

MINUTES  
REGULAR MEETING  
03/16/2023

PRESENT: Mayor: Jason Breton  
Trustees: Matthew Grimes  
Dave Newton  
Clerk: Danielle Riggs  
Troy Robbins  
Sean McPhee  
Heidi Dockum

The meeting was opened with the Salute to the Flag at 7:00 PM.

Motion to approve: Meeting Minutes of the 02/09/2023 meeting by Trustee Newton, seconded by Trustee Grimes

Motion to approve: Treasurers Report for Month ending 02/2023 by Trustee Newton, seconded by Trustee Grimes

Motion that bills on Warrant #12 for month ending 3/31/2023 be paid made by Trustee Grimes, seconded by Trustee Newton

|              |            |                        |
|--------------|------------|------------------------|
| General Fund | \$3,073.25 | vouchers # 112A - 122A |
| Water fund   | \$1,021.96 | vouchers # 57F - 60F   |
| Sewer Fund   | \$2,984.02 | vouchers # 70G – 75G   |

**RESOLUTION NO. 3/2023**

DATED: March 16, 2023

The following Resolution No. 3/2023 was proposed by Trustee Newton, seconded by Trustee Grimes at the 03/16/23 meeting of the Alexander Village Board.

The Town of Batavia and the Village of Alexander entered into a contract entitled “Nineth Amended Code Enforcement Agreement between the Town of Batavia and the Village of Alexander” effective April 1, 2023, and expire on March 31, 2024.

Both municipalities desire to continue this relationship, allowing Batavia to provide Code Enforcement Services to Alexander and the agreement addresses the need for the Village of Alexander to have its Codes enforced by the Town of Batavia Code Officials.

**RESOLUTION NO. 4/2023**

DATED: March 16, 2023

The following Resolution No. 4/2023 was proposed by Trustee Newton, seconded by Trustee Grimes at the 03/16/23 meeting of the Alexander Village Board.

**VILLAGE OF ALEXANDER  
PROCUREMENT POLICY**

**GUIDELINE 1. GENERAL POLICY STATEMENT**

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, § 103. Every Village 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 canvas of Village departments and past history to determine the likely yearly values of the commodity to be acquired and keep with the file or other documentation supporting the purchase activity.

## **GUIDELINE 2. NEW YORK STATE MANDATED BIDDING**

It is the policy of the Village Board that all purchases and services over New York State GML§ 103 bidding thresholds will be publicly advertised for competitive bids. Purchase contracts involving expenditures more than twenty thousand dollars (\$20,000) and contracts for public work involving expenditures in excess of thirty-five thousand dollars (\$35,000).

- A. Aggregation: All anticipated purchases of a like commodity or commodity group will be aggregated to determine if the Village will exceed the threshold. Each department head will be responsible to continually monitor his/her usage patterns to be aware of commodities that over a period of time will exceed the thresholds.
- B. Time Period: The time period of aggregation will be the Village's fiscal year, or if more appropriate, the normal purchase season for the commodity group (example: winter months for road salt, etc.)
- C. Advertising: Will comply with state guidelines (i.e. published at least five (5) days prior to bid opening and published in the legal newspaper.
- D. Bid Files: All bid files will be filed with the Village Clerk in marked folders indicating item bid and date, per item.
- E. Bid Reviews: The applicable department head and the Village Board will review bid compliance for each submittal. Compliance for each bid specification will be noted on the bid submittal for each vendor.
- F. Bid Specifications: Shall include all conditions that will be used to evaluate compliance, including but not limited to, product description, quality, alternatives and options, trade-in, delivery, mileage allowances, repair needs, etc. Considerations that are not listed in the specifications list cannot be used as the basis to measure compliance with the proposals and the award of the contract. Also, each bid submittal shall require a statement of non-collusion by the vendor.
- G. Bid Award: After compliance and price review, the Village Board will make a determination of which vendor is the lowest, *responsible* bidder meeting bid specifications and award the contract accordingly. This determination will be entered as a resolution in the minutes and, if the award is to other than the apparent low bidder, such resolution will specify in what material respects the low bidder(s) did not comply with specifications.

