

Board of Trustees Meeting Minutes

4/10/2023 4:00 PM

The meeting of the Board of Trustees was called to order at 4:00 pm by Deputy Mayor J. Cummins.

Gregory Pearl was sworn in by Deputy Mayor J. Cummins to serve a four-year term as Mayor effective April 2023-March 2027

Robert Barton and Marjorie Walsh were sworn in by Deputy Mayor J. Cummins to serve as board trustees for a four-year term effective April 2023-March 2027.

Kimberly Roth was sworn in by Mayor G. Pearl to serve as Clerk Treasurer and Registrar of Vital Statistics.

Athena Silluzio was sworn in by Mayor G. Pearl to serve as Deputy Clerk, Court Clerk and Deputy Registrar of Vital Statistics.

Present: Trustees: Deputy Mayor J. Cummins, Trustees: R. Barton, M. Walsh, J. Kolkowksi(via phone); Clerk Treasurer K. Roth; Chief of Police C. Baker, Deputy Clerk A. Silluzio

The following items were read by Mayor Pearl:

1. Appointments
2. Official Newspaper
3. Dates/Times of regular board meetings
4. Designation of Depositories
5. Committees
6. Purchasing Policy
7. Investment Policy
8. Advance Approval of Claims
9. Mileage Allowance

RESOLUTION # 2023-032

2024 ORGANIZATIONAL MEETING APPOINTMENTS, NEWSPAPER, DATES AND TIMES OF REGULAR MEETINGS, DESIGNATION OF DEPOSITORIES, COMMITTEES, PURCHASING POLICY, INVESTMENT POLICY, AVANCED APPROVAL OF CLAIMS, MILE ALLOWANCE AND CREDIT CARD POLICY REVIEW AND APPROVAL BY BOARD OF TRUSTEES

On motion made by Trustee J. Cummins, second by Trustee R. Barton resolved that all Appointments, Official Newspaper, Dates and Times of Regular Meetings, Designation of Depositories, Committees, Purchasing Policy, Investment Policy, Advanced Approval of Claims, Mileage Allowance and Credit Card Policy read and/or

submitted by Mayor Pearl at the 2023-2024 Village of Allegany Board of Trustees Organizational Meeting have been reviewed and/or approved on 4/10/2023 by the Board of Trustees. Aye-all, Nay-none.

2024 ORGANIZATIONAL MEETING APPOINTMENTS

VILLAGE OF ALLEGANY APPOINTMENTS 2023-2024

Mayor (swear in)	Gregory Pearl
Board Trustees (swear in)	Marjorie Walsh Robert Barton
Deputy Mayor	Jerry Cummins
Clerk Treasurer Registrar of Vital Statistics	Kimberly Roth
Deputy Clerk, Court Clerk Deputy Registrar of Vital Statistics	Athena Silluzio
Superintendent of Public Works	Frank Snyder
Police Chief	Christopher Baker
Acting Lieutenant	Christopher McGraw
School Resource Officer	Christopher McGraw
Sr. Patrolman-part time-Acting Sergeant	Timothy Peterson
Sex Offender Registration Act Compliance Officers Juvenile Officer	Timothy Peterson Christopher McGraw
Civil Defense Director	Frank Snyder
Emergency Command Coordinator	Frank Snyder
Special Legal Counsel	Bond, Schoeneck & King PLLC
Prosecuting Attorney	Michael Burke
Code Enforcement Officer	John Helgager
Chief Water Operator	Anthony Papasergi
Official Newspaper	Times Herald, Olean
Village Board Meetings	1 st Monday of each month, 4:00 pm Municipal Building subject to change

Official Depositories

Five Star Bank
Community Bank
MBIA Class

**VILLAGE OF ALLEGANY
COMMITTEES 2023-2024**

Streets	Jerry Cummins
Water	John Kolkowski
Sewer	John Kolkowski
Police	Jerry Cummins
Code Enforcement	Gregory Pearl
Fire Department Liaison	Gregory Pearl
Budget	Gregory Pearl
Sidewalks	Marjorie Walsh
Trees	Marjorie Walsh Jay McIntosh-Arborist Vacant-Forester
Park	Gregory Pearl John Kolkowski
Contracts	Gregory Pearl
Clerk's Office	Gregory Pearl
Zoning/Planning Boards	John Kolkowski Robert Barton
Village/Town/School Liaison	Jerry Cummins
Safety Committee	TBD
Personnel Committee	Gregory Pearl

