

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 21, 2009, in the Village Office.

Present: Mayor Donald Hartill; Trustees Larry Fresinski, Lynn Leopold, John O'Neill and Julie Baker; Clerk/Treasurer, Jodi Dake; Attorney David Dubow.

Mayor Hartill called the meeting to order at 7:38 P.M. and opened the public comment period. Ned Hickey commented that John Courtney's crew did a great job with road plowing and clearing the sidewalks. The Mayor and Lynn both added that they have heard many positive comments. Don is pleased that we are now fully equipped and it takes a little over two hours to plow all the Village roads. We have been using a lot less salt and it has been adequate.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

Next on the agenda was to approve the minutes from December 7th.

Motion - To Approve the Minutes from December 7, 2009

Trustee Baker moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

Next on the agenda was to consider a resolution to amend the Procurement Policy. Jodi explained that the Governor has signed into law a bill containing several mandate relief initiatives that will generate savings at the local level. One of the changes was an increase in the local competitive bidding threshold on public works contracts from \$20,000 to \$35,000. The Board has received a copy of the Procurement Policy that was last updated on 6-1-09 by resolution #5545. Dubow added that the competitive bidding threshold for purchase contracts is still at \$10,000. Dubow also explained that the Procurement Policy, which is part of the Village Code, will need to be amended, which can be accomplished by resolution.

Resolution #5581- To Amend Procurement Policy

WHEREAS, the Village of Lansing Board of Trustees previously adopted, as required, a Procurement Policy (the “Procurement Policy”) which is set forth at length in the Village Code as Chapter 34 thereof (entitled “Procurement Policy”); and

WHEREAS, the Procurement Policy has been amended from time to time by resolution of the Board or Trustees; and

WHEREAS, the Board of Trustees wishes to further amend the Procurement Policy set forth in Chapter 34 of the Village Code for the purposes of (i) updating certain information and provisions therein so as to be consistent with the competitive bidding thresholds and requirements provided under New York State Law and (ii) confirming all of the terms and provisions of the Procurement Policy (as previously amended and as amended by this resolution) to be binding and effective until such time as further amendments may be approved; and

WHEREAS, a full and updated version of the Procurement Policy as so updated and amended is attached in its entirety to this resolution; and

WHEREAS, Chapter 1 (entitled “General Provisions”), Section 1.7 (entitled “Amendment to Code”), subsection “B,” of the Village of Lansing Code provides in part as follows:

“All local laws, ordinances, resolutions, regulations, policies and codes as set forth in the Code may be deleted, amended, supplemented or repealed from time to time as the Board of Trustees deems desirable. In each case and to any extent that prior to its incorporation into the Code, any Article, Chapter, section or provision of the Code could have been deleted, amended, supplemented or repealed by resolution of the Board of Trustees (rather than by adoption of a local law), such Article, Chapter, section or provision may continue to be so deleted, amended, supplemented or repealed by resolution of the Board of Trustees, and such deletion, amendment, supplementation or repeal shall not require the adoption of a local law;” and

WHEREAS, it is hereby determined that the updating and further amendment of Chapter 34 of the Village Code - Procurement Policy as provided for in this resolution may be accomplished by resolution (rather than by adoption of a local law) of the Village of Lansing Board of Trustees;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Lansing Board of Trustees hereby approves and adopts the attached Procurement Policy as the updated and amended Chapter 34 of the

Village Code, and such updated and amended Chapter 34 of the Village Code shall thereupon be deemed amended accordingly.

Trustee O'Neill moved this resolution. Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

The following is a copy of the updated Procurement Policy.

Chapter 34 PROCUREMENT POLICY

- § 34-1. Preliminary review of purchase; competitive bidding requirements.**
- § 34-2. Method of purchase.**
- § 34-3. Documentation required.**
- § 34-4. Documentation required for award to other than lowest responsible offeror.**
- § 34-5. Special circumstances.**
- § 34-6. When effective.**

[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 1-7-1992.
Amendments noted where applicable.]