## **GUIDELINE 3. OTHER PURCHASES NOT REQUIRING STATE BIDDING COMPLIANCE PER SECTION 104-b of the GENERAL MUNICIPAL LAW**

Individual purchases which are not subject to state mandated bidding procedures will be governed as follows to assure goods and services are procured in a prudent and economical manner to insure public moneys are used on the best interests of the taxpayers.

- A. All estimated purchases of equipment and commodities:

1. less than \$500.00 is left to the discretion of the Department Head, Elected Officer, Assessor, Code Enforcement Officer, Chairs of the Planning Board and Zoning Board of Appeals, provided funds are available in the respective budget lines.
2. less than \$5,000.00 but greater than \$500.00, Board approval is required. Two verbal, fax, or electronic quotations are to be obtained and documented and a purchase order is to be requested. The request for purchase order shall be submitted to the Mayor or his/her designee with the following information:
  - a. Name and address of Vendor
  - b. Date and vendor number
  - c. Budget account codes
  - d. Quantity, description and purpose of goods or services purchased
  - e. Signature of Department Head.
3. less than \$10,000.00 but greater than \$5,000.00 requires a written/fax quote from three (3) vendors. Village Board approval is required. A copy of the quotes received will be presented to the Mayor for approval and signature whereupon a purchase order will be issued to the Department Head.
4. greater than \$10,000.00 must follow the above procedures as outlined in section 3 above but requires a written request for proposal (RFP) and fax/proposal from three (3) contractors. Village Board approval is required.

B. All estimated public works contracts of:

1. less than \$3,000.00 but greater than \$500.00 are left to the discretion of the Department Committee and purchaser.
2. less than \$10,000.00 but greater than \$3,000.00 require a written request for proposal (RFP) and fax/proposal from two (2) contractors. Village Board approval is required. A purchase order is to be requested. The request for purchase order shall be submitted to the Mayor or his/her designee with the following information:
  - a. Name and address of Vendor
  - b. Date and vendor number
  - c. Budget account codes
  - d. Quantity, description and purpose of goods or services purchased
  - e. Signature of Department Head.
3. greater than \$10,000.00 must follow the above procedures as outlined in Guideline 3 above but requires a written request for proposal (RFP) and fax/proposal from three (3) contractors. Village Board approval is required.

C. Any written request for proposal (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. Such quotes will be documented on a quote form and attached to the claim voucher submitted to the Board for audit and review. The quote form will indicate:

1. a description of the commodity including options, etc.;
  2. prices and conditions quotes;
  3. date of quote and duration;
  4. contact person; and
  5. department head determination of the preferred vendor with his/her reasons for such a determination.
- D. All information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. The purchase order/ voucher will be attached to the invoice when it is signed and submitted for payment.
- E. In the event that an appropriation balance is insufficient, the Bookkeeper will notify the department head. An explanation must be submitted as to why the account should be increased which may be done by Board action at the next regularly scheduled meeting.

#### **GUIDELINE 4.      LOWEST RESPONSIBLE PROPOSAL OR QUOTE**

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 Village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting that judgment shall also be documented and filed with the record supporting the procurement.

#### **GUIDELINE 5.      GOOD FAITH EFFORT**

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 proposal or quotations, the purchaser shall document the attempt made to obtaining the proposal. In no event shall the ability to obtain the proposals or quotes be a bar to the procurement.

#### **GUIDELINE 6.      EXCEPTIONS**

Except when directed by the Village Board, no solicitation of written proposals or quotations shall be required under the following services:

- A. Acquisition of professional services - Professional services are not subject to State mandated bidding procedures.
  1. Such professional services shall include, but not be limited to accounting, legal, insurance coverage, engineering, computer consulting, etc. Items not classifiable as professional services include, but are not limited to, tree removal, paving, etc.
  2. However, it is the policy of this Board that such professional services that will exceed five thousand dollars (\$5,000) during a fiscal year will be subject to request for proposals (RFP), if the Board so deems it necessary.

