

PROPOSED LOCAL LAW #2, 2024

Amending the Restricted Business Permitted Uses

BE IT ENACTED by the Board of Trustees for the Village of Kenmore, New York, as follows:

1. That Chapter 25, Section 25-91. Permitted Uses of the Kenmore Municipal Code is hereby amended as follows:

Sec. 25-91 – Permitted Uses

- (a) No building, structure, or premises shall be created, remodeled or used within the restricted business use district which are intended, arranged or designed to be used for other than for one or more of the following:
 1. Store or retail sale, excluding stores or retail establishments involving the sale of tobacco, cannabis, hookah, or vaping devices and products.
 2. Business, professional or medical offices
 3. Restaurant
 4. Theater limited to one hundred (100) seats
 5. Specialty shop for making articles for retail sale on premises that does not emit noxious fumes or odors or excessive noise, excluding the making of articles involving tobacco, cannabis, hookah, or vaping.
 6. Banks
 7. Funeral homes without cremation facilities
 8. Residential uses not occupying first floors, provided that the livable space is not less than one thousand (1,000) square feet.
 9. Photographic or artist studio
 10. Educational facilities
 11. Print and graphic shop
 12. Barber, beauty parlor or day spa
 13. Repair shops not involving automobiles
- (b) All activities shall be conducted wholly within an enclosed structure, or as allowed by law outside of an enclosed structure. The displaying, storing and selling of seasonal-type merchandise and products related to retail activities carried on in the structure are permitted outside of the structure provided said merchandise and products are neither subject to harm by exposure to the elements nor hazardous to abutting premises
- (c) Seasonal outdoor dining shall be permitted by special permit in accordance with article XIV.

- (d) Automobile repair facilities, gasoline stations, automobile service facilities (including gas, car, retail shops, oil change facilities or auto sound equipment installation facilities) are prohibited.
- (e) Smoke shops, cannabis or tobacco retail, or any establishments which provide, distribute, store, or otherwise maintain tobacco, cannabis, hookah, or vaping products on site are prohibited.
- (f) Off street parking, where provided or required, shall be located in the rear of the structures only and shall be screened in accordance with Section 25-95.

2. That this Local Law shall take effect immediately upon filing with the Secretary of State.

PROPOSED LOCAL LAW #3, 2024

A Local Law Regulating Tobacco, Hookah, Vaping and Cannabis Establishments

BE IT ENACTED by the Board of Trustees for the Village of Kenmore, New York, as follows:

1. That Chapter 25, adding a new Article XV: Tobacco, Hookah, Vaping and Cannabis Establishments

Intent: The Village of Kenmore recognizes the need for legislation surrounding retail tobacco, hookah, vaping, and cannabis shops in the Village, especially with the legalization of the sale, and distribution of cannabis. It is imperative that the Village establish legislation that provides guidelines and regulations for obtaining licenses or permits, and enables Village officers and officials to oversee the functionality of those businesses, and to ensure that these Establishments operate in harmony with the health, safety and general welfare of the residents of the Village of Kenmore. This law shall apply to any Establishment that sells, distributes, or allows the use of any tobacco or cannabis product.

Sec. 25 - 352. Definitions.

For the purpose of Chapter 25, Article XV, the following definitions shall apply:

Tobacco – plant or plant material containing nicotine, and used to make products that can be consumed, by chewing, sniffing, smoking, or used as snuff.

Hookah – a device or system, usually consisting of water pipes used to smoke tobacco.

Vaping – use of an electronic cigarette or vape device, which heats nicotine or cannabis derivatives to create an aerosol to inhale.

Cannabis – also known as marijuana, weed, or other names, is a psychoactive drug derived from the cannabis plant containing tetrahydrocannabinol (THC), Cannabidiol (CBD), or both.

Establishment – any store, business or Establishment, which has tobacco or cannabis inside the store or business, whether for recreational use, sale, distribution and/or any other transfer of tobacco or cannabis, including, but not limited to gifts and/or promotions.

