

1-08-2026 - 2026 ORGANIZATIONAL MEETING AND REGULAR JANUARY MEETING

Present:
Councilman Matthew Krist
Councilman Leonard R. Hochadel
Councilman Krissy Kittleson
Councilman Kathleen Becker
Supervisor Beverly A. Gambino

Absent:

Also Present:
Town Clerk Jennifer L Bray
Approx. 7 guests

Supervisor Gambino called the 2026 Organizational meeting to order at 6:31 PM with the Pledge to the Flag led by Todd Jones.

Supervisor Gambino stated that the first part of the meeting tonight was the Town's annual Organizational Meeting. Supervisor Gambino noted that there were only a few changes from 2025. She highlighted each of the changes including new the new mileage rate and committee appointment changes. Supervisor Gambino also reviewed the long established rules for submission of agenda items, reports and vouchers. She noted that copies of that copies the procurement and decorum policies had been provided to the board.

Upon completion of the review of the changes made Supervisor Gambino asked if there were any questions, comments or concerns regarding the Organizational Resolution. There were none. **Therefor on a motion by Krist, seconded by Hochadel, the following resolution was moved for adoption.**

Resolution #1 – 2026

Whereas, the Town Board of the Town of Sardinia wishes to make the following official designations and appointments and authorizations, and

Whereas, the Town of Sardinia will conduct meetings to ensure communication between the Board members as well as members of the community, and

Whereas, the Town Board wishes to conduct business efficiently, timely and that proper procedures are followed:

It is resolved that:

- A.** Designation of certain public meetings to be held throughout 2026 at the Sardinia Town Hall, 12320 Savage Road, Sardinia, New York:
 - a.** Regular Town Board Meetings to be held on the second Thursday of each month, at 6:30pm.
 - b.** Sardinia Planning Board to meet as needed.
 - c.** Sardinia Zoning Board of Appeals (ZBA) to meet as needed,
- B.** Designation of M & T Bank as the official Depository of the Town.
- C.** Designation of the Herald Courier as the Official Newspapers of the Town.
- D.** Designation of Election polling places by the Erie County Board of Elections are as follows
 - a.** District #1– Sardinia Town Hall, 12320 Savage Road, Sardinia, New York.
- E.** Designation for the payment in advance of audit of claims for public utility services, postage, freight and express charges, payments made to NYS Comptroller's Office for Justice Fees, any payment that would cause the town to incur a late fee or interest charge, and approved contracts. All such claims shall be presented at the next regular meeting for audit.
- F.** Authorization for Deputy Supervisor to sign checks.
- G.** Designation of elective officer annual salaries for 2026 (per budget):

a. Supervisor	Beverly Gambino	\$38,615.00
b. Council Members (4)	Kathleen Becker	\$8,880.00
	Krissy Kittleson	\$8,880.00
	Leonard Hochadel	\$8,880.00
	Matt Krist	\$8,880.00
c. Town Clerk	Jennifer Bray	\$54,100.00
d. Highway Supt.	Christopher DaBolt	\$76,105.00
e. Town Justice (2)	Gene Heintz	\$16,700.00
	Eric G. Place	\$16,700.00
- H.** Designation of Highway employees' hourly rates for 2026 (as per contract)

Ed Fisher	\$32.69	Motor Equipment Operator
Ethan DaBolt	\$32.19	Motor Equipment Operator
Ace Fisher	\$32.19	Motor Equipment Operator

- I. Designation of Attorney for the Town to be David M. DiMatteo, Esq. as primary contact along with David M. Roach, Esq. from the law firm DiMatteo & Roach.
- J. Designation of Town Engineering firm to be MRB Group/Paul R. Chatfield P.E., and Emilio Moran P.E.
- K. Designation of all Town owned baseball fields, are the exclusive use of WNY Muckdogs Travel Baseball club per contract and Manion Field designated as the Muckdogs home field.
- L. Designation of Sardinia Senior Citizens Group monthly meeting locations, at 12320 Savage Road (Town Hall) for the following days; January 27th, February 24th, March 24th, April 28th, May 26th, September 22nd and October 27th. The dates of June 23rd, July 28th and August 25th will be at Veterans Park.
- M. Designation of appointed positions for 2026 along with the salary or pay rate for the position and the official appointed to the position:

<u>Position</u>	<u>Salary</u>	<u>Pay</u>	<u>Name</u>
Deputy Supervisor	\$915.00	Annually	Matt Krist
Budget Officer	\$4,200.00	Annually	Beverly Gambino
Registrar of Vital Statistics	\$1,116.00	Annually	Jennifer Bray
Town Historian	\$1,815.00	Annually	Ted Wiedemann
Dog Control	\$10,000.00	Annually	Town of Aurora
Secretary to the Supervisor	\$29.60	Hourly	Michelle Jones
Emergency Services Coordinator	\$4,200.00	Annually	Gerard Whittington
Constables	\$22.31	Hourly	Albert Hansen Thomas Zeeb Nicholaus Jackson Michael Kaczmarowski
Assessor	\$21,900.00	Annually	Thelma Hornberger
Assessor Clerk	\$29.60	Hourly	Michelle Jones
Code Enforcement Officer	\$32,395.00	Annually	Gene Degman
Buildings Caretaker	\$23.91	Hourly	Albert Hansen
Cleaner, Part time	\$23.27	Hourly	Larry Purtell
Court Clerk	\$24.37	Hourly	Debra Smith
Deputy Highway Superintendent	\$1,095.00	Annually	Ed Fisher
First Deputy Town Clerk	21..14	Hourly	Vicki Hansen
Secretary Pool	\$18.00	Hourly	
Planning Board Members (5)	\$75.00	Per Meeting	Each Member
Planning Board Chair	\$110.00	Per Meeting	Chair
Zoning Board of Appeals (5)	\$75.00	Per Meeting	Each Member
Zoning Board Chair	\$110.00	Per Meeting	Chair
Board of Assessment Review	175.00	Per Day	Each Member
Board of Assessment – Chair	\$200.00	Per Day	Chair

Recreation Administrator	\$24.02	Hourly	Toni Orsini
Issuing Agent for Handicapped Parking	None		Jen Bray
Freedom of Information Officer	None		Jen Bray
Freedom of Information Appeals Officer	None		Beverly Gambino
Affirmative Action Officer	None		Jen Bray
Records Management Officer	None		Jen Bray

- N.** Payroll Payment Policy shall be established as follows:
- **HOURLY EMPLOYEES:** Pay period shall be a two-week period running from 12:01 AM Monday through midnight the following Sunday. Payday shall be on Thursday. Each employee shall complete a supplied biweekly timesheet by Tuesday at 10:00 AM prior to payday. All timesheets must be approved by Department Head, Board Chairman or immediate supervisor.
 - **SALARIED EMPLOYEES:** Without prior arrangements, salaried employees shall be paid 1/12 of annual salary amount for each month of completed employment. Payday is the last Thursday of each month.
 - **SALARIED EMPLOYEES:** Prior Arrangements are as follows: Supervisor, Highway Superintendent, and Town Clerk get paid bi-weekly 1/26 of their salary.
- O.** Designation of mileage reimbursement to be allowed for specified Town Officers and employees for the use of their own vehicle in performing their official Town duties at the rate of 72.5 cents per mile meeting the IRS Rate established for 01/01/2026. Mileage to and from Town Offices is **not** reimbursable. Mileage logs are required for reimbursement and must be submitted monthly. If mileage is questionable, a mileage calculator located at <https://www.calculator.net/mileage-calculator.htm> will be used to verify and correct submitted voucher.
- P.** Meal reimbursement policy shall be established as follows: Town Officers and employees shall be entitled to a \$80.00 per diem allowance for out-of-pocket meal expense incurred while attending meetings, training seminars, and other such events that are for the purpose of maintaining or enhancing the skills or knowledge necessary for the performance of their official duties. This \$80.00 per diem allowances shall be reduced if the reimbursement period did include breakfast, lunch, or dinner and/or if any of those meals was included in registration fees, or are chargeable to another source. The daily meals will be reimbursed are as follows: \$33.00 for dinner, \$22.00 lunch, \$20.00 breakfast and incidental expenses \$5.00. Receipts are required for reimbursement.
- Q.** The Supervisor announces the following personal appointments and committees for the year 2026, noting that the Supervisor will be a member of each committee and **the first person listed to be the designated Committee Chairman.**
- a. Security and Disaster Preparedness Gerard Whittington
 - b. Public Safety (Constable, Building Code Enforcement, Animal Control) Matt Krist/G. Wittington
 - c. Recreation/Youth Beverly Gambino/Toni Orsini
 - d. Community Events/Celebrations Beverly Gambino/Krissy Kittleson
- R.** Appointment to the Planning Board: Planning Board members and their term expiration dates as follows: Open Seat TBD, with term to expire 12/31/2029, Daniel Szustakowski 12/31/2030, Open Seat TBD 12/31/2026, Ryan Wilkins – Chairman to the Planning Board with term to expire 12/31/2027, Aaron Root 12/31/2028
- S.** Appoint to the Zoning Board of Appeals as follows: ZBA members and their term expiration dates as follow: Mark Sasse 12/31/2030. Ronald Phillips – Chairman to the Zoning Board of Appeals 12/31/2026, Theodore Krolick Jr. 12/31/2027, Open Seat TBD 12/31/2028, Open Seat TBD 12/31/2029
- T.** Appointment to the Board of Assessment Review (BAR), BAR members and their term expiration dates as follows: Thomas Idzik 09/30/2027, Lynn McCabe 9/30/28 Gordon Smith Sr. 09/30/2030, Keith Ramsey – Chairman to the Board of Assessment Review - with term to expire 09/30/2029, Open Seat TBD – 09/30/2026
- U.** Appointments to the Ethics Committee: Donald Hopkins, Michelle Jones, Gerard Whittington.

