

August 15, 2012

The regular meeting of the Amsterdam Town Board was held on Wednesday, August 14, 2012 at Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

Present: Thomas P. DiMezza, Supervisor
Terry Bieniek, Councilman
Bart Tessiero, Councilman
Alexander Kuchis, Councilman
Kenneth Krutz, Councilman
Linda Bartone Hughes, Town Clerk
Charles R. Schwartz, Town Attorney

Others: Keith Kazala and Robert Wojturski.

Supervisor DiMezza opened the meeting at 7:00 p.m. with a salute to the Flag.

Public Comment – None

Councilman Tessiero suggested that mileage form for Voucher No. 477 should complete the reimbursement request form to be consistent rather than writing see attached. The voucher says see attached. Supervisor DiMezza said everyone should be completing the form. Supervisor DiMezza said he will inform the employee to complete the form for future.

Councilman Tessiero questioned where the funds for Sanford Farms Barn were coming from? Supervisor DiMezza said from the Buildings & Grounds. There is just a little more work to get done. Councilman Krutz asked if we are covered for now? Supervisor DiMezza said there is just a little more to complete with final coat of paint and possibly some carpentry work.

Councilman Krutz expressed his disappointment concerning the Primary Day chargeback fees. Supervisor DiMezza reports we had no control over the Primary Day.

Supervisor DiMezza said we will give a more detailed abstract broken down by funds. This will also be listed in the minutes. Supervisor DiMezza read the totals for each fund. This is a recommended practice. Supervisor DiMezza passed around new format for everyone's signature.

86 Res. APPROVAL OF AUGUST VOUCHERS – ABSTRACT # 8

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves payment of August Vouchers #477 - #541 plus one handwritten check to US Postal Service for postage in amount of \$600, Abstract # 8 as follows:

A Fund	\$10,274.99	B Fund	\$35,382.49	DB Fund	\$25,137.66
SS Fund	\$ 3,623.78	HWD Fund	\$ 555.28		

Total Amount \$74,974.20

Sponsored by: Councilman Alexander Kuchis
Seconded by: Councilman Kenneth Krutz
ADOPTED-5-AYES-0-NOES

87 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves minutes of July 18, 2012 as submitted.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Kenneth Krutz
ADOPTED-4-AYES-0-NOES-1-ABSTAIN (Councilman Bieniek)

The Pioneer Street Mill Remediation is starting again. We will hold a bid opening on August 22nd at 3:00 p.m. The bid date was extended one week. Neighbor Keith Kazala was present. Supervisor DiMezza explained we will be using material close by and trucking the rest of topsoil, seeding and possibly fencing off. The area will also need to be maintained or it will be overgrown.

Supervisor DiMezza reports that Councilman Kuchis is working on a possibility for a walking trail up to Hagaman.

Councilman Tessiero asked if 90% of this is reimbursed by Government? Supervisor DiMezza said yes. Supervisor DiMezza said we received a lot of County reimbursement and we did okay.

Late Items

Supervisor DiMezza presented everyone with a procurement policy for adoption. We should review this every August. A correction was made to the policy. Supervisor DiMezza said the amounts have changed. In addition a few additional purchasers were added. The Town reviewed the amounts in policy.

88 Res. ADOPTION OF PROCUREMENT POLICY

WHEREAS, General Municipal law (GML) §104-b requires every municipality to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS the Town Board of the Town of Amsterdam has reviewed the within proposed procurement policy; and

NOW THEREFORE BE IT RESOLVED:

- 1. The Town Board of the Town of Amsterdam does hereby adopt the following procurement policies and procedures.**
- 2. This resolution is effective immediately.”**

Procurement Policy

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the governing board is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

- A. Procedure:
 1. Purchase Contract above \$20,000*. Purchase Contract – procurement of commodities (e.g. equipment, materials, supplies) Minor service aspect; significant purchase aspect.
 2. Contract for public work above \$35,000*. Public Works Contract – contracts from services labor or construction. Minor purchase aspect; significant service aspect.If it is difficult to determine which bid limit applies, refer to the municipal official (Town Supervisor) (*reasonably anticipated aggregate amount of similar goods in a fiscal year)
- B. Documentation: written quotations or proposals.

Please Note: All competitive bids require a public notice in all official newspapers and a Non-Collusive Bidding Certificate – See Bid Procedures List

Statutory Exceptions from Policy and Procedures

Except for procurements made pursuant to General Municipal Law, § 103(3) (through county contracts) or § 104 (through State contracts), State Finance Law, § 162, Correction Law, § 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below),

alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

- A. Emergencies – unanticipated and threaten the health, safety, or welfare of the Town of Amsterdam’s property or residents. (still work to obtain the lowest cost available)
- B. Professional Services – service that requires special skill and expertise
- C. State and County Contracts –
- D. Surplus and secondhand materials and equipment from other governments
- E. Leases and Licenses/Concessions
- F. Sole Source – good or service is in the public interest and available from only one possible source for which there is no equivalent; demonstrate the unique benefits arising from the particular good or service as compared to different good or service, that no other provides substantially similar benefits and that the cost is reasonable.
- G. Installment Purchase Contracts

Methods of Competition for Non-Bid Procurement

The methods of procurement to be used are as follows:

- A. County Contracts
- B. Emergencies
- C. Professional Service
- D. Insurance
- E. Secondhand equipment from other governments

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. \$1,000 to \$5,000: two written quotes
- B. \$5,000 to \$20,000 (\$35,000 Public Work Contracts): three written quotes

Awards to Other than the Lowest Responsible Dollar Offerer

Whenever any contract is awarded to other than the lowest responsible dollar offerer, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b, as set forth herein above, shall be documented as follows:

- A. There must be documentation and justification of the reason why the purchase is in the best interest of the Town of Amsterdam.

Items Excepted From This Policy and Procedures by the Board

The board sets forth the following 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 Town of Amsterdam.

- A. Emergencies
- B. Small procurement under \$1,000
- C. Local Contractor Preferential Treatment - Goods and Services not subject to bidding requirements or Goods and Services less than \$20,000 and Public Works Contract less than \$35,000, preferential treatment may be given to local contractors within the best interest of the municipality
- D. The Town of Amsterdam encourages businesses owned or managed by women or minorities to provide proposals and/or quotations.
- E. In the event the purchaser has made a good faith effort to obtain the required number of proposals or quotations and is unable to meet the requirement, the purchaser shall document the attempt(s)

Input from Officers

Comments concerning the policies and procedures shall be solicited from officers of the Town of Amsterdam therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

Annual Review

The Town Board shall annually review these policies and procedures. The Supervisor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. Recommend to include in the Organizational Meeting on the first Monday in April of each year.

Unintentional Failure to Comply

The unintentional failure to fully comply 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 municipality any officer or employee thereof.

Individual(s) Responsible for Purchasing

Town Supervisor
 Highway Public Works
 Water/Sewer Maintenance Supervisor
 Code Enforcement Officer
 Town Justice
 Custodian
 Town Clerk

Sponsored by: Councilman Bart Tessiero
 Seconded by: Councilman Alexander Kuchis
 ADOPTED5-AYES-0-NOES

The Town received a request from concerned parents of children attending a daycare at 1362 Midline Road. The main concern about speed of traffic during pickup and drop off. Supervisor DiMezza said we already sent in speed limit request for this road. There were traffic counters along the roadway recently. The Town Board agreed to forward request to County asking for a caution sign. Hopefully, we should be receiving results of speed study soon.

89 Res. RESOLUTION REQUESTING THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS CONSIDER THE INSTALLATION OF A "CAUTION CHILDREN SIGN" IN THE AREA OF 1361 MIDLINE ROAD, TOWN OF AMSTERDAM

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam requests Montgomery County Department of Public Works consider the installation of a "Caution Children Sign" in the area of 1361 Midline Road, Town of Amsterdam.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Kenneth Krutz
ADOPTED-5-AYES-0-NOES

Supervisor DiMezza expressed concern about zoning complaints on property. He explained some of these problems have existed long before his time. We now have a maintenance law. We will work on these issues but they can't be fixed over night. Supervisor DiMezza explained he has a property in his neighborhood but we can't contact this person. We may try to have Sheriff's Department issue a summons. There is another property on Northern Boulevard that needs attention.

Councilman Krutz has received some complaints about the cell tower on MacLachlan Road. Councilman Krutz reports he heard an advertisement on the radio concerning a body shop at 491 Waite Road. Zoning Officer Thomas DiCaprio checked this out but the driveway is in Saratoga County. They are definitely advertising 491 Waite Road.

On behalf of the YMCA, Councilman Tessiero requested permission to use property on the grounds of Sanford Barn and possibly the race barn. Supervisor DiMezza and Board approved this request. Supervisor DiMezza cautioned to make sure it doesn't conflict with events already scheduled.

On a motion by Kenneth Krutz and seconded by Alexander Kuchis; the meeting adjourned at 7:23 p.m.

Respectfully submitted,



Linda Bartone Hughes
Town Clerk