Section 25 – 352. Restrictions.

Tobacco/Hookah/Vaping and Cannabis Establishments are permitted, subject to the following restrictions:

1. Establishments shall not be located within five hundred (500) feet of another Establishment.
2. Establishments shall not be located in the Residential or Restricted Business Districts, even if the primary use of the business is for the sale, distribution or use of another product.

3. No Establishment shall be located within five hundred (500) feet of another Tobacco/Hookah/Vaping or Cannabis Establishment located in the Village of Kenmore.
4. No Tobacco/Vaping/Hookah or Cannabis shall be used within five hundred (500) feet of a school building, or property and/or within two hundred (200) feet of a church or place of worship.
5. No tobacco/vaping/hookah or cannabis shall be used, sold or distributed on or in any public property, building, park, or greenspace.

Sec. 25 – 353. License required

1. No person or business shall own or operate a Tobacco, Hookah, Vaping, and/or Cannabis Establishment unless a license is first obtained from the Building Department.
2. Within 12 months of the passage of this local law, all current owners and operators of any existing Tobacco, Hookah, Vaping, Cannabis Establishment must apply for and obtain a valid license for each such Establishment in order to continue its operations.
3. For each individual Establishment, the application and license fee shall be \$200.00, which may be amended by the Village Board of Trustees from time to time, by resolution.

Sec. 25 – 354. Application

Every applicant for a license issued pursuant to this chapter shall submit to the Village Board of Trustees the following:

1. The name, address, and telephone number of the individual or entity applying for a license, the name and location of the business to receive a license. If the applicant is a corporation, the applicant must list an individual who resides in Erie County for purposes of service and notice.
2. The applicant's or applicant designee's driver's license as proof of residency within Erie County.
3. Proof of registration with New York State as a tobacco and/or vape retail dealer.
4. All applicants shall submit to the Kenmore Police Department background check for any owner and/or operator of a proposed Establishment, the results of which shall be provided to the Village Clerk.
5. A description of all Establishments proposed to be managed or owned by the applicant, including the street addresses, phone and contact information.
6. Proof of business address. Applicants must submit a copy of two of the following documents in the name of either the business or an individual listed on the application:
 - a. Utility Bill dated within the last 90 days,
 - b. Current lease or deed,
 - c. Current rent or mortgage bill, or
 - d. Current active license or permit issued by New York State agency showing the business address.
7. Detailed list of all products to be sold, displayed, used, distributed in the Establishment.
8. Other reasonable information as requested by the Building Inspector, Kenmore Police Department or other Village official.

9. All signage must be reviewed and approved by the Kenmore Planning Board. No signage shall include images or representations of cigarettes, cannabis, pipes or other paraphernalia.

Sec. 25 – 355. Form & Condition of License

1. Within 90 days of receiving a complete application under section 25-354 this chapter, unless extended by a request for additional information, the Village Board of Trustees, after a public hearing, shall issue a written determination on the application. All issued licenses shall contain the following conditions:
 - a. Each Tobacco, Hookah, Vaping, and/or Cannabis Establishment license shall expire on May 31 of every year. A complete year shall run from June 1 to May 31st of the following year.
 - b. Licenses for Tobacco, Hookah, Vaping, and/or Cannabis Establishments shall be for one Establishment only and shall not be transferable. A new license shall be required in the event of a change of ownership or control of any such Establishment, including the sale of more than 50% of the membership interest of any limited liability company.
 - c. Whenever an Establishment ceases to operate for more than 12 months, a new license must be obtained prior to a continuation of said Establishment.
 - d. There shall be no illegal sale, dispensing, or on-premises use of Cannabis or its byproducts at any Tobacco, Hookah, or Vaping Establishment.

