

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
THURSDAY, AUGUST 23, 2012**

The Board held its regular monthly meeting on August 23, 2012 at 8:00 p.m. The meeting was called to order at 8:00 p.m. by Mayor Giovanna Giunta, with the following in attendance:

Giovanna Giunta	Mayor
Mark Lazarovic	Deputy Mayor
Rita DiLucia	Trustee
Lucretia Steele	Trustee
Dorit Zeevi-Farrington	Trustee
Charles J. Casolaro	Village Attorney
Liz Gaynor	Village Clerk-Treasurer

45 members of the public were in attendance. The Mayor asked Jan Rosen to lead the assembly in reciting the Pledge of Allegiance.

Village Attorney Casolaro addressed some recent issues that have been in the local paper regarding ex-Trustee Avena's letter to the editor and a settled litigation matter.

Mayor Giunta thanked Casolaro for explaining these items to the residents.

The Mayor and Board of Trustees considered proposed minutes of the regular meeting held on July 26, 2012. The Mayor and the Board of Trustees reviewed these proposed minutes. Trustee DiLucia made a motion to accept the minutes as presented. Deputy Mayor Lazarovic seconded the motion.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

Mayor Giunta made the following appointments:

- a) I hereby appoint Steve Blasucci as a member of the Architectural Review Board for a term of five (5) years commencing on August 23, 2012.
- b) I hereby appoint Steve Blasucci as a Chairman of the Architectural Review Board for a term of one (1) year commencing on August 23, 2012.

- c) I hereby appoint Richard Carey as a member of the Architectural Review Board for a term of five (5) years commencing on August 23, 2012.
- d) I hereby appoint Dominic Masiello and Elise Ledda to the unpaid positions of Co-Commissioners of Traffic and Safety for a term of one (1) year.

Mayor Giunta made a motion to accept all appointments, seconded by Deputy Mayor Lazarovic.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

Village Attorney Casolaro introduced the accounting firm of Rosen & Federico, Robert Rosen presented to the Mayor, Board of Trustees and residents in the audience their findings of the financial records that were present or lack of records when Mayor Giunta took office as Mayor of The Village of Manorhaven.

Mayor and Board Members thanked Mr. Rosen for the status report.

The Mayor and Board of Trustees reviewed and considered the departmental reports. Deputy Mayor Lazarovic made a motion to accept the departmental reports, seconded by Trustee Steele.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

The Mayor and Board of Trustees reviewed and considered the Abstract of Claims. Trustee Steele made a motion to accept the Abstract of Claims report, seconded by Deputy Mayor Lazarovic.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

The Mayor and the Board of Trustees then considered the resolution calendar.

Mayor Giunta offered the following resolutions:

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #45 – AUGUST 23, 2012**

INDEPENDENT ZONING AND/OR ENGINEERING CONSULTANT

WHEREAS, the Mayor and the Board of Trustees have determined that in the exercise of the Village’s sovereign power to regulate construction and zoning within its borders, and to protect the general safety and welfare and maintain the quality of life in the Village, it is:

RESOLVED, that the Building Department/Building Inspector, after an examination of an application for a building permit, shall have the authority and discretion to require the retention of an Independent Zoning and/or Engineering Consultant, the cost of which shall be the sole responsibility of the applicant, to provide a “zoning and/or engineering analysis” and certify to the Building Department that a project: (a) prior to it being constructed, (b) while it is being constructed and (c) after it is finalized, is and will be in full compliance with the building plans as submitted, zoning dimensions and engineering calculations and any variances as previously approved by the appropriate authority. Nothing contained in this Resolution shall diminish or take away the Building Inspector’s right and authority to inspect a project.

WHEREFORE, this RESOLUTION, hereby adopted by unanimous vote on August 23, 2012, before a duly constituted meeting of the Board of Trustees, shall take effect immediately, be promptly recorded in the Office of the Village Clerk, and made part of the public record.

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

Deputy Mayor Lazarovic made a motion to adopt the Resolution #45, seconded by Trustee Steele.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #47 – AUGUST 23, 2012**

A RESOLUTION PERMITTING THE INSTALLATION OF A STOP SIGN

BE IT RESOLVED, that the Department of Public Works is authorized to install a Stop Sign at the location of South Bound on Ashwood Road where it meets with the cross street of Ford Place,

; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect immediately.

Trustee Steele made a motion to adopt the Resolution #47, seconded by Deputy Mayor Lazarovic.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
RESOLUTION #46 – AUGUST 23, 2012**

A RESOLUTION AUTHORIZING TREE REMOVAL

BE IT RESOLVED, that upon the recommendation of the Commissioner of Trees, Mayor Giovanna Giunta and consistent with the standards set forth in section 143-4 (C) of the Code of the Inc. Village of Manorhaven, permission be and hereby is granted to the following for removal of a tree or trees,

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
1) Mary Tchorbajian	49 Edgewood Road	1 street tree - approved
2) Charles Zalben	32 Norwood Road	1 street tree - approved

; and

BE IT FURTHER RESOLVED, that the permit fees to be charged to the property owner, shall be as set forth in section 143-6 of the Code; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall take effect Immediately.

Trustee DiLucia made a motion to adopt the Resolution #46, seconded by Deputy Mayor Lazarovic.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
PROCUREMENT POLICY
(ADOPTED ON AUGUST 23, 2012)

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, this Policy is reviewed annually by the Village Board of Trustees, as required under General Municipal Law Section 104-b(4), and comments have been solicited from all officers of the Village involved in the procurement process;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby adopt the following procurement policy, which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF MANORHAVEN

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Although “purchase contract” and “contract for public work” are not defined in New York State General Municipal Law §103, the Office of the State Comptroller has opined that “purchase contract” applies to the procurement of commodities, equipment, materials and supplies, while the term “contract for public work” applies to contracts for services, labor or construction. If a contract involves the acquisition of commodities, equipment, materials or supplies, as well as the purchase of services, labor or construction (e.g., when an item of equipment is purchased and installed by the vendor), then the “total character” of the arrangement, as well as the underlying purpose of the competitive bidding statute, will be examined to make the determination. Village personnel making this determination may, if desired, consult with the Village Attorney for advice in rendering such determination. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts equal to or less than \$20,000 and public works contracts equal to or less than \$35,000; emergency purchases and contracts; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; purchases under intermunicipal agreements duly authorized under the General Municipal Law; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual recommending that the purchase or expenditure be made (the “Purchaser”). This documentation may include written or verbal quotes from vendors, a memo from the Purchaser indicating how the decision was reached, a copy of the contract indicating the source which makes

the item or service exempt, a memo from the Purchaser detailing the circumstances which led to an emergency purchase or contract, or any other written documentation that is appropriate.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods and services will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000, which are subject to formal competitive bidding requirements; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contracts pursuant to Section 103 (3) of the General Municipal Law; purchases from federal contracts of the General Services Administration pursuant to Chapter 622, Laws of 1995; purchases under duly authorized inter-municipal cooperation agreements; or purchases pursuant to subdivision 6 of this policy.

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$1,000 - \$9,999.99	2 verbal quotations
\$10,000 - \$20,000	2 written/fax quotations or written responses to requests for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$1,000 - \$9,999.99	2 verbal quotations
\$10,000 - \$19,999.99	2 written/fax quotations
\$20,000 - \$35,000	3 written/fax quotations or written responses to requests for proposals

If any public works contract is awarded following compliance with the applicable method set forth above, and after the awarding thereof, a change order relating thereto is submitted to the Village, the amount of which, when added to the original contract amount, would have required a different method of analysis at the outset, no additional approvals will be required hereunder with respect to such change order, provided that the amount of the change order represents not more than 20% of the contract price originally approved. If such change order amount exceeds 20% of the original contract amount, then the change order shall be considered under the method applicable to a contract having a dollar amount equal to the amount of the change order. Notwithstanding the foregoing, if the aggregate amount of the contract price plus change order price exceeds \$35,000, then the Village personnel responsible for such change order shall consult with the Village Attorney to determine

whether the best interests of the Village are served by compliance with competitive bidding requirements otherwise applicable to public works contracts in an amount greater than \$35,000.

Reasonable shipping and handling costs not exceeding 10% of any purchase contract amount shall be excluded from the computation of amounts of purchase contracts for the purposes of the foregoing table.

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, then the Purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Documentation is required of each action taken in connection with each procurement.

