

**Regular Meeting of the Town Board
Town of Windsor, New York
June 5, 2013 7:00pm
Town of Windsor, Town Hall
124 Main Street, Windsor, NY 13865**

MEETING CALLED TO ORDER by Supervisor Carolyn Price, at 7:00pm.

PLEDGE OF ALLEGIANCE was recited.

ROLL CALL by Clerk:

Supervisor Carolyn Price: Present
Councilman George B. West: Present
Councilman Timothy J. Bates: Present
Councilwoman Lesa Hawk-Shuler: Present
Councilman William J. McIntyre: Present
Highway Superintendent Rocky Kohlbach: Present
Attorney Cheryl Sacco: Present
Engineer Ron Lake: Present
Town Clerk Barbara Rajner Miller: Present

Also present were: Floyd Bronson, Linda Pierson, Ron Rambo, Sr, Sue Rambo, Elaine Card, Sue Kohlbach, Danielle Saraceno, Craig Terrell, Jerry Launt, Jerry Henehan, Mark Lippolis, Eileen Ruggieri, Dave Kirgan, Maryann E. Wessels, and one other.

OPENING OF SEALED BIDS FOR DOG CONTROL OFFICER'S VEHICLE:

The Town Clerk reported that advertisements were placed in the Windsor Standard, The Press & Sun Bulletin and on the Town's website, and that no bids were received. Discussion was had. Attorney Sacco introduced a Procurement Policy. If it is adopted tonight, it will be effective at the next board meeting. After reviewing it, changes can be made. It is not a local law, so no public hearing or 239 is needed. This is an administrative action, no further SEQR review is required. If it is passed tonight it allows the Dog Control Officer to avoid the emergency situation, by going out and getting written quotes. Supervisor Price mentioned that they have some options and will discuss this further.

PUBLIC COMMENT:

(Supervisor Price outlined the guidelines of public comment.)

Maryann Wessels, Dunbar Rd, spoke regarding the (lack of) shoulders on that road, especially on the bend near 99 Dunbar Rd.

Alice Kore, Adele Rd, speaking of Dunbar Rd, "...sides of the roads are completely gone...dangerous for the big trucks to be on that road."

Supervisor Price would like to make an appointment with Williams to find out what the plan is. Price and Sacco will review the road agreement and the bond first.

Jerry Henehan feels that the East end of Dunbar Rd is not designed for that truck traffic either. Handed pictures to Supervisor Price.

Mark Lippolis, Dunbar Rd, agrees with Maryann Wessels, no shoulders.

Supervisor Price said the Board understands what the problems are and they will be addressed.

Elaine Card, College Ave: the Village of Windsor now owns the old train station, and is in the process of renovating it to be the Charles English Museum. The Open House will be on June 15th, 10am-3pm.

Elaine is also the President of the Windsor Partnership, who has been working with the Broome County Planning & Development Center. The Center is assisting with a grant program for Main Street. There is a public meeting on June 20th, 7pm at the Community House for any residents of Main Street or surrounding streets that can learn about this grant and possibly apply for up to \$50,000 for renovations.

Note: Per Attorney Sacco:

Item #4 on the Agenda was to be a public hearing at 7:05pm, for the communication tower at Earl Bosket Rd. Because of notice requirements, the public hearing will not be held tonight. It will be re-noticed and letters will go out to the neighbors explaining when it will be held. The application is incomplete, and the time period hasn't started.

RECOGNITION:

Supervisor Price would like to recognize Danielle Saraceno, Art Teacher, Windsor Central School District, who created a gallery of framed student artwork in the hallway of the Town Hall.

APPROVAL OF MINUTES:

Motion By: Councilman West

Sec. By: Councilwoman Hawk-Shuler

To approve the minutes of the 5/1/2013 Regular Meeting as submitted.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE
Motion Approved.

FINANCIAL REPORT:

Supervisor Price mentioned that "Letter B Under Financial Report: The final numbers on the cost of the insurance renewal. The estimate when we passed it was \$44,036.70, and the actual renewal was \$42,141.44."

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To pay: * General Fund Vouchers #223 through #287, totaling \$64,860.15; and
* Highway Fund Vouchers #152 through #192, totaling \$116,292.01; and
* Sewer Operating Fund Voucher #36 through #43 totaling \$8,132.94; and
* Communications Tower Escrow Vouchers #32 through #37, totaling \$28,274.04; and
* Seward Road Project Vouchers #7 through #9, totaling \$4,627.59.

Vote of the Board:

Supervisor Price - AYE
Councilman West - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE

Motion Approved.