Sec. 25 – 356. Grounds for Denial

1. A license for any Establishment regulated under this Article may be denied by the Village of Kenmore if:
 - a. Prior bad acts by the applicant demonstrate an unwillingness to comply with Village codes and/or ordinances;
 - b. The location of the licensed activity is more likely than not to negatively impact the neighborhood based on the Establishment's proximity to school, educational facility, place of worship, or assembly; and/or
 - c. Applicant is not a registered as a New York State tobacco, cannabis, and/or vape retail dealer.
2. No license shall be considered issued or effective unless approved by the Village of Kenmore Board of Trustees, after a public hearing.

Sec. 25 – 357. Inspection of Tobacco, Hookah, Vaping, and/or Cannabis Establishments

1. Commencing January 1st 2024, all existing Tobacco, Hookah, Vaping, and/or Cannabis Establishments shall be inspected annually by the Village of Kenmore Building Inspector or his designee.
2. Any overt act by the owner, operator, or agent of an Establishment intended to prevent the legal inspection of such Establishment or its premises shall be deemed immediate grounds for temporary revocation of a license, where a license is held by that Establishment, and/or a

prohibition from obtaining any future license within the next two (2) year from the date of revocation.

Sec. 25 – 358. Compliance with Laws; Suspension and Revocation of License

1. The owner or operator of any Tobacco, Hookah, Vaping, and/or Cannabis Establishment licensed by the Village shall comply with all provisions state, county, village applicable laws.
2. The owner or operator of any Tobacco, Hookah, Vaping, and/or Cannabis Establishment shall comply with all notices, orders, decisions, rules, and regulations made by the Building Department, the Kenmore Police Department, or any other agency having authority over the use.
3. Any owner or operator of any Tobacco, Hookah, Vaping, and/or Cannabis Establishment found to violate the provisions of this Article may be liable for penalties, as set forth in Section 25-361 or any other applicable sections of the Kenmore Municipal Code, and may be subject to revocation of said license, pending a hearing before the Village Board of Trustees, which will be scheduled within sixty (60) days of said violation. The property owner or operator of the violating Establishment shall be prohibited from engaging in any sale, distribution, or dispensing of any Tobacco, Hookah, Vaping, and/or Cannabis products at such Establishment from the date of the alleged violation until the hearing and the final determination is complete.

Sec. 25 – 359. Revocation Process

Generally, all Establishments and businesses with the Village of Kenmore must maintain peace and good order. Excessive 911 calls or other complaints regarding the Establishment will be reason for concern prompting an informal hearing to review such complaints. Establishments may be subject to temporary cease and desist notices if complaints and or issues continue.

1. Evidence of significant 911 and other complaints may be sufficient evidence for the Village to request a formal hearing. This hearing may result in further conditions on the continued operation of the Establishment.
2. A license issued pursuant to this chapter may be immediately suspended for cause prior to the hearing, followed by notice of violation outlining the reasons for such immediate suspension and a timeline for an opportunity to be heard on the matter.
3. During a scheduled hearing, the Board of Trustees may consider such factors, including but not limited to, years of operation, number of violations against the property, 911 and other complaints. Generalized community opposition will not be grounds for revocation and discontinuation of a license.
4. Failure to appear for any scheduled hearing will result in an immediate revocation of the license to operate. In the case that a temporary suspension has already been issued, then said suspension shall be allowed to continue until a hearing is held.

5. A decision to reinstate a suspended license may only be made by the Board of Trustees, after a complete hearing of the facts.

Sec. 25 – 360. License Renewal

1. An application to renew any license issued under this chapter shall be filed with the Building Department no more than 90 days and no less than 60 days prior to the expiration of the current license.
 - a. Continued operation without a license renewal will result in a fine of \$1,000.00, if not paid within five (5) business days of the notice. An escalated fine may be added in increments of \$50 for every five days of continued operation without a license or license renewal.
2. Renewal applications shall be accompanied by a non-refundable renewal fee of \$50 payable to the Village of Kenmore.
3. The Building Department may consider the licensee's compliance with village codes and ordinances including but not limited to building codes, noise ordinances, and any other appropriate information.