§ 34-1. Preliminary review of purchase; competitive bidding requirements.
[Amended 6-1-09 by Resolution#5545; 12-21-09 by Resolution #5822]

- A. 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 year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law: purchase contracts under ten thousand dollars (\$10,000.) and public works contracts under thirty-five thousand dollars (\$35,000); emergency purchases; certain municipal hospital purchases: goods purchased from correctional institutions; purchases under State and County contracts; and surplus and secondhand purchases from another governmental entity.
- B. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the 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.

- C. The purchase of all goods and services not subject to competitive bidding pursuant to § 103 of the General Municipal Law 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.

§ 34-2. Method of purchase. [Amended 6-1-09 by Resolution#5545; 12-21-09 by Resolution #5822]

- A. The following method of purchase will be used when required by this policy in order to achieve the highest savings¹:

Estimated Amount of

Purchase Contract Method

\$1,000 to \$5,000	2 verbal quotations
\$5,000 to \$10,000	3 written/fax quotations or written responses to the Village's request for proposal

**Estimated Amount of
Public Works Contract**

Method

\$1,000 to \$5,000	2 verbal quotations
\$5,000 to \$35,000	3 written/fax quotations or written responses to the Village's request for proposal

- B. 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.

§ 34-3. Documentation required.

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

§ 34-4. Documentation required for award to other than lowest responsible offeror.

¹Editor's Note: Amended at time of adoption of Code: see Ch. 1, General Provisions, Art. I.

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

§ 34-5. Special circumstances.

Pursuant to General Municipal Law § 104-b,(2)(g), the 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 Lansing to solicit quotations or document the basis for not accepting the lowest proposal:

- A. Professional services or services requiring special or technical skill training or expertise.
 - (1) 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.
 - (2) 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.
 - (3) 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 or review plans, maps and 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 in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 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 secondhand goods from any source other than a governmental entity. If alternate proposals are required, the Village is precluded from purchasing surplus and secondhand 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 one thousand dollars (\$1,000.00). The time and documentation required to purchase through this policy may be more costly than the item and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

§ 34-6. When effective.

This policy shall go into effect January 1, 1992, and will be reviewed annually.

Dubow explained that the Planning Board has recommended to the Board of Trustees the adoption of new Planned Development Area (PDA) authorization language in the Village Code/Zoning Law, David has prepared and the Board has received "Draft 2" of what is entitled Appendix B reflecting the proposed PDA provisions that the Planning Board has now "blessed." This Draft is the culmination of the Planning Board's (and Ben Curtis') somewhat extensive review over the last several months regarding the PDA concept and its possible benefits to the Village. It is now being presented to the Board of Trustees as a "work in progress" for its consideration since it will of course require the adoption of a local law.

David went on to explain that the Planning Board's evaluation started out with the original PDA language that was included in the Village's Zoning Law and later "de-activated" other than for its inclusion (as Appendix A in Chapter 145 -- the Zoning Law - - of the Village Code) solely for the purpose of its application to the existing Shannon Park PDA. Previously, Jodi had emailed the Trustees the two versions of the newly proposed PDA language which David had prepared. One copy was marked to show the changes as compared against the original Appendix A and the second is a clean copy incorporating all of the revisions. The modifications reflect in large part David's best efforts to address issues raised and recommendations made by the Planning Board and Ben regarding policy matters, procedural matters and substantive matters. Based upon a number of concerns expressed by Planning Board members, Ben and others, the revised language also reflects an effort to clarify the nature of the review process to insure that it is understood that PDA authorization is to be treated as a legislative action that is in the discretion of the Board of Trustees in the same manner as the adoption of and amendments to zoning regulations.

David also pointed out that there has also been an effort to move away from words such as "application" and "approval" to further clarify the review process and further emphasize that PDA authorization is intended to be a legislative action within the discretion of the Board of Trustees similar to the adoption of and amendments to zoning regulations. The new PDA process, if adopted, will start with the Board of Trustees reviewing the initial and preliminary PDA proposal and determining whether to refer it to the Planning Board for further evaluation and action leading to it being sent back to the

Board of Trustees with a Planning Board recommendation. Following its receipt of that recommendation, the Board of Trustees can then determine if and how it wishes to go forward. If it wishes to continue its evaluation of the proposed PDA, it will undertake an environmental review, hold a public hearing and consider the proposed development project for preliminary authorization. The process could then continue leading to consideration of a final plan and its authorization. Ned added that the Planning Board would have a public information meeting as part of its preliminary review process. David stated that PDA's tend to be long term projects, and the review, authorization and oversight processes are meant to be as open and transparent as possible. Ned stated that for an area to be considered for a PDA it had to be at least five acres. David stated that essentially a PDA is creating a new independent zone with its specific uses and regulations. David explained that one of the matters the Planning Board has struggled with is how to control the development process and the phasing of residential and non-residential development in a fair way for both the developers and the Village. Don feels we will see more of these opportunities as we mature as a Village. Ned stated that some creative projects can come out of a PDA. It is a tool for flexibility. There are a lot of checks and balances.

David stated that we already have an Appendix A for the Shannon Park PDA in the Village Code. The plan is to incorporate the new PDA provisions into a local law amending the Village Code and have the new Appendix B as part of the Zoning Law.

Julie asked about the specific time limits for actions by the Board and questioned how delays might be handled if something couldn't be done in the stated amount of time. David indicated that this is an issue for the Board to consider. Both he and Ned indicated that in the past it usually has not been a problem because if something came up the Planning Board and the developer would customarily take a cooperative approach and agree to extend the time limit in question. Don commented that he thought the proposed timetables included in the new PDA provisions provided ample time for the necessary board actions.

It was acknowledged that this was intended as the Board of Trustees' first look at the proposed language and the beginning of its process of review. The goal of the Board is to discuss this more at the January 4th meeting, David will incorporate any changes that the Board might recommend and prepare a Local Law to be reviewed by the Board. Since there will be no Board meetings on January 18th because of Martin Luther King Day and on February 15th because of President's Day, the plan is for the Board to review the Proposed Local Law at its February 1st meeting and then presumably set a public hearing for the Boards next meeting on March 1st.

During the Mayor's comments Don stated that he will be meeting with Dave Herrick and the Town of Lansing Supervisor next Monday to discuss sewer matters. He advised the Board that the Town, in conjunction with a proposed residential development, would like to install a forced main running from North Triphammer Rd. and tie it into the Warren Road sewer district. He explained that originally the Warren Road sewer improvements were intended primarily for commercial use and possibly some limited residential use,

but the new North Triphammer Road development proposal would expand the residential use by 50 units. He also indicated that it is quite likely that running a new sewer line to Warren Road would encourage significant development within the Town. Don is not sure if it is sensible to run a mile of forced main up between North Triphammer Road and Warren Road as is now being proposed. It is costly to install and maintain.

There has been a lot of conversation on the Marcellus Shale gas drilling. Don signed the TCCOG letter to have the public comment period for the draft Generic EIS extended.

Kinney Drugs will have its grand opening on January 9th. Don will be out of town but Larry will represent the Village.

John O'Neill reported on the Town of Lansing meeting that he attended. David Banfield is the new Justice for the Town of Lansing. Bill Burin resigned for personal reasons.

Lynn stated that she would talk with Bernd Blossey on Tuesday and find out the final number of deer that were taken as part of the DMAP Program. Lynn thinks that each hunter needs to be able to get more tags for this program to be successful. Lynn also suggested we consider a nuisance permit. Jodi stated that Dick Costello got three deer on the Miller property. He also had some suggestions to make the hunt work better.

Dubow stated that in January the Board may see Black Chin Blvd in the Bolton Estate Subdivision coming to them for consideration of the developers' offer of dedication.

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee O'Neill seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye
Trustee Larry Fresinski-Aye

The meeting adjourned at 8:50 pm.

Jodi Dake
Clerk/Treasurer