3. Such requests shall include (as specifications) all descriptions, conditions, alternatives and options that shall be used as the basis for making the decision and awarding the contract.
4. The Village Clerk shall maintain separate folders for proposals per item bid with dates indicated.
5. The decision to award such a contract for professional services shall be made by specific resolution of the Village Board.

#### B. Emergencies

1. Prior to making emergency purchases without advertising for bids, the department heads and the Mayor, shall determine that an emergency situation exists that immediately threatens the life or health of Village residents, or the imminent destruction of Village property; and
2. Such determination will be reviewed and affirmed by resolution of the Village Board at the next scheduled board meeting, specifying the condition and the threat; and
3. The department head will still be required to document the solicitation of at least two (2) informal quotes as outlined in the section “Other Purchases Not Requiring State Bidding Compliance.”

#### C. Sole source situations

1. If a commodity type can be purchased only from one source, the Village need not go through the process of advertising for competitive bids.
2. It is acknowledged that true sole-source situations (other than regulated utilities, etc.) are rare and that proper documentation should be provided to back up a sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendor known to deal in a commodity is not enough, by itself, to support a sole-source assertion.
3. Village policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Village business for an apparent sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendor known to deal in a commodity is not enough, by itself, to support a sole-source assertion.
4. Village policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Village business for an apparent sole-source situation.
5. If a commodity purchase is to be made under a sole-source situation without advertising for competitive bids, the Village Board shall vote to declare a sole-source situation and shall delineate their reasoning for determining a sole-source situation exists.
6. A sole-source situation shall not be confused with a standardization issue.

#### D. Goods purchased from agencies for the blind or severely handicapped.

#### E. Goods purchased from correctional facilities.

- F. Goods purchased under State and County Contracts - The Village is not required to perform their own advertising for competitive bids if the purchases are properly made under a state or county contract.
  - 1. The purchase must be the same commodity, price, conditions and vendor as under the state or county contract.
  - 2. Each department head shall attach a copy of the applicable state or county award documentation to the claim voucher submitted to the Board for audit and approval.
- G. Goods purchased at auction
- H. Goods purchased for less than \$500.00
- I. Public works contracts for less than \$500.00
- J. Standardization - The Board may determine that it is in the best interest of the Village to standardize on a particular commodity.
  - 1. Upon the adoption of a resolution by a vote of at least two-thirds ( $\frac{2}{3}$ ) of all the members of the Village Board stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than ten thousand dollars (\$10,000) may be awarded by the Board to the lowest responsible bidder, after public advertisement for bid for that particular commodity.
  - 2. The Board shall set forth in such a resolution specifically how such standardization will result in greater efficiency or economy.
  - 3. Standardization of a commodity is not be confused with a sole source purchasing situation.
- K. Piggybacking –a new subdivision 16 was added to General Municipal Law (GML) § 103 to authorize municipalities to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be made available for use by other governmental entities.
- L. Best value standard –, the piggybacking exemption to General Municipal Law (GML) § 103 was amended by chapter 497 of the Laws of 2013 to provide that the contract must be let either to the lowest responsible bidder or on the basis of best value in a manner consisted with GML § 103. This standard allows municipalities to use “best value” methodology when purchasing a good or service as defined in § 163 of the State Finance Law. Goods or services procured and awarded on the basis of best value are those that the Village Board determines will be of the highest quality while being the most cost efficient. The best value option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder due to factors such as lower cost of maintenance, durability, higher quality, and longer product life. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria which may include, but shall not be limited to, any or all of the following:
  - 1. cost of maintenance;

2. proximity to the end user if distance or response time is a significant term;
3. availability of replacement parts or maintenance contractors;
4. longer product life;
5. product performance criteria; and
6. quality of craftsmanship.

#### **GUIDELINE 7. BUDGETARY CONTROL**

- A. Each department head is primarily responsible to monitor their budget each month, and to keep purchases and expenditures within the available budget for each line item. If it appears that there is not enough budget money, the Department Head should either:
  1. restrict spending; or
  2. recommend an appropriate budget adjustment to the Board.
- B. The Bookkeeper should also monitor budget compliance. Based on the monthly budget report, he/she should alert the Board to any accounts that appear to be nearing or exceeding the budget. He/she could also advise or recommend remedies, such as restricting spending, budget transfers, excess fund balances, or unanticipated excess revenues.
- C. The Board should also monitor budget compliance on a monthly basis by reviewing the monthly budgetary reports and taking official board action to implement any proper budgetary sections they deem advisable.
- D. No purchase can be made until the Board has made available proper budgetary authority to spend.

#### **GUIDELINE 8. PREPARATIONS, APPROVAL, AND AUDIT OF CLAIM VOUCHERS**

- A. Vendor invoices will be given directly to the responsible department head. They will review the invoice, to verify the commodities delivered, price and proper accounting. Where applicable, they will also fill out and sign a voucher form and attach the invoice and any other departmental purchase orders, counter slips, receiving reports or shipping documents. The Department head is also responsible for approval in writing of each invoice and/or voucher and noting on the invoice or voucher the correct budget account number and abstract sequence number.
- B. Each month, the package of invoices and numerically sequenced vouchers will be delivered to the Village Board for review and audit at the next regularly scheduled Town Board meeting. The Village Board shall approve the payment of all invoices through a majority resolution to be entered into the minutes for the meeting.

- C. The Mayor and/or Village Board Members that are auditing vouchers for a particular month hereby have the option to direct the Bookkeeper to cause a department to present a purchased item for verification and comparison to the invoice.
- D. The only exception is for prepaid invoices necessary to maintain essential utilities and services to Village Office and Personnel. These invoices will be paid by prior approval of the Mayor and still require submission to the Village Board for auditing and review at the next regular Village Board meeting.
- E. The Village Clerk-Treasurer will collect all audited invoices and/or vouchers and subsequently produce a complete numerical abstract by fund type identifying:
  - 1. the claim number;
  - 2. the claimant;
  - 3. the budget account number; and
  - 4. the amount of invoice.
- F. Prior to submitting the invoices/vouchers to the Bookkeeper for payment, the Village Clerk-Treasurer will total the invoices on the abstract and sign and date this document certifying the audited package of invoices/vouchers matches the totals approved by the Village Board.

#### **GUIDELINE 9. REVIEW, UPDATE AND DISTRIBUTION**

This policy shall be reviewed annually the Village Board and its organizational meeting or as soon thereafter as is reasonably practicable and will be revised and/or updated as necessary. It will be the responsibility of the Clerk to distribute the current copy to responsible department heads.

#### **GUIDELINE 10. VILLAGE BOARD APPROVAL**

No person shall enter into a contract on behalf of the Village of Alexander without the approval of the Village Board.

#### **OLD BUSINESS:**

An Emergency Water Agreement with Genesee County was proposed at the meeting. Questions were brought up that the board would like answered before this agreement is to be agreed upon. Mayor Breton is going to try to find out the answers and we will discuss them at our next regular meeting, April 13, 2023.

Water Project – Valve – reviewed submittal but Troy and the Village Board have some questions before approving. Mayor Breton and Troy will be discussing with Steve Mountain.

Wastewater Study – DEC is looking for a status report – Mark Wright is working on the report.

EPA Questions – Questions were answered and submitted. We have not heard anything since submitting.

2023-2024 Budget was discussed. Danielle to meet with John Savash on Monday and will advise the Board of any suggestions.



Troy brought up to the board about purchasing a basket to be able to put up Hometown Hero Banners as well as Village Christmas decorations. The cost of this purchase would be shared with the Town.

**NEW BUSINESS:**

The Annual Meeting is set for Monday, April 3, 2023 at 7:00 PM. Danielle will put a legal notice in the Batavia Daily News announcing the Annual Meeting. An election will be held for Mayor and one Trustee position. Budget discussion and vote.

Motion for adjournment made by Trustee Newton, seconded by Trustee Grimes.  
Time: 8:45 PM. Carried.

Respectfully submitted,

Danielle Riggs  
Clerk Treasurer