V. The Town Board appoints Supervisor Beverly Gambino as the designated voting representative for the Town of Sardinia to the Northeast-South town’s Solid Waste Management Board and the voting representative to the Association of Towns.

W. Appointment of Kevin Condon Esq. Town Prosecutor at the rate of \$725.00.00 per month.

X. Fees

Copies	
Non-Town business	\$0.30 per black and white copy
Freedom of Information	\$0.25 per copy or cost of reproduction
Facsimiles	
Outgoing Local Call	\$1.00 first page; \$0.50 each additional page
Outgoing Long-Distance Call	\$2.00 first page; \$1.00 each additional page, or cost of call, whichever is higher
Incoming Call	\$1.00 first page; \$.050 each additional page

Certified Copies of Birth and Death Records	\$10.00 Each
Marriage Registration Certificates	\$10.00 Each
Dog Licensing	\$5.00 each spayed, neutered \$13.00 each not spayed and not neutered

Park Shelters	Resident Rate	Non-Resident Rate
Shelter #1(entire)	\$75.00	\$350.00
Shelter #1(one half)	\$40.00	\$150.00
Shelter \$4	\$40.00	\$150.00
Manion Park (each Shelter)	\$25.00	\$75.00

**Shelter rentals are open to residents exclusively January 1st 2026 through March 31st 2026
**Shelter rentals are open to non-residents starting April 1st 2026

Y. Order of Business

- I. Call Meeting to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Moment of Silence
- V. Approval of Minutes
- VI. Approval of Bills
- VII. Departmental Reports
- VIII. Unfinished Business
- IX. New Business
- X. Executive Session (if necessary)
- XI. Adjournment

RULES OF ORDER – That in all matters of Parliamentary Procedure; Roberts Rules of Order shall prevail, except where such rules are inconsistent with any local rule or resolutions pertaining to the conduct of Town Business

Z. RULES GOVERNING THE CONDUCT OF BUSINESS

That the following rules will govern the conduct of business for the Town Board Meeting

- a. **All items to be placed on the agenda must be received before 4pm Friday preceding the Board Meeting.** Items received after 4pm on Friday shall not be placed on the agenda for the next scheduled Board Meeting unless there is super majority Town Board consent.
- b. **By 6pm on Tuesday preceding the regular Board Meeting,** a copy of the agenda will be available to each Board Member and Town Clerk to post to website. The copy shall include all resolutions, written reports, important correspondence and attachments unless previously distributed. It is also noted that an Agenda is not legally required and is provided as convenience to both Town Board Members and the public.
- c. **Department reports must be in writing and turned in to the Supervisor by 4pm Friday preceding the Board Meeting.**

- d. **Vouchers for payment must be submitted by noon on Tuesday preceding the Board Meeting.** Any vouchers received after shall be placed on the agenda for the next regular Board Meeting unless in cases of extreme circumstances. All vouchers will be completed for review by 5pm Wednesday
- e. **As per the Open Meeting Laws,** all public meetings may be taped, recorded or videoed as long as camera or operator does not impede progress of the meeting. Any recording of a public meeting shall be undertaken in a manner so as to have the least obtrusive effect on the conduct of public business. In this regard, any recording device shall not create any audible noise or emit any light or flashes in a manner which would interfere with the orderly conduct of the relevant meeting, nor shall the device be allowed to set on the desk/table/bench that the Town Board may be using for their meetings.

