

Regular Town Board Meeting of the Town Board of the Town of Van Buren, held on May 3, 2016 at 7:30 pm at the Van Buren Town Hall, 7575 Van Buren Road, Baldwinsville, New York.

Present:

Mr. Rick Zaccaria	Councilor
Ms. Darcie Lesniak	Councilor
Ms. Mary Frances Sabin	Councilor
Mr. Howard Tupper	Councilor
Mr. Ronald Dudzinski	Councilor
Ms. Patricia Dickman	Councilor
Mr. Claude Sykes	Supervisor

Mr. Kevin Gilligan	Town Attorney
Mr. Doug Foster	Highway Superintendent
Ms. Lynn Precourt	Town Clerk

Pledge of Allegiance and Roll Call.

Citizens Comments:

Mr. Bruce Williams, 119 Baker Boulevard, said he is concerned about the ditch behind his house. He said it is very deep and the water generally runs swiftly through it, but the banks have eroded and trees have fallen into it so it needs cleaning. He said when it is not running the water does back up and pool and he is worried about mosquitoes and the viruses they carry.

Mr. Sykes said he will let the Engineer know and he can come out and look at it. Depending on how much work may be needed it may qualify for Community Development funding.

Mr. Sykes said he can contact the Onondaga County Health Department about the mosquitoes.

Approve minutes of the Regular Town Board Meeting on April 20, 2016:

093-16-000 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to approve the minutes of the Regular Town Board Meeting on April 20, 2016as published.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Abstain, Ms. Dickman – Yes, Mr. Sykes – Yes

Motion Carried & Adopted

7:30 Public Hearing on Local Law B-2016 amending Town Code Chapter 50 to allow for best value purchasing and piggybacking:

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094-16-000 MOTION BY Mr. Zaccaria, seconded by Ms. Sabin, to recess the regular meeting, open the public hearing and waive reading the legal notice published in the *Post Standard* on April 24, 2016.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Mr. Gilligan explained that this local law amends our procurement policy to allow the town to piggyback off other contracts for equipment from other counties or states. He said it will ultimately save money because the town may not have to bid out projects if there is an existing bid contract item available. He said it also changes to way the town awards bids. He said under New York State Law the town has to award to the lowest responsible bidder. The local law amends our policy to allow awards for the best value, meaning there could be reasons such as the availability of parts or locality that affect the town's reason to award a certain bid.

Mr. Gilligan said specifically this local law will allow the town to purchase playground equipment off a national bid out of Pennsylvania to purchase from a company in Rochester, NY.

Mr. Sykes asked if there was anyone to speak in favor of this local law. No one spoke.

Mr. Sykes asked if there was anyone to speak against this local law. No one spoke.

095-16-000 MOTION BY Ms. Dickman, seconded by Mr. Zaccaria, to close the public hearing at 7:41 pm and resume the regular meeting.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Adoption of Local Law B-2016 to allow best value purchasing and piggybacking:

096-16-030 The following resolution was offered by Mr. Tupper, who moved its adoption, seconded by Ms. Lesniak to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law B-2016, “A Local Law Amending Chapter 50, titled, ‘Procurement Policy’ to Authorize Purchasing Based on Best Value and to Set Forth Requirements for ‘Piggybacking’ Purchases,”

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was presented and introduced at a regular meeting of the Town Board of the Town of Van Buren held April 20, 2016; and

**WHEREAS**, a public hearing was held to consider said proposed Local Law No. B-2016 on May 3, 2016 by the Town Board of the Town of Van Buren and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Van Buren in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, at its April 20, 2016 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. B-2016.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Van Buren, Onondaga County, New York, does hereby enact Proposed Local Law No. B-2016 as Local Law No. 4-2016 as follows:

**TOWN OF VAN BUREN  
LOCAL LAW NO. 4-2016**

**A Local Law Amending Chapter 50, titled “Procurement Policy”  
to Authorize Purchasing Based on Best Value and to Set Forth Requirements for  
“Piggybacking” Purchases**

Be it enacted by the Town of Van Buren Town Board, that this local law amends Chapter 50 of the Code of the Town of Van Buren (hereinafter “Code”), titled “Procurement Policy”, to

authorize purchasing based on best value and to set forth requirements for “piggybacking” purchases, as follows:

**SECTION 1.**

So that Chapter 50 of the Code of the Town of Van Buren is amended to add a new § 50-6.1 as follows:

**“§ 50-6.1. Piggybacking.**

A. Notwithstanding the provisions of this Chapter 50 (“Procurement Policy”), the Town of Van Buren may, for purposes of public purchases, utilize the provisions of New York General Municipal Law Sec. 103 with regard to so-called “piggybacking” of purchases. Pursuant to New York General Municipal Law Sec. 103, the Town of Van Buren may purchase through the bids solicited by the U.S. Government, New York State and/or any other State, political subdivision (Counties, Towns, Towns, School Districts, etc.) provided those contracts clearly state that they are available for use by other governmental entities within the requirements of New York General Municipal Law Sec. 103(16). Prior to such purchase, the Town of Van Buren will ensure that a piggyback purchase qualifies as follows:

1. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.
2. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Van Buren should determine that there is contained within the bidding political subdivision’s bid package a provision that the bid is open to and can be used by either the Town of Van Buren or other municipalities. This determination should be made on a case-by-case basis.
3. The specific contract must have been let to the lowest responsible or on the basis of best value and in accordance with or in a manner consistent with the provisions of New York General Municipal Law Sec. 103.”

