

**VILLAGE OF MANORHAVEN
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
OCTOBER 28, 2010**

The Board held a public hearing at 7:00 p.m. on the application of Dunes 28, LLC for subdivision of property situate at 28 Dunes Lane within the Village and identified on the Nassau County Land & Tax Map as section 4, block 103, lot 44, at the Village Hall, 33 Manorhaven Boulevard, Port Washington, NY. The public hearing was called to order at 7:14 p.m. by Mayor Michael T. Meehan with Trustees DiLeo, DiLucia, Fahey, and four members of the public present. Mr. Daniel Zarabi spoke in favor of the application. Public comment was offered by Gerard Terry, Esq., Mr. Douglas Gaeta, and David Mammina, R.A. At 7:19 p.m., Trustee Gibson joined the public hearing. At 7:36 p.m., Trustee DiLucia made a motion to close the public hearing and reserve decision. Trustee Fahey seconded the motion, which passed unanimously. Please see the stenographic record for further details.

The Board held its regular monthly meeting on October 28, 2010 at 8:00 p.m. The meeting was called to order at 8:01 p.m. by Mayor Michael T. Meehan, with the following in attendance

Michael T. Meehan	Mayor
John M. DiLeo, Jr.	Trustee
Brendan Fahey	Trustee
Patrick Gibson	Trustee
Gerard Terry, Esq.	Village Attorney
Jonathan P. Fielding	Village Clerk-Treasurer
David L. Mammina, R.A.	Superintendent of Buildings
Donato Gallo	Superintendent of Highways
Carmela Aiello	Deputy Village Clerk

The Mayor noted that the absence of Trustee DiLucia was excused, due to an emergency situation.

Seventeen members of the public were in attendance. The Mayor asked Mr. Joseph Giunta to lead the assembly in reciting the Pledge of Allegiance.

The Mayor and Board of Trustees considered proposed minutes of the regular meeting held September 23, 2010. The Mayor and the Board of Trustees reviewed and considered these proposed minutes. Trustee Fahey made a motion to accept the minutes as

presented. Trustee DiLeo seconded the motion, which passed unanimously.

The Mayor and Board of Trustees reviewed and considered the departmental reports. Trustee Fahey made a motion to accept the departmental reports, seconded by Trustee Gibson, which passed unanimously.

The Mayor and Board of Trustee then considered the resolution calendar for October 28, 2010.

RESOLUTION NO. 70 - OCTOBER 28, 2010
A RESOLUTION IN RESPECT TO PERSONNEL OF THE VILLAGE COURT

Trustee DiLeo offered the following resolution and moved for its adoption. Trustee Gibson seconded the motion.

BE IT RESOLVED, that Nancy Greene, having an address at 4 Sands Court, Port Washington, NY 11050, be and hereby is appointed to the position of Clerk to Village Justice, at an annual salary of \$30,000, effective November 1, 2010, subject to approval by the Nassau County Civil Service Commission; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Abstain
Trustee DiLeo	Aye
Mayor Meehan	Aye

RESOLUTION NO. 70A - OCTOBER 28, 2010
A RESOLUTION REGARDING A PREVIOUSLY AUDITED CLAIM AGAINST THE VILLAGE

Trustee Fahey offered the following resolution and moved for its adoption.

WHEREAS, the Town of North Hempstead (the "Town") has previously submitted a certain claim to the Inc. Village of Manorhaven (the "Village"), dated June 22, 2010, in the amount of \$96,993.73, for work performed in connection with site improvements to real property owned by the Village, under a certain Intermunicipal Agreement between the Town and the Village; and

WHEREAS, at a meeting conducted on September 23, 2010, said claim was presented for approval, and was audited and rejected by the Board of Trustees (the "Board"); and

WHEREAS, subsequent to said meeting of September 23, 2010, additional information which bears on said claim has been brought to the attention of the Board and, accordingly, the Board wishes at this time to re-audit and reconsider said claim;

NOW, THEREFORE, BE IT RESOLVED, that a certain claim by the Town of North Hempstead, dated June 22, 2010, in the amount of \$96,993.73, for site improvements to real property owned by the Village, be and hereby is added to the "Claims Abstract" for the month of October 2010; and

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

The Resolution was called and moved by Trustee Fahey. No second was heard, and the resolution was held aside.

RESOLUTION NO. 71 - SEPTEMBER 23, 2010
A RESOLUTION ADOPTING A PROCUREMENT POLICY

Trustee Gibson offered the following resolution and moved for its adoption. Trustee Fahey seconded the motion.

WHEREAS, General Municipal Law section 104-b requires every municipal subdivision in New York State to establish, maintain and implement policies and procedures for the procurement of goods and services, consistent with the applicable requirements of law; and

WHEREAS, it has been some length of years since the Board of Trustees has considered this matter and it is in the best interests of the Village for renewed consideration of same at this time;

NOW, THEREFORE, BE IT RESOLVED, that the annexed "Procurement Policy" of and for the Inc. Village of Manorhaven be and hereby is adopted and shall supersede any previously adopted polity, rule or procedure in respect to same; and

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

**INC. VILLAGE OF MANORHAVEN
PROCUREMENT POLICY
ADOPTED BY RESOLUTION NO. 71 (OCTOBER 28, 2010)**

Section 1 - Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the governing Board is adopting internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103, or of any other general, special or local law.

Section 2 - Definitions

- A. "Procurement Officer" shall be the individual responsible for making purchases under the procurement policy. The Village Treasurer or his or her designate shall be the Procurement Officer.
- B. "Emergency" - a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property, or the life, health, safety, welfare, or property of the inhabitants of the Inc. Village of Manorhaven require immediate action which cannot await competitive bidding.