- AA.** Acknowledgement to previous and still current Town Policies
- a. Attachment A. – Town of Sardinia Procurement Policy – 2018
 - b. Attachment B – Maintaining Decorum at Public Meetings

DULY ADOPTED, this 8th day of January, 2026 by the following roll call vote: Becker, aye, Hochadel, aye Krist, aye, Kittleson, aye, Gambino, aye. So resolved, 5 ayes, 0 noes, 0 absent.

Supervisor Gambino asked if there were any questions, comments or concerns regarding the Organizational portion of the meeting. There were none. **Therefor on a motion by Kittleson, seconded by Krist, the 2026 Organizational portion of meeting was closed at 6:35 pm. Carried, 5 ayes, 0 noes, 0 absent.**

Supervisor Gambino then opened the Regular January meeting at 6:35 pm.

Supervisor Gambino stated that there was one set of minutes from the December 11th Regular meeting to be approved. **On a motion by Krist, seconded by Hochadel, the minutes were approved as submitted. Carried, 5 ayes, 0 noes, 0 absent.**

Supervisor Gambino stated that the next item in the agenda was the approval of the payment of the bills. She stated that there are three abstracts to be approved. They are as follows.

Warrant #13 of 2025, including vouchers #705 through #719, totaling \$8,499.81 of which \$5,470.14 was for the General Fund and \$3,029.67 was for the Highway Fund.

Warrant #14 of 2025, including vouchers #720 through #745, totaling \$49,481.35 of which \$825,515.13 was for the General Fund and \$23,966.22 was for the Highway Fund.

Warrant #1 of 2026, including vouchers #1 through #15, totaling \$94,480.77 of which \$77,222.10 was for the General Fund, \$125.00 was for the Highway Fund and \$17,133.67 was for the Fire Protection Fund.

On a motion by Kittleson, seconded by Krist, the three Warrants were approved for payment. Carried, 5 ayes, 0 noes, 0 absent.

Supervisor Gambino stated that the first item on the agenda was a resolution to amend the procurement policy to allow to allow the Highway Superintendent to spend up to \$5000.00 at a time without Board approval for things like tires, parts and repairs. She stated that this has become necessary due to the raising cost of these things. **Therefor on a motion by Krist, seconded by Hochadel, the following resolution was moved for adoption.**

Resolution #2 – 2026

ADDMMENDMENT TO TOWN OF SARDINIA PROCUREMENT POLICY – 2018 AS IT PRETAINS TO PURCHASING OF TOWN OF SARDINIA HIGHWAY DEPARTMENT

WHEREAS, Section §103 OF THE General Municipal Law requires public bidding for purchases of equipment in excess of \$10,000.00 and

WHEREAS, The Highway Superintendent of the Town of Sardinia makes numerous purchases from time to time throughout the year in total amount not to exceed the annual budget, and

WHEREAS, pursuant to section §142 of the Highway Law it is desirable for the Town Board to authorize the Highway Superintendent to purchase said equipment, tools and other implements in excess of \$1,000.00 and

NOW THEREFOR BE IT RESOLVED, the Highway Superintendent Christopher Dabolt is hereby authorized to purchase without prior approval of the Town Board, equipment, tools and other implements

to be used for highway maintenance, construction, or reconstruction, snow plows or other devices for the removal of snow from highways in a sum not to exceed the limitations as prescribed under §103 of the General Municipal Law as amended from time.

The Town Board has adopted a purchasing procedure with section §104B of the General Municipal Law. The Highway Superintendent will comply with that procedure.

DULY ADOPTED, this 8th day of January, 2026 by the following roll call vote: Becker, aye, Hochadel, aye Krist, aye, Kittleson, aye, Gambino, aye. So resolved, 5 ayes, 0 noes, 0 absent.

Supervisor Gambino stated that the next item was a resolution to approve a new Chaffee Sardinia fireman. He is currently the Pastor at the Chaffee Baptist Church and will also serve as the Fire Company Chaplin. **On a motion by Kittleson, seconded by Hochadel, the following resolution was moved for adoption.**

Resolution #3 – 2026

APPOINTMENT OF CHAFFEE-SARDINIA VOLUNTEER FIREMAN

WHEREAS, the Sardinia Town Board is in receipt of the application of, James E. Dykes - out-of-town resident requesting Town Board approval.

Mr. Dykes is currently the Paster of the Chaffee Baptist Church and will be fulfilling the duties of Chaplain for the Chaffee-Sardinia Fire Company.