Sec. 25 – 361. Fines & Penalties

For violations solely of the provision of this article, the following fine schedule shall apply:

1. Operation without a license. A fine of \$2,000 if the Establishment opened or operated without first obtaining a license. If not paid within five (5) business days of the notice, and escalated fine may be added in increments of \$100 every five (5) days of violative operation.
2. Violation of the renewal non-payment. A fine of \$1,000 if not paid within five business days of the notice. An escalated fine may be added in increments of \$50 every five days of continued operation without a license or license renewal.
3. For all violations relating to the advertisement on exterior walls and doors of the building. A fine, not to exceed \$200 for the first offense. An additional \$100 is to be added to any future offenses relating to prohibited advertising.
4. For each condition violated. A fine of \$100 if not paid within five (5) business days of the notice. An escalated fine may be added in increments of \$50 every five days of continued violative operation.

Sec. 25 – 362. Consistency

This local law is to be read to be compliant with other applicable sections of the Kenmore Municipal Code and applicable New York State Laws. The provisions of this article shall be deemed independent and severable, and any inconsistencies shall not be read to invalidate the entire chapter.

Sec. 25 – 363. Cannabis Retail Establishments

The Building Department shall issue permits for the sale, dispensary, growth, or otherwise business of cannabis and its byproducts.

1. Pursuant to New York State Public Health Law Chapter 45, Article 13E, no person shall smoke in any outdoor park. For purposes of this section “park” shall mean a public park, pools, playgrounds, recreation centers.
2. Compliance. Cannabis Establishments must comply with all conditions of the issued permit and all requirements of other New York State Office of Cannabis Management requirement license.

Sec. 25 – 364. Required Notices

A licensee regulated pursuant to this Chapter must notify the Village Building Department within five (5) business days of:

1. Any change in ownership or control of an Establishment, including the sale of more than 50% of the membership interest of any limited liability company.
2. Any change in contact information for the licensee, owner or operator.
3. Any change in the status of any license issued by the State of New York for the sale, distribution, or disbursement of Tobacco, Hookah, Vaping, and/or Cannabis products, whether revoked, suspended, or otherwise terminated.
4. Any intended change to exterior-facing signage.

2. Severability.

Should any section or provision of this law be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section or provision shall be null and void and shall be deemed separable from the remaining section of this law, and such determination shall in no way affect the validity of the remaining sections or provisions of this law.

3. That this Local Law shall take effect immediately upon filing with the Secretary of State.

From: Kathleen Johnson
Sent: Wednesday, July 3, 2024 4:37 PM
Subject: FW: Re-Appointment

Please place on the next agenda. Thanks.

Kathleen

From:
Sent: Wednesday, July 3, 2024 12:48 PM
To: Kathleen Johnson
Subject: Re-Appointment

Kathleen

Is Theresa Schroeder on the villages agenda for your next meeting ?
I see her 5-year term is expiring in July.

Enjoy the Holiday !

Steve

Purchasing Policy
VILLAGE of KENMORE

Revised: June 2024

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Village of Kenmore

Purchasing Policy

Highlights of New Policy

Introduction

In order to comply with the new purchasing policies of General Municipal Law 104-b as adopted and effective January 1, 1992, the Village of Kenmore has made changes in its provisions regarding its purchasing policies. The following is a brief synopsis of the provisions contained herein.

Competitive Bidding

The procurement of goods and services is subject to competitive bidding based on the following:

Public Works Contracts-expenditures over \$35,000 of labor (or primarily labor, in the case of combined contracts).

Examples: construction, paving, painting, and repair contracts.

Purchase Contracts-expenditures of over \$20,000 of materials (or primarily materials, in the case of combined contracts).

Examples: Office supplies, equipment, bulk office supplies, new vehicles, building improvements.

*The competitive bidding dollar threshold for purchase contracts was increased from \$10,000 to \$20,000 pursuant to Chapter 56, Part FF of the Laws of 2010, effective June 22, 2010.

