

February 16, 2016

State of New York
County of Fulton
Town of Oppenheim

Minutes of the Oppenheim Regular Board meeting held on February 16, 2016 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13352.

Present

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
Cheryl Lynch	--	Councilwoman
John Houle	--	Councilman
Stephanie Gray	--	Councilwoman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent
Scott DeNinno	--	Codes Enforcement Officer

Absent

Joanne Capek-Young	--	Bookkeeper
Gary Getman	--	Dog Control Officer

Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

Public Comment

Pat Rudi – resident of Sweet Hill Road

Mrs. Rudi has been complaining about her neighbors rooster and wanted to know about a Right to Farm law.

Dale Tiedman wanted to know if the town had a Right to Farm law. Scott DeNinno said that we are one of the few towns that do not have this law.

Supervisor Breh said that we would have to have an animal control officer because the dog control officer only deals with dogs. She stated that it is hard to get someone just to be the dog control officer. Then we have to have a dispute resolution committee which shall be composed of 3 members.

Scott DeNinno said that maybe this could be an ordinance instead of a local law. It was decided to table it until we find out if it would be better to do an ordinance.

NYMIR Insurance

Dayton King (representative for NYMIR) was present to go over the new insurance policy for the town. In 2016 there is an increase of 3.5%

The cost in 2015 was \$21,315.41

The cost for 2016 is \$22,005.45 (3-9-16 to 3-9-17)

Richard Giardino – Sheriff

Sheriff Giardino was present to discuss how the Sheriff's Department works. He handed out a report of the Fulton County Sheriff's Office Mission Statement. The current office has over 100 full-time employees and over 25 part-time employees. He said that towns have more burglaries and accidents and the cities have more drugs and crime.

Sheriff Giardino said that he will be back in August or September.

Bookkeeper Report

Joanne Capek-Young was absent but handed in her reports

Codes Enforcement Report

Scott DeNinno handed in a written report and stated that it has been slow. He said that he checked and the Creek Road is abandoned and Carolyn Caringi who was present at the last meeting will have the road frontage that they need.

Dog Control Report

Gary Getman was absent but sent in a written report.

Highway Report

Scott DeNinno reported that data entry is in process for the software for the Highway Department.

Mr. DeNinno presented an Agreement for the Expenditure of Highway Moneys. It is as Follows: General Repairs - \$83,800.00, Mill Road a distance of 1.0 miles for a total of \$60,000.00 which would consist of cold mix asphalt, Mill Road a distance of 2.98 miles for a total of \$70,000.00. which would be single/double chip seal, and Kringsbush Road a distance of .50 miles for a total of \$30,000.00 which would be cold mix asphalt.

The total anticipated 2016 Chips allotment including rollover is \$181,023.52.

Mr. DeNinno stated that he got a quote of \$5,800.00 for a sander for the pick-up truck.

Supervisor Breh said that we still have 2 truck payments left. She stated that we have never skipped a payment on a truck.

John Houle said he would like to table the sander and Stephanie Gray agreed and all Board members were in favor.

Senior Citizen Exemption

Supervisor Breh stated that we need to revisit the senior citizen exemption because it has Not been changed since 2009

Procurement Policy for the Town of Oppenheim

Motion made by Patricia Haberek and seconded by Stephanie Gray to accept Resolution #24.
This is the Procurement Policy for the Town of Oppenheim

Adopted

Ayes - 5 Haberek, Gray, Lynch, Houle, and Breh

Nays - 0

The policy is as follows:

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**PROCUREMENT POLICY FOR THE TOWN OF OPPENHEIM
RESOLUTION #24**

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

WHEREAS, comments have been solicited from those officers of the Town involved with procurement; ¹

NOW, THEREFORE, be it

RESOLVED, that the Town of Oppenheim does hereby adopt the following procurement policies and procedures:

Guideline 1 Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML § 1 03. Every town officer, board department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

The Town hereby identifies the officials listed below as responsible for purchasing, as of the date of the last annual review of this Policy:"

Town Supervisor'
Highway Superintendent"

(The Town does not maintain a separate and distinct purchasing department or purchasing commission)

¹ GML § 104-b(3)

² GML §104-b(2)(f)

³ Town Law §§ 20, 41(b)

⁴ Highway Law §§ 140, 142

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Guideline 2. This Policy shall NOT apply to all purchases of (a) supplies or equipment which will exceed \$20,000 in the fiscal year or, (b) public works contracts over \$35,000, which shall be formally put to bid pursuant to GML §103.

Guideline 3. All estimated purchases of:

- A. Less than \$20,000 but greater than \$3,000, require a written request for a proposal (RFP)⁵ and written/faxed quotes from at least three (3) vendors;
- B. Less than \$3,000 but greater than \$1000 require an oral request for the goods and oral/faxed quotes from at least two (2) vendors;
- C. Less than \$1000 are left to the discretion of the Purchaser.

All estimated public works contracts of:

- A. Less than \$35,000 but greater than \$10,000 require a written RFP and written/faxed proposals from at least three (3) contractors;
- B. Less than \$10,000 but greater than \$3,000 require a written RFP and written/faxed proposals from at least two (2) contractors;
- C. Less than \$3,000 but greater than \$1000 require an oral request for the goods and oral/faxed quotes from at least two (2) vendors;
- D. Less than \$1000 are left to the discretion of the Purchaser.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentations supporting the subsequent purchase or public works contract.⁶

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder on the basis of "best value".⁷ If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the Record supporting the procurement.

⁵ Any written RFP shall describe the desired goods, quantity and particulars of delivery. The Purchaser shall compile a list of vendors from whom written/faxed/oral quotes have been requested and the written/faxed/oral quotes offered

⁶ GML § 104-b(2)(d)

⁷ GML § 104-b(2)(e)

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Guideline 5. 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 shall document the attempt made at obtaining said quotes and/or proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Acquisition of professional services;
- B. Emergencies;
- C. Sole source situations;
- D. Goods purchased from agencies for the blind or severally handicapped;
- E. Goods purchased from correctional facilities;
- F. Goods purchased from another governmental agency;
- G. Goods purchased at auction;
- H. Goods purchased for less than \$1000;
- 1. Public works contracts for less than \$1000.

Guideline 7. This policy shall be reviewed annually by the Town Board at its annual organizational meeting or as soon thereafter as is reasonably practicable."

Adopted: February 16, 2016

Motions

Motion made by Stephanie Gray and seconded by Patricia Haberek to accept the insurance policy from NYMIR for a total of \$22,015.45.

Adopted

Ayes - 5 Gray, Haberek, Lynch, Houle, and Breh

Nays - 0

Motion made by Patricia Haberek and seconded by Cheryl Lynch to accept the Bookkeepers Report.

Adopted

Ayes - 5 Haberek, Lynch, Gray, Houle, and Breh

Nays - 0

February 16, 2016 (cont)

Motion made by John Houle and seconded by Stephanie Gray to accept the Codes Enforcement Officers report.

Adopted

Ayes - 5 Houle, Gray, Lynch, Haberek, and Breh

Nays - 0

Motion made by Stephanie Gray and seconded by Patricia Haberek to accept the Dog Control Officers report.

Adopted

Ayes - 5 Gray, Haberek, Lynch, Houle, and Breh

Nays 0

APPROVAL OF MINUTES

Motion made by John Houle and seconded by Patricia Haberek to approve the minutes of January 19, 2016.

Adopted

Ayes - 5 Houle, Haberek, Lynch, Gray and Breh

Nays 0

Motion made by Patricia Haberek and seconded by John Houle to approve the minutes of January 27, 2016.

Adopted

Ayes - 5 Haberek, Houle, Lynch, Gray and Breh

Nays - 0

Motion made by Patricia Haberek and seconded by Cheryl Lynch for an executive session at 8:35 pm on legal matters

Adopted

Ayes - 5 Haberek, Lynch, Gray, Houle, and Breh

Nays - 0

Supervisor Breh called the meeting back to order at 8:50 pm

Motion made by Stephanie Gray and seconded by Cheryl Lynch to authorize the payment of The vouchers.

Adopted

Ayes - 5 Gray, Lynch, Haberek, Houle, and Breh

Nays - 0

With no further business on a motion by Councilwoman Haberek and seconded by Councilwoman Gray the meeting was adjourned at 8:52 pm

Respectfully submitted
Gloria J. Brys, Town Clerk