**SECTION 2.**

So that Chapter 50 of the Code of the Town of Van Buren shall be amended to add a new § 50-6.2, to read in its entirety as follows:

**“§ 50-6.2. Purchasing Based on Best Value.**

A. New York General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

B. Notwithstanding the provisions of this Chapter 50 (“Procurement Policy”) the Town of Van Buren Town Board hereby determines that it is in the best interest of the Town of Van Buren and its residents for the Town of Van Buren to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder include but are not limited to:

1. Lowest cost of maintenance for good(s) or service(s);
2. Durability of good(s) or service(s);
3. Higher quality of good(s) or service(s); or
4. Longer product life of good(s) or service(s).

C. The Town of Van Buren may award purchase contracts, including contracts for service work related to the installation, maintenance or repair of apparatus, equipment and supplies, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

1. Where the basis for award is the best value offer, the Town of Van Buren shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
2. Where appropriate, the solicitation shall identify the relative

importance and/or weight of cost and the overall technical criterion to be considered by the Town of Van Buren in its determination of best value.

3. The election to award any such contract on the basis of best value shall be made by the Town Board. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with this Chapter.”

**SECTION 3.**            **SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 4.**            **EFFECTIVE DATE**

This Local Law shall be effective upon filing with the office of the Secretary of State.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Codes Officer – Dave Pringle – Update on code enforcement schedule for 2016, review 2016 building and energy codes update/changes, required town/zoning changes:

Mr. Sykes said Mr. Pringle had a conflict this evening and has asked to be re-scheduled to the next meeting May 17, 2016.

Approve park staff hires – Zachary Bechhusen as park attendant at \$9.50 an hour and Matthew Simpson as park attendant and later as lifeguard at \$9.50 an hour:

097-16-038    MOTION BY Ms. Sabin, seconded by Ms. Dickman, to approve park staff hires, Zachary Bechhusen as park attendant at \$9.50 an hour and Matthew Simpson as park attendant and later as lifeguard at \$9.50 an hour.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

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Authorize Supervisor to submit order for playworld playground equipment to R.E. Woodson, Inc. in the amount of \$75,098.18 via NPP government purchasing:

098-16-037 MOTION BY Ms. Dickman, seconded by Ms. Sabin, to authorize the Supervisor to submit order for playworld playground equipment to R.E. Woodson, Inc. in the amount of \$75,098.18 via NPP government purchasing.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Award pool valve replacement work:

Mr. Sykes said the town received quotes on the replacement of two butterfly valves at Van Buren Pool.

099-16-036 MOTION BY Mr. Zaccaria, seconded by Mr. Dudzinski, to award the pool valve replacement work at Van Buren Pool to t & S Mechanical in the amount of \$3,600.00.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Councilor Committee Reports and Comments:

Ms. Dickman said the Baldwinsville Memorial Day celebration is may 30<sup>th</sup> at 6:00 pm. She said immediately following the parade there is a ceremony in Riverview Cemetery that is very meaningful and she wanted to encourage people to stay after the parade for this ceremony.

Mr. Tupper said the Public Safety Committee met before the meeting tonight and discussed the issues brought up by the first responders at their last meeting. He said they came up with some suggestions and will be contacting them by mail.

Highway Superintendent Comments:

Mr. Foster said road construction has started on East Dead Creek Road. He said he knows one end is worse than the other, but, he wanted to start work while he waits for the NYSDOT work permit that will be required to work on the other end of the road.

Mr. Foster said he is also waiting on a NYS DOT work permit for the intersection of Rt. 48 and Idlewood Boulevard. He said work on that road will not start until after school is out for the summer.

Supervisor Comments:

Mr. Sykes said the Onondaga County Health Department has released their schedule for water chesnut treatment for this season.

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Mr. Sykes said “children at play” signs were discussed at our last meeting and the research that has been done has found that they are illegal. He said they are no longer included in the Manual on Uniform Traffic Devices and have not been since 2009. He said the Cornell Local Roads Program’s information on the signs went even further to explain that they are less effective than a Big Wheel or any other child’s toy left at the end of a driveway.

Mr. Zaccaria said they do offer a false sense of security in many cases.

Mr. Sykes said he has appointed a committee to work with the residents of Hoag Road. Mr. Zaccaria, Ms. Lesniak and Ms. Sabin will work with the residents to discuss issues related to the bridge closure and decisions that need to be made by those affected.

Citizens Comments: None

Engineer Comments: None

Attorney Comments: None

100-16-000 MOTION BY Ms. Dickman, seconded by Mr. Tupper, to adjourn to the next Regular Town Board Meeting on May 17, 2016 at 7:30 pm.

Mr. Zaccaria – Yes, Ms. Lesniak – Yes, Ms. Sabin – Yes, Mr. Tupper – Yes, Mr. Dudzinski – Yes, Ms. Dickman – Yes, Mr. Sykes – Yes

All Ayes - Motion Carried & Adopted

Meeting closed 7:55 pm

Respectfully submitted,

Lynn Precourt  
Town Clerk

Dated: 5/4/16