If in excess of the above limits, the following must be bid:

- a. Lease/rental of personal property
- b. Cooperative Bid Arrangements

The bid laws state that these purchases must be made by advertising to responsible bidders, receiving the sealed bids, and awarding the contract to the lowest responsible bidder.

Procurements under the Bid Levels

Policies must be adopted for these procurements which conform to General Municipal Law 104-b. The following provisions outline the standards for these purchases below bid levels:

1. Procurements not subject to bidding must be quoted, in writing, to preserve the competitive pricing structure which allows the Village to purchase suitable goods and services at the best price;
2. Professional services will be initially secured through a Request for Proposal (RFP). In reviewing RFPs, consideration will include like experience, staffing and suitability for needs;
3. Awards are to be reviewed by the Board of Trustees, the Village Attorney and any other appropriate party. The Village of Kenmore will award to the lowest qualified bidder;
4. All bids must include a Non-Collusion Certification, a copy of the Legal Notice and a Fair Wages and Standards certification.
5. In all cases, adequate documentation must be provided to comply with the policies and procedures;
6. If an award is made to a bidder which is not the lowest bidder, justification will be documented for using the higher cost bidder;
7. The Board of Trustees may use its discretion in bypassing the usual procedure if it would not be in the best interest of the Village (example-emergency purchasing);
8. Policy and procedures will be reviewed minimally every five (5) years by the Board;
9. The Board will provide for the unintentional failure to comply with the provisions of GML 104-b.
10. Purchases from state and county contracts, and industries employing the blind and severely disabled, are exempted from the above. Invoices and Purchase Orders and/or vouchers must clearly notate "Purchased on State/County Contract" with the Contract number noted on the PO. If possible, a copy of the Contract should be affixed to the payment request.
11. Documentation must accompany the invoice and a payment form (PO) to prove the efforts made to analyze quotes or bids.

Definition of Terms

1. **Public Works Contract:** purchases which involve services, labor, or construction. If the contract calls for both labor and materials, and the labor is the predominant portion of the contract price, it is still regarded as the public works contract.
2. **Purchase Contracts:** purchases involving the acquisition of commodities, materials, and /or equipment. If a contract involves both labor and materials, and the materials are the predominant portion of the contract price, the contract is regarded as a purchase contract.
3. **Exceptions:** exceptions to the requirement that public works contracts greater than \$35,000 and purchase contracts greater than \$20,000 must be competitively bid are:
 - a. Sole/single source vendors-the purchase is required, has no reasonable equivalent, and is available from only one source.
 - b. Emergencies-the purchase must meet the definition of an emergency as specified in the Village's purchasing policy (and the policy must meet statutory criteria of an emergency).
 - c. Long-standing vendor relationships – For Professional services, RFPs are not required.
 - d. Lease purchasing (bargain purchase or installment purchase leasing) – **MUST** be approved by Clerk/Treasurer
 - c. Smaller priced items-not meeting the \$35,000/\$20,000 criteria. While not required to go to bid, the Village may, at its discretion, choose to do a formal bid. Regardless, written quotes will be required.

Purchasing Policy Outline

I. Introduction

- A. Changes to General Municipal Law §103
- B. Provisions of General Municipal Law

II. Competitive Bidding

- A. Definitions
- B. General Municipal Law §103
- C. Methods of Determining Required Competitive Bidding
- D. Exceptions to Competitive Bidding Requirement

III. Procurements Under the Legal Bid Requirements

- A. Definitions
- B. General Municipal Law §104-b
- C. Quotes Required When Competitive Bidding Not Required
- D. Quotes Not Required When Competitive Bidding Not Required
- E. Procurement from Other Than the “Lowest Possible Offeror”
- F. Consequences of Unintentional Error

IV. Purchasing Procedures

- A. Standard Procedures
- B. Exceptions to Standard Procedures

V. