

**REGULAR MEETING, TOWN OF LIVONIA**  
November 20, 2014

A regular meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at the Livonia Town Hall, 35 Commercial St., Livonia, NY on November 20, 2014.

**PRESENT:** Eric Gott, Supervisor  
Andy English, Councilmember  
Matthew Gascon, Councilmember  
Angela Grouse, Councilmember  
Frank Seelos, Councilmember  
Colleen West Hay, Clerk  
Jim Campbell, Attorney, Town of Livonia

**OTHERS PRESENT:** Several residents

The meeting was called to order by Supervisor Gott at 7:00 PM.  
The Pledge was led by Jim Campbell.

**PRIVILEGE OF THE FLOOR**

Supervisor Gott opened the Privilege of the Floor for comments and concerns. No one wished to comment.

RESOLUTION 143-2014

**APPROVE MINUTES FROM MEETING ON NOVEMBER 6, 2014**

On motion of Councilmember English seconded by Councilmember Grouse the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
Nays – 0

Resolved to approve the November 6, 2014 minutes.

RESOLUTION 144-2014

**ADOPT UPDATED PROCUREMENT POLICY**

Supervisor Gott reported that Attorney Campbell was reviewing the Town's Procurement Policy and noticed that it had not been updated to be in compliance with the amended requirements of General Municipal Law. He drafted an updated Procurement Policy, which the board reviewed and decided to adopt. Attorney Campbell recommended that the updated policy be published on the Town of Livonia's web site.

On motion of Councilmember Gascon seconded by Councilmember Seelos the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
Nays – 0

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WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town 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 of Livonia has previously adopted a Procurement Policy in compliance with GML § 104-b; and

WHEREAS, the Town Board of the Livonia wishes to update and modify the procurement policies utilized by the Town for the acquisition of goods and services, so as to be in compliance with the amended requirements of GML §103; and

WHEREAS, it has been determined that adjustment of the bidding requirements and other procurement policies is necessary to reflect changes in the law and changes in the needs of the Town;

NOW, THEREFORE, be it RESOLVED: That the Town of Livonia 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 §103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter collectively referred to as Purchaser) shall estimate the cumulative amount of the items or supplies or equipment needed in the given fiscal year. That estimate shall include a canvass of other departments and boards within the Town and boards or quasi-governmental boards or groups operating under the authority and review of the Town and the past history thereof to determine the likely yearly value of the commodity or service to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase procurement activity.

**Guideline 2:** All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML §103. However, purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law) may be awarded on the basis of best value, as defined in §163 of the New York State Finance Law, as provided for in Local Law # 1 of 2014, duly adopted by the Town Board of the Town of Livonia on March 20, 2014.

**Guideline 3:**

All estimated purchases of goods totaling:

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- Less than \$20,000 but greater than \$7,000 require a written request for a proposal (RFP) and written, fax or email quotes from three vendors.
- Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral, fax or email quotes from two vendors.
- Less than \$3,000 but greater than \$1,000 are left to the discretion of the Purchaser as to securing the quotes or bids.

All estimated: contracts for public works:

- Less than \$35,000 but greater than \$20,000 require a written RFP and written, fax or email proposals from three contractors.
- Less than \$20,000 but greater than \$7,000 require a written RFP and written, fax or email proposals from two contractors.
- Less than \$7,000 but greater than \$1,000, are left to the discretion of the Purchaser as to the securing of quotes or bids.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery, and/or the services to be rendered. The Purchaser shall compile a list of all vendors from whom written, fax, email or oral quotes have been requested and the written, fax, email or oral quotes offered.

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

**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. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**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 attempts made to obtain the proposals or quotations. 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;

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- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods or services procured from correctional facilities;
- (f) Good or services procured from, through, or jointly with another governmental agency, such as but not limited to cooperative purchases made in connection with another municipal government or entity, or a school district or services provided or obtained by or from another municipal government or entity or a school district.
- (g) Goods purchases at auction;
- (h) Goods purchased for less than \$1,000.00; and
- (i) Public works contracts for less than \$1,000.00.

**Guideline 7:** This policy shall be reviewed annually by the Town board at its organizational meeting or as soon thereafter as is reasonably practicable.

