracts over \$35,000

3. Under General Municipal Law Section 103, the following items are generally **not** subject to competitive bidding, regardless of amount, but said Section 103 shall be reviewed for a complete statement of its terms and applicability in any given instance:

- Emergency purchases
- Certain municipal hospital purchases
- Goods purchased from agencies for the blind or severely handicapped
- Goods purchased from correctional institutions
- Purchases under State or County contracts
- Surplus and second-hand purchases from another governmental entity
- Professional Services

The individual or board authorizing the purchase shall document in writing the decision and reason that a purchase is not subject to competitive bidding under GML Section 103. The documentation may include written quotes from vendors, notes of oral quotes from vendors, a memo 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, a board resolution, or any other written documentation that is appropriate.

4. The Board of Trustees may authorize certain individuals, by resolution, to make purchases on behalf of the Village. No officer or employee shall make purchases for the Village, or use the Village's name to make purchases, unless so authorized. Persons making purchases for the Village will sign their name legibly on each receipt and all purchases must be in accordance with this procurement policy.

5. Every effort should be made to support private industries and businesses of Madison County, when possible, and so long as such action does not violate Federal Law, State Law, Local Law or Village contracts, policies or resolutions.

6. **Except as provided in section 9 below**, in order that goods are purchased at the lowest responsible price and that the Village receives the best value from its purchases, all goods and services not required to be procured by sealed competitive bids or exempt from competitive bidding as provided in section "2" above shall be secured by use of written requests for proposals, or written quotations, or oral quotations.

7. The following method of purchase documentation will be used when required by this policy in order to achieve the highest savings and /or best value to the Village:

Purchases costing less than one thousand dollars (\$1,000) do not require a quote.

Estimated Amount of Purchase Contract	Method
\$1,001-\$3,000	At least 2 oral quotations
\$3,001-\$19,999	At least 3 written quotations and prior Board approval

Estimated Amount of Public Work Contract	Method
\$1,001-\$3,000	At least 2 oral quotations
\$3,001-\$34,999	At least 3 written quotations and prior Board approval

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.

8. Documentation is required for each action taken in connection with each procurement. The following are examples of acceptable documentation:

Oral Quotations: The telephone log or other record should record at a minimum: date, item or service desired, price quoted, name of vendor, name of vendor's representative.

Written Quotations: Vendor should provide at a minimum: date, description of details of service to be provided, price quoted, and name of contact.

Requests for Proposals: Depending on the situation, the RFP may be prepared in-house or require the assistance of a consultant.

9. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible supplier/laborer. This documentation shall include an explanation of how the award will achieve savings or how the supplier/laborer was not accountable. A determination that the supplier/laborer is not accountable shall be made by the purchaser.

10. In the following circumstances, alternative proposals and/or quotations shall **not** be required:

a. Contracts for Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual company that offers the lowest price and the nature of these services is 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:

- Whether the services are subject to State licensing or testing requirements
- Whether substantial formal education or training is a necessary prerequisite to the performance of the services
- Whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not necessarily 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 or 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 art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved insubstantial modification and customizing of prepackaged 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 alternate proposals may threaten the 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 are required, the Village of Morrisville is not prohibited from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained.

d. Payments under contracts approved by the Board of Trustees, including capital improvements and purchases.

e. New York State Tax payments.

f. Periodic insurance contract and premium payments.

g. Legal advertisements and notices.

h. Recurring periodic service contracts payments totaling less than \$10,000.00 per fiscal year. (More than this amount requires Board approval).

i. Periodic telephone and telecommunications bills and expenses.

j. Utility bills and expenses.

k. Recurring periodic materials and supplies such as, but not limited to, Polymer, Sodium Hypochlorite, Sodium Bisulfite, Chlorine, and Fluoride.

l. Sole Source - When there is only one possible source from which to procure commodities and/or services, thus indicating there is no possibility of competition, the following shall be documented in writing:

1. Unique benefits to the Village of commodity and/or service as compared to other commodity and/or service available in the marketplace; and
2. No other commodity and/or service provides substantially equivalent or similar benefits; and
3. Considering the benefits received, the cost of the commodity and/or service is reasonable as compared to other commodities and/or service in the marketplace; and
4. There is no competition available.

11. In accordance with the MU-1 Schedule Records Retention adopted by the Village of Morrisville on January 10, 2008, the claims and all other procurement documents will be retained for a period of 6 years unless otherwise noted by New York State Archives, New York Codes, Rules and Regulations or by Federal Regulations.

12. A record of all quotes shall be made and maintained in the purchase file. For oral quotes there shall be a telephone log or written record which shall record the date, commodity or service requested, price quoted, name of vendor, name of vendor's representative making the quote and the name of officer or employee receiving the quote. For written or facsimile quotes vendors shall provide: date, description of commodity or details of service to be provided, quote, name of vendor, name of vendor's representative. Written quotes may be received by mail, electronic mail or by facsimile.

13. The unintentional failure to fully comply with the provisions of this Resolution or the provisions of Section 104-b of the General Municipal Law shall not constitute grounds for any claim against the Village of Morrisville or any officer or employee thereof.

Mrs. Will advised the board that the Nutt property on Union Street has been cleaned up. Trustee Marshall was thanked for her assistance in this matter.

Mrs. Will indicated that she was able to gain control of the existing village Facebook page. She added photos of the Cedar Street Park with the holiday decorations. She asked the board for any suggestions or requests for content. Trustee Marshall suggested adding information about the student artwork around the village.

Trustee Roher made a motion authorizing the following budget transfer A8510.24 (Seasonal Decorations) \$589.20 from A1990.4 (Contingency), seconded by Trustee Noel, all ayes. Motion carried.

Each member of the board reviewed all vouchers presented. Trustee Roher made a motion to pay audited vouchers as indicated below, seconded by Trustee Noel, all ayes. Motion carried.

General – Vouchers 150-173

Water Fund – Vouchers 34-40

Waste Water Operation & Maintenance Fund – Vouchers 42-48

With no further business before the board, Trustee Roher made a motion to adjourn the meeting at 8:48 p.m., seconded by Trustee Noel, all ayes. Meeting adjourned.

Respectfully submitted,

Amy Will  
Village Clerk-Treasurer