Who has applied for a volunteer position as a Volunteer Firefighter to the Chaffee-Sardinia Memorial Fire Company and,

WHEREAS, James E. Dykes is currently an out-of-town resident of the Town of Sardinia, and

WHEREAS, the Sardinia Town Board supports and approves the appointments of James E. Dykes, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board approves the appointment of James E. Dykes, Volunteer Fireman and Chaplain to the Chaffee-Sardinia Memorial Fire

DULY ADOPTED, this 8th day of January, 2026 by the following roll call vote: Becker, aye, Hochadel, aye Krist, aye, Kittleson, aye, Gambino, aye. So resolved, 5 ayes, 0 noes, 0 absent.

Department Reports:

Deputy Miller updated the Board on activities of the ECSO in the Town of Sardinia and gave a breakdown of the calls that were handled in Town.

Supervisor Gambino reported had gotten a picture of people playing disc golf at Veterans Park during a blizzard. She asked Councilman Krist to talk about information form a disc golf app. Councilman Krist reported that there is an app that can be signed into that will give data on how many people use the disc golf course at our park. He noted that from September 28th-December 31st the app showed 91 people had played, there were 38 unique players, that there was 170 miles walked and 381,986 steps taken. He also noted that the app tracks how far away people are coming from. The stats were as follows. 100 plus miles = 5, 50-100 miles = 3, 20-50 miles = 34, 10-20 miles = 20 and less than 10 miles = 20. There was a brief discussion.

Councilman Hochadel reported that he was still trying to get in touch with Erie County to get work done on Savage Rd. Councilman Hochadel requested permission to start planning the concerts in the park for the summer. He noted that he would like to do 8 dates and start in June instead of August. There was a brief discussion. **On a motion by Krist, seconded by Kittleson, Councilman Hochadel was given permission to start working on getting 4 concerts set up four in the month of June and four in the month of July. Carried, 5 ayes, 0 noes, 0 absent.**

Councilman Becker had nothing to report.

Councilman Kittleson had nothing to report.

Superintendent Dabolt had nothing to report.

Lastly Supervisor Gambino stated that the new highway contract was ready to be approved. She noted that for the first year the highway employees will be getting an additional \$1.00 per hour as well as a 7% increase. She noted that this increase helps to get them to a similar pay rate as the surrounding towns. **On a motion by Krist, seconded by Kittleson, the 3 year (2026, 2027 & 2028) Highway Employee Contract was approved. Passed and Carried by the following roll call vote: Becker, aye, Hochadel, aye Krist, aye, Kittleson, aye, Gambino, aye. 5 ayes, 0 noes, 0 absent.**

Michael Mahar from Waste Management gave a brief update on the roll out of new recycling totes and noted that a representative will be reaching out to the Town Clerk with more details. Town Clerk Bray updated the Board on changes coming to trash collection as well.

Fire Chief Ron Kenyon thanked Highway Superintendent Dabolt for all of his hard work during the snow numerous snow storms we have been having.

There being no other business to come before the Board Supervisor Gambino asked for a motion to adjourn the January meeting. **On a motion by Krist, seconded by Kittleson, the January meeting was adjourned at 6:55 pm. Carried, 5 ayes, 0 noes, 0 absent.**

Respectfully Submitted,

Jennifer L. Bray, RMC
Town Clerk

**TOWN OF SARDINIA
PROCUREMENT POLICY - 2018**

GUIDELINE 1. GENERAL POLICY STATEMENT

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, § 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvas of other town departments and past history to determine the likely yearly values of the commodity to be acquired and keep with the file other documentation supporting the purchase activity.

GUIDELINE 2. NEW YORK STATE MANDATING BIDDING

It is the policy of the Town Board that all purchases and services over New York State bidding thresholds will be publicly advertised for competitive bids. Purchase contracts involving expenditures in excess of twenty thousand dollars (\$20,000) and contracts for public work involving expenditures in excess of thirty-five thousand dollars (\$35,000) will be competitively bid.

- A. Aggregation: All anticipated purchases of a like commodity or commodity group will be aggregated to determine if the Town will exceed the threshold. Each department head will be responsible to continually monitor his/her usage patterns to be aware of commodities that over a period of time will exceed the thresholds.
- B. Time Period: The time period of aggregation will be the Town's fiscal year, or if more appropriate, the normal purchase season for the commodity group (example: winter months for road salt, etc.)
- C. Advertising: Will comply with state guidelines (i.e. published at least five (5) days prior to bid opening and published in the legal newspaper).
- D. Bid Files: All bid files will be filed with the Town Clerk in marked folders indicating item bid and date, per item.
- E. Bid Reviews: The applicable department head and the Town Board will review bid compliance for each submittal. Compliance for each bid specification will be noted on the bid submittal for each vendor.
- F. Bid Specifications: Shall include all conditions that will be used to evaluate compliance, including but not limited to, product description, quality, alternatives and options, trade-in, delivery, mileage allowances, repair needs, etc. Considerations that are not listed in the specifications list cannot be used as the basis to measure compliance with the proposals and the award of the contract. Also each bid submittal shall require a statement of non-collusion by the vendor.
- G. Bid Award: After compliance and price review, the Board will make a determination of which vendor is the lowest, *responsible* bidder meeting bid specifications and award the contract accordingly. This determination will be entered as a resolution in the minutes and, if the award is to other than the apparent low bidder, such resolution will specify in what material respects the low bidder(s) did not comply with specifications.