**DISCUSSION REGARDING VITALE PARK BREAKWALL CONSTRUCTION PROJECT**

Supervisor Gott reported that a test was done by Dave Coty and Steve Morsch and it was found that the proposed repair to the breakwall at Vitale Park is feasible. Supervisor Gott asked Clak Patterson Lee to draft a Request for Proposals, which was sent to three companies. Supervisor Gott pointed out that Clark Patterson Lee had estimated the cost of the work to be less than the \$35,000 threshold for Public Works Projects.

Each company was asked to provide a daily rate, assuming ten days, to provide three total people, one excavator, one mini excavator and one welder.

- Morsch Pipeline quoted \$3,000 per day.
- Villager Construction quoted \$4,756 per day
- Sergi Enterprises \$5,100 per day.

Supervisor Gott mentioned that he is comfortable with Steve Morsch doing the work, if that is the board's pleasure.

RESOLUTION 145-2014

**CONTRACT WITH MORSCH PIPELINE FOR BREAKWALL CONSTRUCTION**

On motion of Councilmember Gascon seconded by Councilmember Grouse the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
Nays - 0

Resolved to contract with Morsch Pipeline for the above work at Vitale Park at a rate of \$3,000 per day, not to exceed \$30,000.

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RESOLUTION 146-2014

**AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

On motion of Councilmember Seelos seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
Nays – 0

Resolved to approve the 2015 Agreement to Spend Town Highway Funds dated November 20, 2014.

**GRAF LITIGATION**

Attorney Campbell informed the board that the Graf litigation has finally been resolved. The appellate division last Friday issued a decision denying the petition to re-argue. He reminded everyone that Judge Wiggins had ruled in favor of the Town of Livonia. The Grafs had appealed Judge Wiggins' decision. The Appellate Division said the appeal was moot and denied it. The Grafs then made a motion to re-argue it, because they thought the Appellate Division did not look at it in the right way. Steve Sessler represented them all the way through including the re-argument.

**DOLLAR GENERAL ASSESSMENT CHALLENGE**

Attorney Campbell is working with Assessor Bennett regarding Dollar General's assessment challenge. They have been challenging their assessment since 2010. Attorney Campbell has been in discussions with them, but so far an agreement has not been reached. We have a Monday afternoon court date, but it is unlikely that we will go to court because they do not want to have to send someone in person. He hopes to be able to have a phone conference with them to discuss an offer that might resolve the matter.

**CORRESPONDENCE**

Supervisor Gott reported that the Town received a nice thank you card from Doug and Angela Grouse regarding the floral arrangement we sent when Doug's Dad passed away.

**VITALE PARK BREAKWALL DISCUSSION, CONTINUED**

Councilmember Gascon asked for clarification whether the barriers in Vitale Park are included in the \$35,000 limit. Attorney Campbell answered that they are not, and neither is Dave Coty's time, because we are doing that in-house.

**LIBRARY UPDATE**

Councilmember Seelos asked if there was a library update. Councilmember Grouse answered that we have a revised set of plans that the building committee has approved. Pricing is being put together. The goal is to hit a number that will not have a tax impact. She hopes that they will have a number in two weeks.

RESOLUTION 147-2014

**CHANGE MEETING SCHEDULE FOR DECEMBER**

Councilmember Seelos asked if we could consider changing the meeting schedule in December to

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one meeting on December 11. Attorney Campbell remarked that he will not be able to attend that evening. He also informed the board that he will be leaving on vacation the 19<sup>th</sup> and gone for holidays.

On motion of Councilmember Grouse seconded by Councilmember English the following resolution was

ADOPTED     Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
                 Nays – 0

Resolved to cancel the Town Board meetings scheduled for December 4 and 18<sup>th</sup> and have one meeting in December on December 11<sup>th</sup>.

**FIRE COMMISSIONER APPOINTMENT**

Dan Vallone is interested in being re-appointed as Fire Commissioner. The board can consider this at the next meeting.

**PERMISSION TO DECORATE TREE**

Councilmember Seelos asked if he could decorate the tree by the parking lot again. Supervisor Gott replied that that would be fine.

RESOLUTION                                     148-2014

**AUDIT OF CLAIMS**

On motion of Councilmember English seconded by Councilmember Grouse the following resolution was

ADOPTED     Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)  
                 Nays – 0

Resolved to pay claims 1780-1822 in the amount of \$42,197.70 from the Abstract dated November 20, 2014.

**PRIVILEGE OF THE FLOOR**

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 7:20 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk