

**SPECIAL MEETING OF THE TOWN BOARD  
PALMYRA TOWN HALL  
March 16, 2017**

At 7:30 p.m., Supervisor Kenneth Miller called to order the Special Town Board meeting, originally scheduled for Tuesday, March 14, 2017, that had to be postponed until March 16<sup>th</sup>, 2017, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra NY.

**CALL TO  
ORDER**

The original meeting was postponed due to a massive snowstorm, and dangerous travel conditions

The following legal notice was run in the Wayne Times, and the change in date was posted as required by law, and the media was alerted.

***LEGAL NOTICE  
TOWN OF PALMYRA  
NOTICE OF SPECIAL MEETING***

*NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will conduct a Special Meeting to vote on amending the Purchasing Policy and the transferring of funds on the evening of Tuesday March 14, 2017, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.*

*FURTHER NOTICE IS HEREBY GIVEN, that this special meeting is called to transact business related to the proposed Highway Truck Barn, as well as any other business that may come before the Town Board.*

*Dated: February 27, 2017  
Irene E. Unterborn  
Palmyra Town Clerk*

Supervisor Miller led those present in the Pledge of Allegiance to the Flag.

**PLEDGE OF  
ALLEGIANCE**

Upon roll call, the following Board members were present:

- Kenneth Miller, Supervisor
- James Welch, Deputy Supervisor
- Todd Pipitone, Councilman
- Bradley Cook, Councilman

**ROLL CALL**

Councilman Michael Lambrix was absent.

Motion was made by James Welch to approve the minutes of the Town Board meeting which took place on February 23, 2017.

Second: Brad Cook

Vote: 3 Ayes. Carried

Councilman Pipitone abstained as was absent from that meeting.

**ATTENDANCE**

Also attending was: Highway Superintendant Mike Boesel.

**HEARING**

There was no official hearing this evening.

**COMMUNICATIONS**

There were no communications this evening.

**PUBLIC INPUT**

There was no public input at this time.

**REPORTS OF STANDING COMMITTEES**

*Please note – Monthly town department reports will be given at the regular town board meeting on Thursday March 23, 2017.*

**Supervision: Animal Control, Human Resources, Historian, and Finance - Supervisor Ken Miller**

**Human Services: Town Clerk, Archives, and Town Hall Facility - Councilman Bradley Cook**

**Public Works: Highway Department, Equipment and Facilities - Councilman James Welch**

**1. Highway Facility Update:** Highway Superintendant Boesel thanked the board for considering an update on the current purchasing policy. He stated that after many months of consideration, we now have an even better policy with wording that further encourages best value and cooperative purchasing. Some discussion ensued regarding how the county keeps all previous job bids, even those that were rejected. Mr. Boesel commented that he keeps them as well for reference. Tonight the board will be voting on amending and adopting a new procurement policy, as well as transferring unexpended fund balances to help in paying for the proposed truck barn project.

**Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans  
- Councilman Todd Pipitone**

**1. Telephones:** The new telephones have been installed and Councilman Pipitone asked if they were being fully utilized yet. The clerk reported that they were not, as they were not completely set up yet. Supervisor Miller explained that many questions arose during the training, and it was now apparent that these phones will not perform as they were promised – the lack of number of lines (12 requested, 10 provided), and issues with transferring calls seems to be biggest issues. Councilman Pipitone and Supervisor Miller will be following up with the phone representative, Mr. Cashman the next day.

**Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices  
-Councilman Michael Lambrix -ABSENT**

**Informational Items - NONE**

**Agenda Items**

**1. Approve: Resolution #7-2017 Adopting a Procurement Policy for the Town of Palmyra and Amending Resolution #2-2017:** Jim Welch made the motion to approve Resolution #7-2017 Adopting a Procurement Policy for the Town of Palmyra and Amending Resolution #2-2017.

Second: Todd Pipitone. A roll call vote was requested.

Councilman Michael Lambrix	Absent
Councilman James Welch	Aye
Councilman Todd Pipitone	Aye
Councilman Brad Cook	Aye
Supervisor Miller	Aye
	Vote: 4 Ayes. Carried.

**RESOLUTION #7-2017 ADOPTING A PROCUREMENT POLICY  
FOR THE TOWN OF PALMYRA  
AND AMENDING RESOLUTION #2 - 2017**

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Palmyra, Wayne County, New York, does hereby adopt the following Procurement Policy and procedures to apply for all purchases of goods and services for the Town of Palmyra.

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

**WHEREAS**, the Town of Palmyra has previously adopted Resolution #2 – 2017, which covers the current policy and procedures in effect in the Town of Palmyra; and

**WHEREAS**, when this Resolution is adopted, Resolution #2-2017 shall become null and void; and

**WHEREAS**, the Town of Palmyra purchasing policy and procedure dedicates the Town to procuring goods and services in a timely manner, assuring the prudent and economical use of public monies in the best interest of the taxpayers of the Town of Palmyra, New York. The policy and procedure will facilitate the acquisition of goods and services, assuring the quality and service that are needed, providing the best value, avoiding favoritism and guarding against extravagance and fraud.

**PURCHASING**

**A. PURCHASES EXEMPT FROM BOARD APPROVAL**

- 1) Purchases less than \$200 in value, provided the purchase amount is included in the current year’s budget.
- 2) Food for workers during emergencies.

**B. PURCHASING PROCEDURE**

Any employee or Board member asking to make a purchase on behalf of the Town shall present a request to the Town Board of the Town of Palmyra, together with the cost and reasons for the purchase. The Town Board may accept or deny the request. The Town Board shall record its decision and the reason for the decision, which shall be recorded in the Town Board minutes. The original request will be kept by the Town Clerk as documentation for action taken for procurement.

**C. NON-BID PROCUREMENTS**

**METHOD OF COMPETITION FOR NON-BID PROCUREMENTS**

Purchase Contracts Below \$20,000	VERBAL QUOTES		WRITTEN QUOTES	
	1	2	2	3
\$200 - \$2,999	X			
\$3,000 - \$4,999		X		
\$5,000 - \$9,999			X	
\$10,000 - \$20,000				X

Contracts for Public Works Below \$35,000	VERBAL QUOTES		WRITTEN QUOTES	
	1	2	2	3
Under \$3,000	X			
\$3,000 - \$9,999		X		
\$10,000 - \$19,999			X	
\$20,000 - \$34,999				X

**D. PURCHASES BY CREDIT CARD**

The Town Board recognizes that credit cards are a requirement for doing business in the current environment and are essential for the efficient operations of Town business. A Town credit card can be used for persons traveling on Town business, for professional education, required mandatory training, and authorized purchases. The Town recognizes that credit cards must be carefully controlled to prevent fraud or the abuse of the privilege to use the card. The Supervisor and Town Board shall develop rules, regulations and procedures for the distribution and use of the Town credit cards solely for Town business.

**Regulations**

Pursuant to the rules, regulations and procedures, the Town credit cards will be made available to officers and employees of the Town as required. Liability for the abuse, misuse or illegal activity by an employee using the Town’s credit card shall be the sole responsibility of the employee using the credit card and not the responsibility of the Town. If the Town becomes liable for the abuse, misuse or illegal activity of an employee, then the employee shall reimburse the Town for any costs the Town incurs and shall be subject to charges pursuant to the Employee Handbook or the laws of the state.

