

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

August 9, 2010
7:00 PM

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NOTICE: Pursuant to Article 7 of the Public Officers Law § 104-1, notice of this meeting was given to the media at least seven days in advance and the same posted on the 28th day of July, 2010.

Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 4-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Doeberl, Excell, Hayes and Moore. The "Village Office" is the Village of Earlville Municipal Office located at 8 North Main Street. The "Planning Board" means the Village of Earlville Planning Board.

Village Mayor Mark Doeberl called the meeting to order at 7:01 p.m. Board members present were Trustees William Excell, Gerald Hayes and Henry Moore. Also present were Village Clerk-Treasurer Christian Vischi, Village Justice Ronald Hailston, Town of Hamilton Supervisor Bob Kuiper, Town of Sherburne Councilman Ed Meyer and approximately 13 members of the public.

Abstract 612 (Vouchers #6449-6450) was approved 4-0 on a motion by Trustee Hayes and a second from Trustee Moore. Abstract 613 (Vouchers #6452-6465) was approved 4-0 on a motion by Trustee Excell and a second from Trustee Moore. The Village's account at Curtis Lumber will be updated to remove Joyce Demmon from the billing. The Capital Project Abstract 614 (Vouchers #CP7-CP8) was approved 4-0 on a motion by Trustee Moore and a second from Trustee Hayes.

Trustee Excell had no report from the codes enforcement officer, but noted that permission needs to be granted for DPW to mow the grass at 4 Madison Street as it is in violation of the state code again. Also, a complaint has been made with the Madison County Department of Health about cats at the property. An arrangement has been made by the DOH with an area organization to pick up the cats today.

Justice Hailston's July court docket included 21 traffic and 10 criminal cases for a total of fines, fees and surcharges of \$1,890, plus one civil action.

On a motion by Trustee Moore, seconded by Trustee Excell and carried 4-0, the Board accepted the minutes from the July 26, 2010 regular board meeting.

Mayor Doeberl said he has received input from all four Board members regarding the five individuals who submitted letters of interest for the trustee vacancy. Upon recommendation from the Board, Doeberl said he is appointing Tom Taylor to the open position. Justice Hailston swore Taylor in as trustee at 7:08 p.m. Doeberl then appointed Trustee Excell into the Deputy Mayor position. There will be no changes at this point to the department liaisons' list.

Councilman Meyer said the Town of Sherburne is holding a public hearing on a flood plain local law, an enactment that will make it easier for town residents to get flood insurance. The Town of Sherburne, on the advice of counsel, is waiting to pass a resolution to establish the Water District until the Village Board adopts the new water rates. The Town has also adopted a workplace violence policy and their website should be up and running soon, said Meyer. The results from tonight's meeting, Wednesday's public hearing and the Aug. 23 regular meeting adoption of rates will be relayed to Meyer. Supervisor Kuiper said the Town of Hamilton is in a similar "ready to adopt" situation for a Water District and just needs the Village's new water rates set.

In discussing potential rate changes, Mayor Doeberl reviewed the current billing rates - a biannual billing of \$82.50 for first 20,000 gallons plus \$2.65 for each 1,000 gallons over that amount for all customer types - and a new set of rates that would provide the Village adequate funds for the payment of principal and interest on Bonds along with expenses for maintenance, repair and operation of the water system. The proposal included:

- No change in the \$2.65 per 1,000 gallons for the excess usage over the minimum for any customer type;
- No change in the late fees - they would remain at 10% for the first month and 1% each additional 30 days thereafter until paid in full;
- The establishment of three customer tiers:
 1. Village Residential Customers:
 - \$92.50 for the first 20,000 gallons of water billed in January 2011
 - \$102.50 for the first 20,000 gallons of water billed in July 2011 and each cycle thereafter
 2. Village Commercial Customers:
 - \$95.50 for the first 20,000 gallons of water billed in January 2011
 - \$115.50 for the first 20,000 gallons of water billed in July 2011 and each cycle thereafter
 3. All Town Customers:
 - \$102.50 for the first 20,000 gallons of water billed in January 2011
 - \$122.50 for the first 20,000 gallons of water billed in July 2011 and each cycle thereafter
- The establishment of Connection/Disconnection Fees:
 1. A disconnection fee of \$50.00 will be applied to any account when the water service to that property is disconnected due to lack of payment. Exceptions to this will be solely considered by the Department of Public Works liaison from the Board of Trustees.
 2. A re-connection fee of \$50.00 will be applied to any account when the water service to that property was discontinued due to lack of payment. This amount shall be immediately due and water service will not be turned on until the re-connection fee is paid in its entirety.
- A mailing remuneration fee that would recover for the Village the cost of the certified notice that the Village would send out to water customers as a "Notice of Discontinuation of Water Service" (a shut-off notice). The amount would be equal to the postal charge for United States Postal Service certified-mail delivery with domestic return receipt plus \$1.50 for materials and labor.