GUIDELINE 3. OTHER PURCHASES NOT REQUIRING STATE BIDDING COMPLIANCE

Individual purchases which are not subject to state mandated bidding procedures will be governed as follows:

- A. All estimated purchases of:
 - 1. less than \$1,000.00 is left to the discretion of the Elected Officer, Assessor, Code Enforcement Officer, Chairs of the Planning Board and Zoning Board of Appeals, provided funds are available in the respective budget lines.
 - 2. less than \$5,000.00 but greater than \$1,000.00, Board approval is required.
 - 3. less than \$10,000.00 but greater than \$5,000.00 requires a written request for a proposal (RFP) and written/fax quote from three (3) vendors. Board approval is required.
 - 4. greater than \$10,000.00 requires a written request for proposal (RFP) and fax/proposal from three (3) vendors. Town Board approval is required.

B. All estimated public works contracts of:

1. less than \$3,000.00 but greater than \$1,000.00 is left to the discretion of the Department Committee and purchaser.
2. less than \$10,000.00 but greater than \$3,000.00 requires a written request for proposal (RFP) and fax/proposal from two (2) contractors. Town Board approval is required.
3. greater than \$10,000.00 requires a written request for proposal (RFP) and fax/proposal from three (3) contractors. Town Board approval is required.

C. Any written request for proposal (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered. Such quotes will be documented on a quote form and attached to the claim voucher submitted to the Board for audit and review. The quote form will indicate:

1. a description of the commodity including options, etc.;
2. prices and conditions quotes;
3. date of quote and duration;
4. contact person; and
5. department head determination of the preferred vendor with his/her reasons for such a determination.

D. All information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. The purchase order/ voucher will be attached to the invoice when it is signed and submitted for payment.

E. In the event that an appropriation balance is insufficient, the Bookkeeper will notify the department head. An explanation must be submitted as to why the account should be increased which may be done by Board action at the next regularly scheduled meeting.

GUIDELINE 4. LOWEST RESPONSIBLE PROPOSAL OR QUOTE

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE 5. GOOD FAITH EFFORT

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 proposal or quotations, the purchaser shall document the attempt made to obtaining the proposal. In no event shall the ability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6. EXCEPTIONS

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following services:

A. Acquisition of professional services - Professional services are not subject to State mandated bidding procedures.

1. Such professional services shall include, but not be limited to accounting, legal, insurance coverage, engineering, computer consulting, etc. Items not classifiable as professional services include, but are not limited to, tree removal, paving, etc.
2. However it is the policy of this Board that such professional services that will exceed two thousand dollars (\$2,000) during a fiscal year will be subject to request for proposals (RFP), if the Board so deems it necessary.
3. Such requests shall include (as specifications) all descriptions, conditions, alternatives and options that shall be used as the basis for making the decision and awarding the contract.

4. The Town Clerk shall maintain separate folders for proposals per item bid with dates indicated.
5. The decision to award such a contract for professional services shall be made by specific resolution of the Town Board.

B. Emergencies

1. Prior to making emergency purchases without advertising for bids, the department heads and the Supervisor, or in his/her absence, the Deputy Supervisor, shall determine that an emergency situation exists that immediately threatens the life or health of Town residents, or the imminent destruction of Town property; and
2. Such determination will be reviewed and affirmed by resolution of the Town Board at the next scheduled board meeting, specifying the condition and the threat; and
3. The department head will still be required to document the solicitation of at least two (2) informal quotes as outlined in the section "Other Purchases Not Requiring State Bidding Compliance."