Lost or stolen Town credit cards must be reported immediately to the employee’s supervisor and to the Town Supervisor. Employees using the Town credit cards must use the same level of care and security as they do for their own credit card(s) or for property that they have on loan that is owned by a third party. Use of the Town credit cards shall be limited to expenses

incurred by the employee in performance of his/her job as an individual or on behalf of the Town. The employee using the credit card shall collect all receipts and hold them until delivered promptly to the Town, together with a reconciliation of the expenses on each receipt. The user of the Town credit card shall be responsible to submit the receipt and reconciliation to the Town Bookkeeper within three (3) business days of the incurring of the expenses together with adequate documentation for demonstrating that the expenditures were incurred in accord with Town Purchasing Policy. At no time is an employee using a Town credit card permitted to use the Town credit card for a transaction that is strictly personal in nature and not related to Town business. Credit cards will never be used for cash advances or a personal expense. There are no exceptions.

Town credit card is for purchases from businesses where the Town does not maintain an in-house charge account. Failure to submit receipts and documentation to allow the Town to pay the bill within the time required by the issuer of the credit card may result in the cancellation of credit card privileges by the Town.

Town is Tax Exempt (Federal Tax ID No. 15-6001091). Any sales tax charged for a purchase will become the responsibility of the person using the card and not the Town. The person incurring the sales charge shall be personally liable to the Town for the sales tax charges.

All credit card purchases will be audited to confirm that the credit cards are being used for Town business and utilized responsibly, receipts are being retained and processed as provided herein, and the statements are being reconciled on a timely basis. Disciplinary actions for infractions of this policy, and/or the regulations, will be in accord with the Town of Palmyra Employee Handbook.

The use by any employee of a Town credit card must be approved by the Town Supervisor or Deputy Town Supervisor.

**E. OTHER PURCHASES:**

- Insurance - Quoted every three (3) years
- Emergencies - Board approval
- Professional Services - Board approval
- Sole Source - Board approval
- Standardization - Board approval

**F. PURCHASES COMPLIANT WITH SUBSECTION 16 OF §103 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK**

**Legislation Intent**

The section was to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work, on the basis of “best value”. The section also encouraged the use of cooperative purchasing and exploration of the best procedures to obtain the best value from the

lowest responsible bidder. Taxpayers are not well served when procurement results in a low unit cost at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability, and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan quality and options and incentives for more timely performance and/or additional services.

**Definition**

"Best value" means the basis for awarding contracts for services to the offeror who optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen, and twenty of section 310 of the executive law to be used in evaluation of offers for awarding contracts for services.

**Authority**

The Town Board, after adopting this resolution at a public meeting, may consider and award purchase contracts based on best value, as defined in Section One Hundred Sixty-three of the State Finance Law, to any responsive and responsible builder or offeror, as provided by the General Municipal Law, subject to the content complying with applicable State laws and rules.

**Requirements**

- a) Where "best value" offer is the basis for the award of a contract, the Town or its specified Department Head shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in determination of best value and the manner in which the evaluation process and selection be conducted.
- b) The Department Head in charge of the purchase shall select a competitive procurement process in accord with Town guidelines and document its description in the procurement record. The process shall include, but is not limited to, a clear statement of need, a description of the required specifications governing performance and related factors, a reasonable process for ensuring a competitive field, a fair and equal opportunity for offerors to submit responsive offers, and a balance and fair method of award. Where the basis for the award is "best value", documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved.
- c) The solicitation shall prescribe the minimum specifications or requirements to be met in order to be responsive and shall disclose the general manner in which evaluation and selection will be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and overall technical criterion to be considered by the Town in its determination of best value.
- d) In the conformance with the laws, the Town may use a contract that is let by the federal government or any agency thereof or any state or other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value as set forth in Subsection 16 of Section 103 of the General Municipal Law and made available for use by other governmental entities. Any contract, etc. for services must comply with Article 8 of the Labor Law of the State of New York. The authorizing of a contract for best value shall not relieve any obligation of the Town to comply with any applicable minority- or women-owned business enterprise program requirements and the preferred source requirements of Section One Hundred Sixty-two of the State Finance Law.

- e) The contract vendor shall certify to the Town that its contract complies with Article 8 of the Labor Law and the requirements to comply with women and minority business enterprise program requirements as well as preferred source requirements.

**By Order of the Town Board at a Meeting on March 14, 2017**

Supervisor Miller pointed out that this will be more of a procedure to follow, rather than policy, so it can be altered in the future if needed.

**2. Approve: Resolution #8-2017 Town of Palmyra Transfer of Unexpended Balance:** Jim Welch made the motion to approve Resolution #8-2017 Town of Palmyra Transfer of Unexpended Balance.

Second: Todd Pipitone. A roll call vote was requested.

Councilman Michael Lambrix	Absent
Councilman James Welch	Aye
Councilman Todd Pipitone	Aye
Councilman Brad Cook	Aye
Supervisor Miller	Aye
Vote: 4 Ayes. Carried.	

**RESOLUTION #8-2017**  
**TOWN OF PALMYRA TRANSFER OF UNEXPENDED BALANCE**

**WHEREAS**, the Town of Palmyra has certain unexpended funds in the Part Town Fund of approximately \$750,000; and

**WHEREAS**, the Town has raised for the calendar year 2017 the sum of \$56,154; and

**WHEREAS**, prior to spending the sum of \$56,154, the Town desires to spend the fund balance in Part Town Fund; and

**WHEREAS**, the Town of Palmyra raised \$251,023.00 in DB Highway Fund and the Town has an unexpended balance in DB Highway Fund of \$246,000; and

**WHEREAS**, the Town of Palmyra desires to transfer from Part Town Fund \$20,000 to DB Highway Fund to increase the unexpended balance; and

**WHEREAS**, the Town of Palmyra desires to transfer \$251,023 from unexpended balance to DB Highway Fund to be expended for use in 2017 before any Funds raised for taxes in DB Highway Fund can be expended; and

**WHEREAS**, the Town of Palmyra desires to transfer \$450,000 from unexpended surplus in Part Town Fund to Part Town Fund so that no portion of Funds in Part Town raised for 2017 taxes would be expended;

**NOW, THEREFORE**, on Motion only made by Councilman Cook and seconded by Councilman Welch and voted on as follows: (4) Aye (0) Nay. The following motion was carried.

- 1) That the funds raised for taxes in Part Town Fund and DB Highway Fund for the calendar year 2017 shall not be spent in 2017.

- 2) That from the unexpended balance in the Part Town Fund, \$20,000 shall be transferred to DB Highway Fund.
- 3) That from the unexpended balance in DB Highway Fund at the end of 2016, \$251,023 shall be transferred to DB Highway Fund for 2017, to be used in place of taxes raised in 2017.
- 4) That from the unexpended balance of Part Town Fund, \$56,154 will be transferred to Part Town Fund for 2017, to be used in place of taxes raised in 2017.
- 5) That from the unexpended balance of Part Town Fund at the end of 2016, \$450,000 will be transferred to the Part Town Fund for 2017.

**By Order of the Town Board at a Meeting on March 16, 2017**

Highway Superintendent Boesel thanked Supervisor Miller for putting together the task force working on the proposed Highway Truck Barn, and for the members of it, including Brad Cook, Jim Welch, and Bob Grier, for dedicating so much time to researching and meeting about the project.

**Motion to Enter into Executive Session:** At 7:42 PM Jim Welch made the motion to enter executive session to discuss contract negotiations, and to include Mr. Boesel.

Second: Todd Pipitone                      4 Ayes. Carried.

**Motion to Exit Executive Session:** At 8:24 PM Todd Pipitone made the motion to exit executive session.

Second: Jim Welch                              4 Ayes. Carried.

**Motion to Adjourn Special Meeting:** At 8:25 PM, Todd Pipitone made the motion to adjourn the special meeting.

Second: Jim Welch                              4 Ayes. Carried.

Respectfully submitted,

Irene E. Unterborn  
Palmyra Town Clerk

**Regular Town Board Meeting**  
**Thursday March 23, 2017**  
**7:00 PM – PALMYRA TOWN HALL**