With regard to termination of service, Trustee Hayes asked about notice to tenants. Village Attorney William Getman will be consulted for legal advice. Resident Michael Kicinski suggested the business rate should be same as the residential rate, to keep the village business-friendly. It was clarified that most of the non-profit organizations in the village do not pay a water bill or a PILOT in lieu thereof. Trustee Hayes said a more reasonable charge for businesses would be to charge them the residential rate for the first 20,000 gallons and \$4.125 for each 1,000 gallons in excess of minimum. Trustee Moore said that plan would result in a much higher rate to businesses. The rate developed by Mayor Doeberl and Clerk-Treasurer Vischi would result in an increased cost to businesses of \$26.00 per year over the residential rate. The rate proposed by Trustee Hayes would achieve an annual increase of \$26.00 at 28,814 gallons per billing cycle.

Kicinski asked about inaccurate readings and estimates, saying they had been discussed during previous billing cycles. He said if the home- and business-owners are not allowing the DPW access for accurate readings, should they be candidates for discontinuation of service as well.

Mayor Doeberl said he only got the list of inaccurate meter readings a couple of days prior and that the DPW only had a few meters in reserve. Clerk-Treasurer Vischi noted that this has been a problem for many years; that approximately 70 readings were inaccurate this billing cycle; and that at last count there were well over a dozen meters at the garage in reserve. The Taylor's broken meter has been brought to DPW's attention for several billing cycles and has not been repaired or replaced to date. With the water system update, a grant could replace all the meters in the village's system. Resident Daniel Piliero recommended verifying the accuracy of each meter at the time of reconnection of the laterals to the new system. He also asked if the village could facilitate a discount or the handling of lateral connections with regards to the system update. Doeberl said a list of contractors could be generated by the village.

On a motion by Trustee Moore, seconded by Trustee Hayes and approved 5-0, the Board adopted Resolution 30-24 "Village of Earlville Purchase Procurement Policy". This resolution, in accordance with the requirements of General Municipal Law § 104-b, sets forth the policy and procedures governing all procurement of goods and services not required by law to be made after public advertisement for competitive bids.

The committee of Trustees Moore and Hayes and two village residents will be meeting soon to discuss the pros and cons of contracted vs. internal police presence. The committee will also review the Village's contract with the Madison County Sheriff's Office.

The Village of Earlville Softball League's Championship Tournament will be held this weekend, Aug. 14-15, after a motion by Trustee Excell and a second from Trustee Taylor. The motion was approved 5-0 and included the approval of purchasing two trophies.

Trustee Excell has spoken with the New York State Department of Transportation Engineer and a meeting will be held tomorrow between the engineer and DPW to develop a solution to the stormwater overflow problem at the intersection of Taylor Avenue to South Main Street.

A New York State Department of Transportation representative will be in the village next week to verify that the placement of the entrance signage on the north end of the village is a suitable location.

A finish crew should be in the village this week to complete the sidewalk replacement of sections of North Main Street, with a return date in approximately one month to reseed sections that didn't take.


Vacri Construction has two inquiries:

- They would like to put fill behind the pump house, bringing it up to grade and leveling it. DPW told Mayor Doeberl they had no reservations about it as long as it does not affect the neighboring properties to the pump house. Further discussion will be held and approval granted at the pre-construction conference.
- They also requested storing piping behind the bus garage at the former school on Fayette Street. Trustee Taylor verified that Vacri would carry full insurance on the grounds and materials. Mayor Doeberl said he has no problem with that location as long as the grounds are returned to their current state at the conclusion of the project.

A thank you card was received from the family of Joe Wissenbach.

With no further business to discuss, Trustee Moore made a motion to adjourn at 8:22 p.m., seconded by Trustee Excell and carried 4-0.

"I certify this document is a true and accurate description of the regular board meeting of the governing board of the Village of Earlville on Aug. 9, 2010."