PURCHASING POLICIES AND PROCEDURES

THIS RESOLUTION SETS FORTH THE POLICIES AND PROCEDURES OF THE VILLAGE OF ALLEGANY TO MEET THE REQUIREMENTS OF GENERAL MUNICIPAL LAW, SECTION 104-b.

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest 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 an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are 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:

\$1-3,000	At the discretion of the Board and/or Department Head.
\$3,001-10,000	At the discretion of the Board and Department Head (may be verbal).
\$10,001-19,999	Written quote from at least 2 separate vendors (if available).
\$20,000 and up	Sealed bids in conformance with Municipal Law, Section 103.

Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor.

Statutory Exceptions to Quotations/Proposals Requirements of This Policy and Procedures

Except for procurements made pursuant to General Municipal Law, section 103(3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from "preferred sources," including articles manufactured in correctional institutions), or the items excepted herein, alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

As an alternative to soliciting competition individually or through cooperative purchasing arrangements, the village may "piggyback" on contracts that have been extended to local governments by certain other governments.

Procedures for Public Work Projects/Contracts

\$1-5,000	At the discretion of the Board and/or Department Head.
\$5,001-10,000	At the discretion of the Board and Department Head.
\$10,001-20,000	Documented telephone quotes from at least 3 separate vendors (if available)

\$20,001-34,999 Formal written Request for Proposal with a response from at least 2 vendors and if possible 3 vendors.

\$35,000 and up Formal sealed bids in conformance with Municipal Law, Section 103.

In all circumstances, whenever other than the lowest quote is awarded, there must be written documentation of the reason for the award.

UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE BID LIMIT BE AWARDED.

Professional Services

Professional services generally include services rendered by attorneys, engineers, and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity. In addition, insurance coverage (e.g, health, fire, liability, and workers' compensation) is also not subject to competitive bidding requirements.

\$1-10,000 Annual charge will be at the discretion of the Department head and with the approval of the Board.

\$10,001-19,999 Prices will be obtained by formal written quotes from at least 2 sources and the award will be made at the discretion of the Department Head and with the approval of the Board.

\$20,000 and up Prices will be obtained by Formal Request for Proposal, with the award of contract being made by the Board.

Awards to other than the lowest proposer must be properly documented with the rational/reason for the rejection of the lowest price.

Any and all procedures not specifically covered in this policy will be adhered to as covered in General Municipal Law, Section 104-b.

An emergency exists wherein the delay caused by soliciting quotes would endanger the health, Welfare, or property of the municipality, or more important the individual taxpayer, then the procurement of goods or services will be at the discretion of the property department head with documentation as to the nature of the emergency and shall be sent to the Governing Board, within five (5) working days of such procurement.

Input From Board

Comments have been solicited from the Board of Trustees of the Village of Allegany in the procurement process prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

Annual Review

The Board of Trustees shall annually review and, when needed, update this policy and procedures.

The Mayor shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to the board.

Unintentional Failure to Comply

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

INVESTMENT POLICY OF THE VILLAGE OF ALLEGANY

The objectives of the Investment Policy of the Village of Allegany is to minimize risk, to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all funds including proceed of obligation in:

Certificates of Deposit issued in a bank or trust company authorized to do business in New York State: Savings accounts; Obligations of New York State; Obligations of the United State Government
The following banks and municipal investors are designated by the Village of Allegany;
Five Star Bank, Allegany, New York
The Community Bank, N. A., Olean, New York
MBIA Municipal Investors Service Corporation

Collateral:

Certificate of Deposits shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of federal agencies, the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Obligations shall be held by a third party.

Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States, and obligations of federal agencies the principal and interest of which are guaranteed by the United State Government.

The governing Village Board of the Village of Allegany shall review and approve the investment policy, at least annually, and if practicable, at its organizational meeting and the members shall review and amend, if necessary these investment policies

The provision of these investment guidelines shall take effect prospectively, and shall not invalidate the prior selection of any Custodial Bank or prior investment.

ADVANCE APPROVAL OF CLAIMS

WHEREAS the Board of Trustees of the Village of Allegany has determined to authorize payment in advance of audit claims for public utility services, postage, credit card accounts, freight and express charges, and

WHEREAS all such claims shall be presented at the next regular meeting for audit, and

WHEREAS the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees,

NOW THEREFORE BE IT RESOLVED:

Section 1. That the board of trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees.

Section 2. That this resolution shall take effect immediately.

MILEAGE POLICY

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

NOW THEREFORE BE IT RESOLVED:

Section 1. That the board of Trustees shall approve reimbursement to such officers and employees at the rate of \$.575 per mile;

Section 2. That this resolution shall take effect immediately.

ESTABLISHING A CREDIT CARD POLICY FOR THE VILLAGE OF ALLEGANY

It is common practice for local governments to use credit cards for the convenience of making phone or internet purchases, paying for employee travel expenses or small purchases of goods and services for official business of the Village of Allegany. Credit cards used by local governments include general purpose credit cards, vendor-specific cards and fuel cards. General purpose cards are frequently issued under the name of the local government in the name of a specified local official; vendor-specific cards are commonly issued in the name of the local government and usually include a list of authorized users; fuel cards can be location-specific cards or travel cards that can be used at any of the designated vendor's service stations.

Therefore, it is essential that the Village of Allegany maintain adequate internal controls over government-issued credit cards and payments made for related expenses are properly authorized and appropriate.

Policy and Procedures

- The Village of Allegany authorizes the use of government-issued credit cards by its officials and employees for phone purchases, internet purchases, travel-related purposes and for small goods and services as deemed necessary and feasible.
- The actual and necessary expenses shall be incurred in accordance with and subject to all laws, rules, and regulations applicable to municipal charges incurred by Village of Allegany officials and employees.
- The Village Clerk and/or Deputy Clerk shall have sole custody of the credit card(s)*. They will be stored in a cabinet in the clerk's office and the cabinet locked when the office is closed. A credit card will be issued to an employee and recorded on a sign-out sheet (Exhibit A) by the clerk or deputy clerk as follows:

-date of issuance

- card issued
- purpose for issuance
- name of person card issued to
- employee card issued to must initial sheet

- Upon return of the employee, (s)he must surrender the card and the receipt (if card is used) to the Clerk/Deputy Clerk who will record the card as returned and place it in the cabinet. The invoice will be kept for future credit card statement reconciliation.

*For credit cards used for the purchase of village fleet fuel, vehicle specific cards will be issued. They will be kept in the vehicle at all times and used when fueling vehicles. A pin number will be assigned to each employee (multiple pin numbers will be assigned when an employee is working both DPW and Police). In order to fuel a village vehicle, the vehicle specific card must be used, and personal pin number and accurate mileage on the vehicle must be entered at time of fueling. Use of another employee's pin number is prohibited and such action will not be tolerated.

- Proper documentation must be submitted in order to support and reconcile credit card statements each month. Itemized receipts shall be signed and departmentalized by the purchaser as a means of reconciling the monthly statement.
- The Clerk and/or Deputy Clerk will reconcile the monthly credit card statements and prepare the voucher for payment. The departmental supervisor will sign off if approved.
- Upon receipt of the voucher, the board of trustees will audit the claim to verify that costs are supported by proper documentation. The charges should be deemed valid and proper municipal expenditures. If approved, the board will sign off and return to the clerk for processing and payment.
- Government issued credit cards shall be used for government purchases/purposes only and will be prohibited for personal use. Alcoholic beverages and other entertainment-related costs do not represent a proper use of public funds; therefor such expenditures will not be permitted.
- Any illegal, questionable, or unauthorized expense or improper usage of the credit card shall require repayment by the party incurring the expense.
- In the event of a lost credit card, the village official or employee must immediately contact the village Clerk/Deputy Clerk who will notify the card service in order to eliminate any unauthorized use.
- Failure to comply with this policy will subject an employee to disciplinary action up to and including termination.

RESOLUTION #2023-033-ACCEPT MINUTES

On motion made by Trustee R. Barton, second by Trustee J. Cummins resolved to approve the minutes from March 20, 2023. Aye-all, Nay-none

RESOLUTION #2023-034-APPROVE PAYMENT OF CURRENT BILLS

On motion made by Trustee R. Barton, second by Trustee J. Cummins resolved to approve the payment of current bills. Aye-all, Nay-none.

PUBLIC SESSION

None

Trustee M. Walsh questioned the board as to why the board meetings are at 4:00pm. She does not feel that is a good time to meet since a lot of the residents work 9 to 5 jobs. She stated that while it was convenient for the employees it is not for the community. She asked where meeting times were posted and when there are changes to meetings where is that posted? Clerk Treasurer K. Roth stated that the meetings are always the first Monday at 4:00 pm as stated on our website. Anytime there is a meeting change it is advertised in the Olean Times Herald and updated on our Facebook page. Trustee M. Walsh feels the time should change to show that the board cares about community involvement. Trustee R. Barton stated that meetings started at 7:00pm when he first started as trustee. It was then changed to 6:00pm for the majority of his 8 years as trustee and has been at 4:00pm for about a year and there was no change in meeting attendance by the community.

CORRESPONDENCE

Email from Enchanted Mountain Garden Club regarding planting of trees at the Allegany River Park. They are planning on planting the trees April 19. They are looking for someone to water the trees once they are planted on that date. Mayor G. Pearl stated at a previous board meeting John Kolkowski, Dominic Papasergi and himself volunteered to do the watering. They will discuss and get back to the Garden Club if someone can be available for watering.

POLICE REPORT

Chief of Police C. Baker provided the board with the stat sheet for March 2023. He stated that the police department has been very busy with some incidents that have taken place in the village.

RESOLUTION #2023-035-ONE MEETING PER MONTH

On motion made by Trustee J. Cummins, second by Trustee R. Barton resolved to have only 1 Board of Trustees meeting per month. Aye-all, Nay-none

Mayor G. Pearl stated that he would like to make the Clerk Treasurer and Deputy Clerk positions a four-year term as is the Mayor and Trustee positions instead of a one-year term. The term would coincide with the term of Mayor. Trustee M. Walsh asked what the purpose of that is? Mayor G. Pearl stated that he feels when the Mayor is elected the Clerk positions should have the same term as the Mayor.

RESOLUTION #2023-036-SCHEDULE PUBLIC HEARING TO CHANGE ONE YEAR APPOINTMENTS TO FOUR-YEAR APPOINTMENTS FOR THE CLERK TREASURER AND DEPUTY CLERK POSITIONS

On motion made by Trustee J. Cummins, second by Trustee R. Barton approved to schedule a public hearing to change one-year appointments to four-year appointments for the Clerk Treasurer and Deputy Clerk positions. Aye-Trustee R. Barton, Trustee J. Cummins, Mayor G. Pearl; Abstain-Trustee M. Walsh

RESOLUTION #2023-037-ENTER INTO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES

On motion made by Trustee R. Barton, second by Trustee J. Cummins resolved to approve to enter into executive session to discuss legal issues. Aye-all, Nay-none

RESOLUTION #2023-038-CLOSE EXECUTIVE SESSION

On motion made by Trustee J. Cummins, second by Trustee R. Barton resolved to approve to close executive session. Aye-all, Nay-none

RESOLUTION #2023-039-ADJOURN MEETING

On motion made by Trustee M. Walsh, second by Trustee R. Barton resolved to adjourn the meeting at 5:32pm. Aye-all, Nay-none

Respectfully submitted.

Kimberly Roth/Clerk Treasurer