C. Sole source situations

1. If a commodity type can be purchased only from one source, the Town need not go through the process of advertising for competitive bids.
2. It is acknowledged that true sole-source situations (other than regulated utilities, etc.) are rare and that proper documentation should be provided to back up a sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendor known to deal in a commodity is not enough, by itself, to support a sole-source assertion.
3. Town policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Town business for an apparent sole-source assertion. The mere likelihood that a particular vendor appears to be the only vendor known to deal in a commodity is not enough, by itself, to support a sole-source assertion.
4. Town policy is to publicly advertise for bids in these situations, thereby possibly uncovering other vendors that might solicit Town business for an apparent sole-source situation.
5. If a commodity purchase is to be made under a sole-source situation without advertising for competitive bids, the Town Board shall vote to declare a sole-source situation, and shall delineate their reasoning for determining a sole-source situation exists.
6. A sole-source situation shall not be confused with a standardization issue.

D. Goods purchased from agencies for the blind or severely handicapped

E. Goods purchased from correctional facilities

F. Goods purchased under State and County Contracts - The Town is not required to perform their own advertising for competitive bids if the purchases are properly made under a state or county contract.

1. The purchase must be the same commodity, price, conditions and vendor as under the state or county contract.
2. Each department head shall attach a copy of the applicable state or county award documentation to the claim voucher submitted to the Board for audit and approval.

G. Goods purchased at auction

H. Goods purchased for less than \$1,000.00

I. Public works contracts for less than \$1,000.00

J. Standardization - The Board may determine that it is in the best interest of the Town to standardize on a particular commodity.

1. Upon the adoption of a resolution by a vote of at least two-thirds ($\frac{2}{3}$) of all the members of the Town Board stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than ten thousand dollars (\$10,000) may be awarded by the Board to the lowest responsible bidder, after public advertisement for bid for that particular commodity.

2. The Board shall set forth in such a resolution specifically how such standardization will result in greater efficiency or economy.
 3. Standardization of a commodity is not be confused with a sole source purchasing situation.
- K. Piggybacking – Effective August 1, 2012, a new subdivision 16 was added to General Municipal Law (GML) § 103 to authorize municipalities to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be made available for use by other governmental entities.
- L. Best value standard – Effective January 27, 2012, the piggybacking exemption to General Municipal Law (GML) § 103 was amended by chapter 497 of the Laws of 2013 to provide that the contract must be let either to the lowest responsible bidder or on the basis of best value in a manner consistent with GML § 103. The amendment to subdivision 16 is scheduled to expire on August 1, 2017. This standard allows municipalities to use “best value” methodology when purchasing a good or service as defined in § 163 of the State Finance Law. Goods or services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria which may include, but shall not be limited to, any or all of the following:
1. cost of maintenance;
 2. proximity to the end user if distance or response time is a significant term;
 3. availability of replacement parts or maintenance contractors;
 4. longer product life;
 5. product performance criteria; and
 6. quality of craftsmanship.

GUIDELINE 7. BUDGETARY CONTROL

- A. Each department head is primarily responsible to monitor his budget each month, and to keep his/her purchases and expenditures within the available budget for each line item. If it appears that there is not enough budget money, he/she should either:
1. restrict spending; or
 2. recommend an appropriate budget adjustment to the Board.
- B. The Bookkeeper should also monitor budget compliance. Based on the monthly budget report, he/she should alert the Board to any accounts that appear to be nearing or exceeding the budget. He/she could also advise or recommend remedies, such as restricting spending, budget transfers, excess fund balances, or unanticipated excess revenues.
- C. The Board should also monitor budget compliance on a monthly basis by reviewing the monthly budgetary reports and taking official board action to implement any proper budgetary sections they deem advisable.
- D. No purchase can be made until the Board has made available proper budgetary authority to spend.

GUIDELINE 8. PREPARATIONS, APPROVAL, AND AUDIT OF CLAIM VOUCHERS

- A. Vendor invoices will be given directly to the responsible department head. They will review the invoice, to verify the commodities delivered, price and proper accounting. Where applicable, they will also fill out and sign a voucher form and attach the invoice and any other departmental purchase orders, counter slips, receiving reports or shipping documents. The Dept. head is also responsible for approval in writing of each invoice and/or voucher and noting on the invoice or voucher the correct budget account number and Town Clerk abstract sequence number.

- B. Each month, the package of invoices and numerically sequenced vouchers will be delivered to the Town Board for review and audit at the next regularly scheduled Town Board meeting. The Town Board shall approve the payment of all invoices through a majority resolution to be entered into the minutes for the meeting.
- C. The Supervisor and/or Town Councilmember's that are auditing vouchers for a particular month hereby have the option to direct the Bookkeeper to cause a department to present a purchased item for verification and comparison to the invoice.
- D. The only exception is for prepaid invoices necessary to maintain essential utilities and services to Town Offices and Personnel. These invoices will be paid by prior approval of the Town Supervisor and still require submission to the Town Board for auditing and review at the next regular Town Board meeting.
- E. The Town Clerk will collect all audited invoices and/or vouchers and subsequently produce a complete numerical abstract by fund type identifying:
 - 1. the claim number;
 - 2. the claimant;
 - 3. the budget account number; and
 - 4. the amount of invoice.
- F. Prior to submitting the invoices/vouchers to the Bookkeeper for payment, the Town Clerk will total the invoices on the abstract and sign and date this document certifying the audited package of invoices/vouchers matches the totals approved by the Town Board.

GUIDELINE 9. REVIEW, UPDATE AND DISTRIBUTION

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable and will be revised and/or updated as necessary. It will be the responsibility of the Clerk to distribute the current copy to responsible department heads.

GUIDELINE 10. TOWN BOARD APPROVAL

No person shall enter into a contract on behalf of the Town of Sardinia without the approval of the Town Board.

Maintaining Decorum at Public Meetings

We have received inquiries regarding public participation in town board meetings and public hearings. Specific methods to maintain decorum have been the focus of many of these questions. In some cases, one or more persons pontificate at length at virtually every meeting about any subject whether or not related to the specific purpose of a public hearing or legitimate town business. The character of their comments may engender hostility or chaos, threatening the viability of the meeting. In other situations, impassioned residents interested in a particular subject, may be disruptive. What can a town board do in this and in other situations?

First, we note that the law does not require that town boards set aside time at regular town board meetings for public comment. In fact, however, many towns do allocate a portion of each regular town board meeting for public comment. On the other hand, public participation is the purpose of a public hearing, which is required prior to the adoption of a local law or ordinance and in other cases.

Towns are authorized to enact rules and regulations regarding the conduct of public meetings and public hearings. Town Law, §130(1). Some residents restrained by these rules will insist that the town board has unconstitutionally limited their right of free speech. The response to these claims is that the town board has responsibility to ensure that everyone has the right to participate and, therefore, the contents, length, and general nature of public comments can reasonably be limited. Thus, reasonable limitations on speakers are necessary to ensure public participation by numerous speakers presenting various points of view for consideration by the town board and attendees at the public hearing or public meeting. Such rules and regulations are consistent with, and in fact help guarantee the rights of free speech:

In order to ensure that decorum is maintained at public meetings, we suggest the following procedures:

The town board should establish rules and regulations concerning the conduct of public meetings and hearings and post these rules prominently at the town hall and at the location of all meetings and public hearings. Consideration may also be given to placing a notice in the official newspaper that these rules and regulations have been established.

The following are sample rules:

1. For town board meetings and hearings, establish a time frame when public participation will be permitted. For board meetings and hearings, establish a time allocation for each speaker.
2. Require that persons desiring to speak at a public meeting or hearing sign a sheet upon entering the room, indicating their intention to speak, for use by the supervisor in recognizing speakers. The supervisor may, in his discretion, recognize additional speakers upon request, after taking into consideration the number of registered speakers and the total time for public comment.
3. Have each speaker state his or her name and the subject he or she will be addressing. The purpose of this requirement is to help ensure that comments relate to town business and in the case of a public hearing, the subject of the hearing.
4. Comments by speakers must be addressed to the town board. Attendees may not address the board until recognized by the town supervisor.
5. Discussion between speakers and attendees of the public meeting or hearing should be prohibited. A speaker may disagree with or support prior speakers in comments directed to the town board.

6. Comments must relate to the purpose of a hearing or legitimate town business at a board meeting.
7. Speakers should present their remarks in a courteous manner and may not make personal comments about public officials, town residents or others.
8. Placards, banners or other signs should not be permitted in meeting rooms nor should the distribution of flyers.
9. A person who disregards the directives of the supervisor in enforcing the rules, disturbs the peace at a meeting, makes impetinent or slanderous remarks or generally conducts himself in a boisterous or inappropriate manner while addressing the town board should be barred from further participation and forfeit any balance of time remaining for his comments.
10. After a final warning, if a speaker refuses to step down, the town supervisor should request that a police or peace officer remove the individual from the meeting room. The authority is section 240.20 of the Penal Law, providing that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof: 1) he makes unreasonable noise, 2) in a public place, he uses abusive or obscene language, or makes an obscene gesture, or 3) without lawful authority, he disturbs any lawful assembly or meeting of persons or 4) he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. Disorderly conduct is a criminal offense constituting a violation.