Supervisor Price introduced a letter from an officer of Tioga State Bank regarding the installment bond on the Windsor Colesville Bridge Project. Supervisor Price felt that the interest rate, at 5.4%, was too high. Tioga State has given the Town two options: (1) a full prepayment and go out and borrow again, or (2) to reduce the rate for the installment bond going forward, after the July payment, at a rate of 4%.

Motion By: Councilman McIntyre Sec. By: Councilwoman Hawk-Shuler

To proceed with option #2 above, subject to the review and approval of the Town's attorney.

Vote of the Board:

Supervisor Price - AYE
Councilman West - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE

Motion Approved.

**Town of Windsor, County of Broome, State of New York
BUDGETARY TRANSFER RESOLUTION
Resolution #22-2013**

PRESENT: Supervisor Carolyn W. Price
 Councilman George B. West
 Councilman Timothy J. Bates
 Councilwoman Lesa Hawk-Shuler
 Councilman William J. McIntyre

Offered By: Councilman West
Second By: Councilman Bates

WHEREAS, the West Windsor Sewer District #3 Contractual Account was under-budgeted; therefore **IT IS HEREBY RESOLVED** by the Town Board of the Town of Windsor that the following budgetary transfer be made for the fiscal year 2013:

Fund: West Windsor Sewer District #3
From: SS3-1990.4 Contingent Account
To: SS3-8130.4 Contractual Account
Amount: \$5,000.00

Vote of the Board:

AYE - Supervisor Carolyn W. Price
AYE - Councilman George B. West
AYE - Councilman Timothy J. Bates
AYE - Councilman Lesa Hawk-Shuler
AYE - Councilman William J. McIntyre

Motion Approved.

Resolution Adopted: June 5, 2013

Financial Report on Clean Up Day:

The revenues are final numbers: \$1,184.62. The expenditures (not a final number because Broome County will probably waive some of their fees from the landfill): \$4,774.72. Discussion regarding cost vs. turnout at

various sites. Maybe have one location next year?

COMMITTEE/DEPARTMENT HEAD REPORTS:

ASSESSOR: None.

DOG CONTROL: None.

HIGHWAY:

Motion By: Councilman McIntyre Sec. By: Councilman West

For the Hwy Superintendent to purchase 3,000 yards of sand, pursuant to the bid that's on record.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Kohlbach: "We used to trade the loader every year. Now it's a 2-yr deal. We don't have the extended warranty on it, and things are going wrong. The loader is only a year and a half old with 800 hours on it." Kohlbach will work with John Deere. Supervisor Price requested of Kohlbach to attach to the invoice, a copy of the State Specs/Bid.

HISTORY: Meeting tomorrow night. The last one until the fall. Continuing to work in the History room on files which were submitted from various sources. Working on a history pamphlet. On May 17th, C.R. Weeks school had an Occupation Celebration Day, which the History Group took part in, speaking on local history. Our History Group is also involved with Pathway through History/Heritage Weekends.

NATURAL GAS:

- * Councilwoman Hawk-Shuler spoke on Pipeline Emergency Response and Awareness Program.
- * Supervisor Price highlighted points of the 6/3/13 meeting with representatives from the Public Service Commission.
- * Supervisor Price mentioned a few letters that had transpired recently:
 - Letter dated 5/1/13 to Jeffrey Cohen, PSC, from Jack Walsh, Williams;
 - Letter dated 5/6/13 to Jeffrey Cohen, PSC, from Supervisor Price;
 - Letter dated 5/22/13 to Jeffrey Cohen, PSC, from Sam Laniado, Attorney for Williams;
 - Letter dated 5/30/13 to Jeffrey Cohen, PSC, from Cheryl Sacco, Attorney for Town;

TOWN CLERK/TAX COLLECTOR/REGISTRAR: Report submitted.

TOWN HALL: One chair, belonging to the meeting room, is back from being repaired. Dan Burdick did a good job on restoring it.

WASTEWATER TREATMENT PLANT:

Supervisor Price mentioned that she sent a letter dated 5/15/13 to Kathleen Barone, DEC in Syracuse. Cathy Aingworth is submitting monthly reports to Ms. Barone regarding the nitrogen and phosphorous levels at the plant.

Councilman Bates spoke on the newsletter. The Working Group thought it would be a good idea to send a newsletter with each billing to inform users of various issues.

YOUTH & RECREATION:

- * Supervisor Price spoke regarding a memo dated 5/31/13 from Arthur Garrison, Director of Broome County Department of Parks, Recreation & Youth Services. The monies that we are going to be receiving this year, by applying for them, will not be realized next year.
- * Report was submitted.