Documentation and an explanation is required whenever a contract is awarded to other than the lowest offerer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible. A determination that the offer is not responsible shall be made by the Purchaser and, if challenged by such offer, shall be reviewed by the Village Board, the determination of which, upon such review, may not be challenged under any circumstances by any offer.

Pursuant to General Municipal Law Section 104-b(2)(g), there may be circumstances when, or types of procurement for which, in the sole discretion of the Board of Trustees, the solicitation of alternative proposals or quotations will not be in the best interests of the Village. In the following circumstances, it may not be in the best interests of the Village to solicit quotations or to document the bases for not accepting the lowest bid:

Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a relationship between the individual and municipal officials involving personal confidence, trust, confidentiality, and personal compatibility. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, or welfare of the residents. This section does not preclude alternate proposals if time permits.

Purchases of surplus and second-hand goods from any governmental source pursuant to Section 103(6) of the General Municipal Law. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

In any Agreement for services, the Village Clerk shall assure that the service provider has the appropriate insurance coverage.

This policy shall supersede any Procurement or Purchasing Policy previously adopted.

This policy shall go into effect upon adoption and will be reviewed annually.

The following Village officials are responsible for purchasing:

Mayor

Village Clerk

In the absence or unavailability of the Mayor and the Village Clerk,
any Trustee.

Trustee Steele made a motion to adopt the Procurement Policy, seconded by Deputy Mayor Lazarovic.

The Board was polled as follows:

Trustee Zeevi-Farrington Aye

Trustee Steele Aye

Trustee DiLucia Aye

Deputy Mayor Lazarovic Aye

Mayor Giunta Aye

**BOARD OF TRUSTEES, INC. VILLAGE OF MANORHAVEN
CREDIT CARD POLICY
(ADOPTED ON AUGUST 23, 2012)**

WHEREAS, the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services through the use of a credit card, and

WHEREAS, this Policy shall be reviewed annually by the Village Board of Trustees, as required under General Municipal Law;

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Manorhaven does hereby adopt the following Credit Card policy.

CREDIT CARD POLICY FOR THE VILLAGE OF MANORHAVEN

Any credit card issued to the Village of Manorhaven based upon the full faith and credit of Manorhaven's finances shall be used only for the purchase of goods and services directly related and necessary for the Village of Manorhaven.

There shall be an absolute prohibition of the use of any Village credit card for personal expenses of any Village official, employee, member of staff or appointee. Failure to adhere to this policy shall cause the Board of Trustees to commence disciplinary proceedings against the individual who violates this policy, which may result in termination of employment or appointed position, the levying of a civil fine and/or referral to any other governmental agency this Board of Trustees deems appropriate.

Any Village credit card issued shall remain in the custody of the Village Clerk, and if used, thereafter returned to the custody of the Clerk.

This policy shall supersede any Credit Card Policy previously adopted.

Any purchase that exceeds a five hundred (\$500.00) shall require approval from the Mayor and at least two other Trustees, said approval may be received verbally or in e-mail format, and shall be logged by the Village Clerk.

All credit card purchases shall be logged by the Village Clerk and shall be accompanied by the receipt of the specific purchase.

The following Village officials shall be the only signatory and authorized user of any credit card issued to the Village of Manorhaven:

Mayor

Village Clerk

Deputy Mayor.

In the absence or unavailability of the Mayor and the Village Clerk,

the Deputy Mayor may utilize the Village Credit Card but only in cases deemed necessary and appropriate for the benefit of the Village.

This policy shall go into effect upon adoption and will be reviewed annually.

Deputy Mayor Lazarovic made a motion to adopt the Credit Card Policy, seconded by Trustee Steele.

The Board was polled as follows:

Trustee Zeevi-Farrington	Aye
Trustee Steele	Aye
Trustee DiLucia	Aye
Deputy Mayor Lazarovic	Aye
Mayor Giunta	Aye

The Mayor opened the floor to public comment. Public comments were offered by: Aaron Lockwood, Elise Ledda, Patrick Gibson, Richard Carey, Barbara Mallon, Howard Blackman and Jan Rosen.

NEXT MEETING: The next meeting was scheduled for **Thursday, September 27, 2012 at 8:00 p.m.**

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Respectively Submitted,

Liz Gaynor
Village Clerk-Treasurer