

# *Village of Leicester*

## **April 18, 2022 Organizational Meeting/Budget Hearing**

**CALL TO ORDER:** Mayor Briffa called the meeting to order at 6:30 pm followed by the Pledge of Allegiance.

**PRESENT:**

**Mayor:** Barry Briffa

**Trustees:** Dan Christiano, Don Jacobs, Ken Rizzo

**Clerk-Treasurer:** Kirstie DeGraff

**Fire Chief:** Jim Kane, President John Yasso

**Highway Superintendent:**

**Water Operator:** Chris Young

**Zoning/Code Enforcement:**

**Residents:** Karen Roffe

**EXCUSED:** Trustee Christiano motioned, 2<sup>nd</sup> by Trustee Rizzo, to excuse Trustee Frantz [Motion Carried 3-0]

**MINUTES:** The minutes of the March 21, 2022 Board Meeting were accepted on a motion by Trustee Jacobs, 2<sup>nd</sup> by Trustee Rizzo [Motion Carried 3-0]

**COMMITTEE REPORTS:**

**Fire Company Report:** President John Yasso presented the following:

- 5 calls in the last month
- Service quote for rescue toll \$760 approved by Mayor Briffa
- Trustee Rizzo reminded the Fire Dept. to get Board approval prior to getting service/work done
- Annual reports presented, 2022-2023 Line Officers approved on a motion by Trustee Jacobs, 2<sup>nd</sup> by Trustee Christiano [Motion Carried 3-0]

**Highway Department:** Mayor Briffa reported on behalf of Highway Superintendent Russ Page on the following:

- fixed shut off valve in front of 125 Main St, will replace blocks
- still looking for Orlando property shut off valve
- waiting on Chips funding to decide on Mahoney Street
- covered for Chris on water for his vacation

**Zoning:** Mayor Briffa reported on behalf of Code Enforcement Officer Chuck Cagle on the following:

- Chuck is going over the Village's Zoning laws as compared to the Village of Mt Morris

**OPEN BUDGET HEARING:** Mayor Briffa opened the Public Budget Hearing at 6:45 pm on a motion by Trustee Rizzo, 2<sup>nd</sup> by Trustee Jacobs [Motion Carried 3-0].

**OLD BUSINESS:**

**Community Building:** Mayor Briffa noted that he has met with ARC and that they are still proceeding with purchasing the building but they are still waiting on the appraisal figures they arranged for. It was noted by the Trustees that ARC needed to move forward with the purchase or start paying the new lease price that they are refusing to pay.

**MAYOR'S REPORT:**

**Spring Newsletter:** Mayor Briffa noted that the Spring newsletter is ready to go to the printer.

**Gazebo Dedication:** Mayor Briffa noted that the Gazebo Dedication will be April 29<sup>th</sup> to honor Richard Ellis as the Ellis family paid for the new roof on the gazebo.

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### ORGANIZATIONAL MEETING:

Trustee Rizzo made a motion to accept the following appointments for the fiscal year 2022-2023 seconded by Trustee Jacobs. [motion Carried 3-0]

Deputy Mayor	Ken Rizzo
Deputy Clerk-Treasurer	Jennifer Lubanski
Tax Collector	Kirstie DeGraff
Records Management Officer	Kirstie DeGraff
Budget Officer	Kirstie DeGraff
Auditing Committee	Ken Rizzo / Dan Christiano
Street & Parks Committee	All Board Members
Recreation Committee	Dan Christiano / Tom Frantz
Water & Lights Committee	Don Jacobs / Ken Rizzo
Community & Village Building	Don Jacobs / Ken Rizzo
Fire Department Committee	Don Jacobs / Tom Frantz
Highway Department	Dan Christiano / Don Jacobs / Ken Rizzo
Youth Committee	Dan Christiano / Tom Frantz
Attorney	James Coniglio, Ed Russell
Accounting Firm	St. Johns Baldwin
Engineering Firm	CPL Engineering
Registrar	Amy Neumann
Historian	Karen Roffe
Official Newspaper	Livingston County News
Official Depository	Five Star Bank
Secretary to the planning/Zoning Officer	Kirstie DeGraff
Code Enforcement Officer	Chuck Cagle
Planning/Zoning Board Members	Dan Christiano – Chair (4 yr – exp May 2024) Pete Fanaro (4 yr – exp May 2024) Charles Metz (4 yr – exp May 2024) Tim Muscarella (4 yr – exp May 2024) Joe Nahalka (4 yr – exp May 2024) Megan Semmel (Alternate) 4 yr – exp May 2024)