Section 3 - Determination of whether procurements subject to bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

- A. Procedure

1. The procurement officer shall consult the following chart to determine which category the potential procurement lies within.

CATEGORIES OF PROCUREMENT	Subject to Competitive Bidding (§103)	Local policy and procedures (§104-b)
Purchase contracts and contracts for Public Work if no exception applies		
1. Purchase Contracts - in excess of the \$20,000 threshold	X	
2. Purchase contracts - below the \$20,000 threshold		X
3. Contracts for public work - in excess of the \$35,000 threshold	X	
4. Contracts for public work - below the \$35,000 threshold		X
Exempt Procurements: not subject to 103 or 104-b (Village Law §5-508[4])		
5. Preferred Sources (State Finance Law §162; Correction Law §§184,186)		X
6. State Contract (GML §104)		X
7. County Contract (GML §103[3])		X
8. Procurements under an intermunicipal agreement (GML §99-r)		X
Procurements exempt from §103		
9. Emergency		X
10. Sole sources acquisition		X
11. Professional services		X
12. True leases		
13. Insurance		X
14. Surplus/second-hand materials, supplies, equipment from other governments (GML §103[6])		X
15. Certain Nutrition Program purchases (GML §103[8], Village Law §5-508[4])		X

2. The procurement officer shall refer any procurement subject to competitive bidding to the Village Attorney.
3. If the procurement is not subject to competitive bidding, the procurement officer shall follow the local procurement procedures.

B. Documentation: The procurement officer shall maintain such written records and papers as reasonable and necessary to document compliance with the above procedure.

Section 3 - Statutory Exceptions from policies and procedures.

Except for procurement made pursuant to General Municipal Law § 103, Subdivision 3 (through county contracts) or § 104 (through

state contracts), State Finance Law § 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans' workshops), Correction Law § 186 (articles manufactured in correctional institutions) or the items excepted herein, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law § 104-b.

Section 4 - Methods of competition for non-bid procurement

The methods of procurement to be used are as follows:

- A. County contracts
- B. Intermunicipal cooperation
- C. Emergencies
- D. Professional services
- E. Insurance
- F. Surplus or secondhand supplies, materials, or equipment from the federal government, any other political subdivision, or public benefit corporations
- G. Solicitation of reasonable quotations or proposals from reputable vendors

Section 5 - Adequate documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. \$1,500 to \$2,999: three verbal quotes
- B. \$3,000 to \$4,999: four verbal quotes
- C. \$5,000 to \$9,999: three written quotes
- D. \$10,000 to \$19,999: Issuance of written Request for Proposals to .

Section 6 - Awards to other than lowest responsible dollar offeror

Whenever any contract is awarded to other than the lowest responsible dollar offeror, the reasons such an award furthers the purpose of General Municipal Law § 104-b as set forth hereinabove shall be documented as follows:

- A. There must be documentation and justification of the reason why the purchase is in the best interest of the governmental unit;
- B. The Board of Trustees has determined that procurements from vendors that are local businesses within the Inc. Village of Manorhaven are in the best interests of the people of the Inc. Village of Manorhaven insofar as they tend to encourage local economic development. Accordingly, the fact that a vendor is a local

business person can constitute a factor in balancing whether or not a contract is awarded to other than the lowest responsible dollar offeror.

Section 7 - Items excepted from policies and procedures by the Board of Trustees

The Board of Trustees of the Inc. Village of Manorhaven sets forth the following circumstances when or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality:

- A. Emergencies
- B. Small procurement under \$1,500

Section 8 - Input from officers.

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

Section 9 - Biennial review

The Board of Trustees shall biennially review these policies and procedures. The Mayor shall be responsible for conducting a biennial review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Section 10 - Unintentional failure to comply

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

**RESOLUTION NO. 72 - OCTOBER 28, 2010
A RESOLUTION AUTHORIZING TREE REMOVAL**

Trustee DiLeo offered the following resolution and moved for its adoption. Trustee Gibson seconded the motion.

BE IT RESOLVED, that upon the recommendation of the Commissioner of Trees, Trustee John M. DiLeo, Jr., 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, as noted:

<u>Applicant</u>	<u>Address</u>	<u>Quantity</u>
Valerie Johanson	9 Graywood Road	1
Alfred Juzups	48 Dunwood Road	2
Alfred Juzups	50 Dunwood Road	2

; and

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

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

The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Aye
Trustee DiLeo	Aye
Mayor Meehan	Aye

The Board then considered the abstract of claims. At the request of Trustee Gibson three claims made by the Town of North Hempstead were held from the abstract: a) the claim in the amount of \$3,254.36; b) the claim in the amount of \$228.06; and c) the claim in the amount of \$2,161.52. Trustee Gibson made a motion to approve the abstract of claims as amended. Trustee Gibson seconded the motion. The Board was polled as follows:

Trustee Gibson	Aye
Trustee Fahey	Abstain
Trustee DiLeo	Aye
Mayor Meehan	Aye

Mayor Meehan opened the floor to public comment. Comments were offered by Ms. Clair DiNapoli, Ms. Elise Ledda, Ms. Francine Mienik, and Ms. Bernadette Dolan.

At 9:03 p.m., Trustee Gibson made a motion to adjourn the meeting. Trustee Fahey seconded the motion, which passed unanimously.

Dated. Manorhaven, New York
November 8, 2010

Respectfully submitted,

Jonathan P. Fielding
Village Clerk-Treasurer