ZONING, PLANNING & CODE ENFORCEMENT:

Code Enforcement report submitted.

ZBA minutes from 4/17/13 meeting were submitted.

Planning Board minutes from 5/29/13 meeting were submitted.

UNFINISHED BUSINESS:

- * **Update from Engineer Lake regarding the gravel pit:** Was at DEC in Syracuse meeting with those reviewing the plans and the attorney. Lake needs to revise the plans, not showing specifics on where mining is actually taking place; however, just calling out where he is going to reclaim it. Next week Lake

will take revision back to Syracuse for further review.

* **Update from Engineer Lake regarding Seward Rd project:** Spent this morning at NRCS. The person Lake spoke with thinks all is okay; however, must wait for supervisor to come back from vacation, which will be next week. Lake already has Town Board permission to go out to bid.

NEW BUSINESS:

* **Broome County and the Delta Road Preservation Plan:** Supervisor Price spoke with the County again today. They are not going to present it to their Board until July. So, they said we wouldn't have to pass it until August. Price gave the Boardmembers a draft confidential-type document for their review. Still don't know if this is the final version.

Motion By: Councilman Bates Sec. By: Councilwoman Hawk-Shuler

To have a work session on 6/26/13 at 6:30pm, with representatives from Delta, the County, and Hwy Superintendent Kohlbach, regarding the Delta Road Preservation Plan.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

* **Procurement Policy:** Attorney Sacco read the language from the April 6, 1994 Town Board Meeting minutes: "Attorney VanZandt reported on the finalization of the new Procurement Policies and Procedure for the Town of Windsor. A copy of the policy is being sent to the Office of State Comptroller as part of the voluntary audit response. Motion by Councilman Ellsworth that the Procurement Policies and Procedures (copy attached) as prepared by Attorney VanZandt be adopted to meet the requirements of General Municipal Law, Section 104-B. Seconded by Councilman Williams. Carried." Even though it is referenced that there was a copy attached, there actually was not.

Attorney Sacco further explained Section b., page 3, of the updated Procurement Policies and Procedures draft resolution which she brought to tonight's meeting. Discussion was had. Do we want to put a limit on all departments? Added to Section b will be, per Attorney Sacco: "All purchase contracts, \$1,000 or less, shall be reviewed by the department heads, and such department heads shall have authority to approve, with the final audit of the Town Board. All other verbal and written quotes..."(language will remain the same for the remainder of Section b., page 3.)

Discussed Schedule One on page 3.

This will become Resolution #23-2013.

**Reso 23-2013
PROCUREMENT POLICIES AND PROCEDURES
FOR THE TOWN OF WINDSOR**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt internal policies and procedures governing all procurements of goods and services that are not required by law to be publicly bid;

WHEREAS, the Town of Windsor (the "Town") has solicited comments from all its officers involved in the procurement process; and

WHEREAS, the Town desires to procure goods and services not required to be competitively bid in a manner 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; and to guard against favoritism, improvidence, extravagance, fraud, and corruption;

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Town, in regular session duly convened, that the Town does hereby adopt the following procurement policy.

POLICY

Section I. Competitive Bidding Determination Procedure and Documentation.

- A. Determination. Every Town Department must formally determine whether a given procurement is not subject to competitive bidding and, if the procurement is not so subject, then document appropriately that determination. In making this determination, the Department must consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month (12) period commencing on the date of purchase, and it shall not artificially divide the purchase of

commodities, services or technology for the purpose of satisfying the discretionary buying thresholds established by law. The Department should refer, where appropriate, to prior years' budgetary appropriations for similar items and/or services, and compare those appropriations with current projections. Schedule One, attached hereto and incorporated herein, sets forth the exceptions to competitive bidding and what procedures to apply in each instance.

B. Documentation. Each Department must document and maintain with each procurement's record all necessary information that a procurement is not subject to competitive bidding, as follows:

1. **Copies or notations of all written dollar amounts;**
2. **Notation of all verbal dollar amounts;**
3. **Reference to prior years' budgetary purchase amount information, if applicable;**
4. **For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception;**
5. **If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records;**
6. **If the procurement is an emergency, then the documentation must include the circumstances of the emergency and/or other proof of appropriate use of the emergency exception to competitive bidding.**

Section II. Annual Review.

The Town board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy. The annual review will be made during annual budget preparation, or such other time as the Town Supervisor may designate.

Section III. Unintentional Failure to Comply.

The unintentional failure to fully comply with the provisions of this resolution and General Municipal Law Section 104-b shall not be grounds to void actions taken or give rise to a cause of action against the Town or any officer or employee thereof.