Christian L. Vischi
Clerk-Treasurer
Village of Earlville

- Village Seal -

*Resolution 30-24
Village of Earlville Purchase Procurement Policy*

Motion made by Trustee Henry Moore

During the regular board session of the Village Trustees (herein "Board") of the Village of Earlville, Counties of Madison and Chenango, State of New York held at the office of said Village Trustees in the Village of Earlville, Counties and State aforesaid, on the 9th day of August, 2010,

<i>Present:</i>	<i>Mark Doeberl – Mayor William Excell – Trustee Gerald Hayes – Trustee Henry Moore – Trustee Tom Taylor – Trustee Christian Vischi – Clerk/Treasurer</i>
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WHEREAS a majority of said Board being present and said meeting having been duly called; and

WHEREAS, General Municipal Law § 104-b requires the governing Board of each municipality to adopt written internal policies and procedures governing all procurement of goods and services not required by law to be made after public advertisement for competitive bids;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED that the Board adopts the following Purchase Procurement Policy:

- 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(s) – or the aggregate amount with the seller during the calendar year – is not subject to competitive bidding. The decision that a purchase is not a subject to competitive bidding will be documented by writing down either written or verbal quoted from varying vendors. In the event that a purchase is considered exempt, a copy of the contract indicating the source of exemption will suffice. In the event of an emergency, a memo from the Village's department head detailing the circumstances surrounding said emergency shall be kept. Any other written documentation that would support the explanation of either exempt or emergency status must be kept.*

- 2. All goods and services will be secured by use of a request for proposals, written quotations, verbal quotations, or any other method that assures that the lowest possible price was obtained and that favoritism will be avoided. This procedure shall be observed unless the following exceptions exist:*
 - A. Purchase contracts over \$10,000;*
 - B. Public Works contracts over \$20,000;*
 - C. Goods purchased from agencies for the blind or handicapped pursuant to section 175-b of the State Finance Law;*
 - D. Goods purchased from correctional institutions pursuant to Section 104 of the General Municipal Law;*
 - E. Purchases under Chenango County or Madison County contracts pursuant to Section 103(3) of the General Municipal Law; or*
 - F. 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:*

<i>Estimated Amount of Purchase</i>	<i>Method Used</i>
<i>\$500. - \$3,000.</i>	<i>2 Verbal quotes</i>
<i>\$3,001 - \$9,999.</i>	<i>3 Written quotes or Request for Proposals</i>

<i>Estimated Amount of Public Works Contract</i>	<i>Method Used</i>
<i>\$500. - \$3,000.</i>	<i>2 Verbal quotes</i>
<i>\$3,001. - \$4,999.</i>	<i>3 Written quotes or Request for Proposals</i>
<i>\$5,000. - \$19,999.</i>	<i>3 Written quotes or Requests for Proposals</i>

A good faith effort shall be made to obtain at least two quotations. If the department head is unable to obtain the required number, they shall so note their efforts in the documentation file. 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 purchase.*

5. *Documentation and explanations are required whenever a contract is awarded to other than the lowest responsible bidder. The documentation shall prove the cost savings or the failure to be responsible. A determination that the bidder is not responsible shall be made only by the Board and may not be challenged under any circumstances.*

6. *Pursuant to General Municipal Law Section 104-b(2) (f), the policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Board, the solicitation of alternative proposals or quotations will not be in the best interest of the Village. In the following circumstances it may not be in the best interest of the Village to solicit quotations or document the basis for not accepting the lowest bid:*

A. *Professional services or those requiring special or technical skills. The individual or company must be chosen based on 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.*

When determining whether a service fits into this category the Board shall take into consideration the following:

- (i) whether the services are subject to state licensing or testing;*
- (ii) whether the substantial formal education or training is a prerequisite to the job;*
- (iii) whether the services require a personal relationship between the parties*

Professional or technical services shall include but not be limited to the following:

- (i) attorney*
- (ii) doctor*
- (iii) engineer*
- (iv) insurance carrier*
- (v) certified public accountant*
- (vi) investment management services*
- (vii) printing services*
- (viii) computer software or programming services*

- 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 or second-hand goods from any source. 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 \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the community. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.*
7. *This policy shall go into effect August 9, 2010 and will be reviewed as needed.*

Seconded by Board Member Gerald Hayes

The question of adoption of the foregoing resolution was duly put to vote; and upon role call, the vote was as follows:

<i>Mark Doeberl</i>	<i>VOTING Yes</i>
<i>William Excell</i>	<i>VOTING Yes</i>
<i>Gerald Hayes</i>	<i>VOTING Yes</i>
<i>Henry Moore</i>	<i>VOTING Yes</i>
<i>Tom Taylor</i>	<i>VOTING Yes</i>

The resolution was thereupon declared duly adopted 5-0.

"I certify this document is a true and accurate description of the resolution adopted during the regular board meeting of the governing board of the Village of Earlville on Aug. 9, 2010."



*Christian L. Vischi
Village Clerk-Treasurer
Village of Earlville*