Trustee Christiano made a motion to have all official **Board Meetings** held on the third Monday of the Month at 6:30 pm seconded by Trustee Rizzo. [Motion Carried 3-0]

Trustee Rizzo made a motion to pass the **Approval of Claims Resolution** for the fiscal year 2022-2023 seconded by Trustee Jacobs. [Motion Carried 3-0]

**WHEREAS** the Board of Trustees has determined to authorize payment in advance of audit pf claims for public utility services, postage, freight and express charges; and

**WHEREAS** all such claims must be presented at the next regular meeting for audit; and

**WHEREAS** the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the board of trustees disallows.

**NOW THEREFORE BE IT RESOLVED:**

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**Section 1.** That the Board of Trustees authorizes payment in advance of audit claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows.

**Section 2.** This this resolution is effective immediately.

Trustee Christiano made a motion to pass the **Approval of Mileage Resolution** for the fiscal year 2022-2023 seconded by Trustee Rizzo. [Motion Carried 3-0]

**WHEREAS** the Board of Trustees has determined to pay a fixed rate for mileage as reimbursed to Village Officers and employees who use their personal automobiles while performing their official Village duties;

**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the Board of Trustees will approve reimbursement to such Officers and employees at the rate per mile as set by the IRS and payable by the payroll company.

**Section 2.** That this resolution is effective immediately.

Trustee Rizzo made a motion to pass the **Approval of Designated Depositories Resolution** for the fiscal year 2022-2023 seconded by Trustee Christiano. [Motion Carried 3-0]

**WHEREAS** The Board of Trustees has determined that the Village Law §4-412 (3)(2) requires the designation of banks or trust companies for deposit of all village monies;

**NOW THEREFORE BE IT RESOLVED:**

**Section 1.** That the Board of Trustees designates the following institutions as depositories of all monies received by the village treasurer, clerk, and receiver of taxes. Names of institutions:

Five Star Bank

M & T Bank Collateral Custody Services

**Section 2.** That this resolution is effective immediately.

Trustee Christiano made a motion to pass the **Investment Policy Resolution** for the fiscal year 2022-2023 seconded by Trustee Rizzo. [Motion Carried 3-0]

**Investment Policy:** WHEREAS, the Village Board of Trustees desire to establish an investment policy in order to insure funds not needed for the immediate payment of bills will be invested to earn a safe return as provided under the Village Law, the General Municipal Law and the local Finance Law; and

**WHEREAS;** the Village Board desires to designate certain banks for the placing of investments; and

**WHEREAS,** the Village Board desires to authorize the Village Clerk-Treasurer as the fiscal officer to make such investments,

**NOW, THEREFORE** the Board of Trustees authorizes the use of the following commercial banks or trust companies located and authorized to do business in New York State, for placing investments:

Five Star Bank

The Board of Trustees authorizes the use of the following types of investments;

Instruments for investing Village monies:

- 1) Savings Account
- 2) NOW. account
- 3) Money Market Deposit Accounts

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- 4) Super NOW. Accounts
- 5) 7 to 31 Day Accounts
- 6) Certificates of Deposit
- 7) Repurchase Agreements
- 8) Purchase of United States Treasury Bonds, Bills, and Notes
- 9) Other investment instruments as may be approved by the Office of the State Comptroller from time to time

The Board of Trustees specifically delegates the authority to make day-to-day investment decisions within the guidelines and limitations of this policy resolution to the Village Clerk-Treasurer, as Chief Fiscal Officer. The Chief Fiscal Officer is authorized to utilize the advisory services of Municipal Consulting Firms in planning the timing, amount, maturity, bidding, placement, and reporting on any investments made hereunder.

The Board of Trustees specifically authorizes the designated official to use electronic transfer of funds; among the approved banking institutions, to assist in obtaining “federal funds” enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a “wire transfer” and subsequently supported by the bank confirmation notice to provide an audit trail.