Section IV. Discretion of the Town Board.

No portion of this resolution shall be construed as preventing the competitive bidding of purchase contracts under the limits in the attached schedule one. Nor shall any portion of this resolution be construed as preventing the use of request for proposals. This determination shall made by the Town Board, when it is in the best interest of the Town.

SCHEDULE ONE

	Verbal Quotes		Written Quotes		Competitive Bid
	0	2 or more	3 or more	2	
Purchase Contracts - see notes a, b and c					
Up to \$250	X				
\$251 - \$1,000		X			
\$1,001 - \$2,000			X		
\$2,001 - \$10,000				X	
\$10,001 - \$19,999					X
\$20,000 or above					X
Contracts for Public Work - see notes a, b and c					
Up to \$1,000	X				
\$1,001 - \$5,000		X			
\$5,001 - \$10,000				X	
\$10,001 - \$20,000				X	
\$20,001 - \$34,999					X

\$35,000 or above						X
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a. Each Department shall obtain verbal and/or written quotes and proposals for procurements that are not subject to competitive bidding as described herein, unless such procurement is: (1) from a preferred source as described in State Finance Law § 162 and Correction Law §§ 184, 186; (2) a State contract and/or Federal contract that complies with GML § 104; (3) a County contract complying with GML § 103(3); or (4) a ‘piggybacking’ contract that complies with GML § 103(16). No additional quotes or proposals are necessary in each of the four instances just listed, but each procurement record must document which instance applies.

b. All purchase contracts \$1,000 or less shall be under the authority of the Department Heads to approve, with audit by the Town Boards. All other available verbal and written quotes and bid responses shall be presented to the Town Board, which shall determine whether the proposed procurement is cost effective and in the best interest of the Town. Note, the numbers of verbal or written quotes as described within the chart are recommended suggestions for each of the exceptions contained herein. It is acknowledged that, though the suggested number of quotes should be diligently sought, they may not always be practically available.

c. Under the following circumstances and in accordance with General Municipal Law Section 104-b, the Town has made the determination that there is no need for the solicitation of alternative proposals or quotations or competitive bidding, as it is in the best interest of the town: (1) due to emergency, (2) an insurance purchase, (3) a true lease, (4) a second-hand equipment purchase from another governmental unit, (5) from a sole source, such as where an item is patented or subject to a monopoly, (6) from a preferred source as provided for in State Finance Law section 162, and Correction Law sections 184 and 186, (7) a state contract or federal contract, as provided for in GML section 104, (8) a county contract, as provided for in GML section 103(3), (9) qualifies as a ‘piggybacking’ contract, as provided for in GML section 103(16) or (10) professional and consulting services.

In determining if a service is a professional or consulting service, the town shall consider:

- 1. Whether the services are subject to state licensing or testing requirements;**
- 2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and**
- 3. Whether the services require a personal relationship between the individual and municipal officials.**

The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth.

Motion By: Councilman McIntyre

Sec. By: Councilwoman Hawk-Shuler

To repeal the motion made on April 6, 1994, adopting the 1994 Procurement Policy, and adopting Resolution #23-2013, as amended.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Supervisor Price asked if anyone has any public comments, under the same guidelines as were read before. Mark Lippolis wondered if the cages (that the DCO currently uses in his van) are transferable to the new van. DCO Floyd Bronson answered to the affirmative.

At 8:56pm:

Motion By: Councilman Bates

Sec. By: Councilman McIntyre

To go into Executive Session to discuss pending litigation, pending negotiations and medical history of a particular person.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

At 9:38pm:

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To come out of Executive Session.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

No action in Executive Session.

Motion By: Councilman McIntyre Sec. By: Councilman West

To approve a Memorandum of Agreement between the Town of Windsor and the International Brotherhood of Teamsters Local 693.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilman Bates Sec. By: Councilman McIntyre

That the Supervisor be authorized to sign the approved agreement.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilman West Sec. By: Councilman McIntyre

To accept the proposed settlement and to authorize legal council to execute the stipulation on Bocage LLC vs. the Town of Windsor, with no refunds paid.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

UPCOMING MEETINGS:

The next meeting is on July **10**, 2013 at 7:00pm at the Windsor Town Hall.

The October Town Board Meeting will be at the West Windsor Fire Station.

ADJOURNMENT:

Motion By: Councilman Bates

Sec. By: Councilwoman Hawk-Shuler

To adjourn the meeting at 9:43pm.

Vote of the Board:

Supervisor Price - AYE

Councilman West - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Respectfully Submitted,

Barbara Rajner Miller, Windsor Town Clerk