The Board of Trustees authorizes the designated official the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for safekeeping possession to the winning bank, as provided in section 11 (3) of the General Municipal Law, to facilitate access to funds at maturity and to eliminate having live certificates in the Village Office.

All investments shall be documented in written reports to the Village Board, outlining the details of the investment and the bids received thereon. When investments are placed, these reports should be presented no less than monthly.

The primary objective of this policy is to enhance the safety and availability of any Village monies invested. Safety is enhanced by FDIC Insurance limit as presently set or subsequently revised, are to be insured by a pledging of appropriate collateral with the institution winning the bid for the investment. Where appropriate, all investments must be bid specifying, “with collateral.”

### **Procurement Policy:**

1) Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that 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 under \$20,000 and public works contracts under \$35,000; emergency purchases; 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; and surplus and secondhand purchases from another government entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. The documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, 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 any other written documentation that is appropriate.

2) All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any method that assures that goods will be purchased at the lowest price and that

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favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts of \$35,000; 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 of the General Municipal Law; or purchases to subdivision 6 of this policy.

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

### ESTIMATED AMOUNT OF PURCHASE CONTRACT METHOD

\$ 2,500 - \$ 4,999 2 verbal quotations

\$ 5,000 - \$ 9,999 3 written/fax/email quotations or written request for proposal

### ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT METHOD

\$ 2,500 - \$ 4,999 2 verbal quotations

\$ 5,000 - \$ 9,999 3 written/fax/email quotations \$10,000 - \$19,999

3 written/fax/email quotations or written request for proposal

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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals or quotations; 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.

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

5) Documentation and an explanation are required whenever a contract is awarded to anyone other than the lowest responsible offeror. The documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6) Pursuant to General Municipal Law section 104-b (2)(1), the procurement policy may contain circumstances when, or types of procurements 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. In the following circumstances it may not be in the best interests of the Village of Leicester to solicit quotations or document the basis for not accepting the lowest proposal.

A. 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, judgement, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that readily lend themselves to competitive procurement procedures. In determining whether a service fits into a category the Village 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 personal relationship between the individual and municipal officials. Professional or technical services shall include but not limited to the following: services of an attorney; technical services of an engineer or architect 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;

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management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing or pre-packaged software.

- B. 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.
- C. Purchases of surplus and second-hand goods from any source or goods purchased at auction. 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.
- D. Goods or services under \$2,500. 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 interest of the taxpayer. In addition, it is not likely that such contracts would be awarded favoritism.
- E. Service contracts encountered into through New York State Office of General Services. In these instances, the State has already investigated and secured the lowest possible price for the municipality.

**CLOSE BUDGET HEARING:** Mayor Briffa closed the Public Budget Hearing at 7:15 pm on a motion by Trustee Jacobs, 2<sup>nd</sup> by Trustee Rizzo [Motion Carried 3-0].

**2022-2023 Budget:** Mayor Briffa reviewed the 2022-2023 Budget highlighting specific line items for discussion. After hearing no objections, Trustee Christiano motioned, 2<sup>nd</sup> by Trustee Rizzo to approve the 2022-2023 Budget [Motion Carried 4-0]

**ENTER EXECUTIVE SESSION:** Trustee Rizzo motioned, 2<sup>nd</sup> by Trustee Christiano to enter into Executive Session at 7:16 pm [Motion Carried 3-0]

**EXIT EXECUTIVE SESSION:** Trustee Christiano motioned, 2<sup>nd</sup> by Trustee Rizzo to exit Executive Session at 7:40 pm [Motion Carried]

**Parson's Property Water Line:** There was discussion on the Parson's property and it was determined there was plastic line run from the house to the shop/barn which was where the leak was found. The water has been shut off at the house to the shop/barn and owner's have been advised they should run a new line(s).

**ADJOURNMENT:** Trustee Christiano motioned, 2<sup>nd</sup> by Trustee Jacobs to adjourn the meeting at 7:50pm. [Motion Carried 3-0]

Respectfully Submitted,  
Kirstie DeGraff  
Clerk-Treasurer  
Village of Leicester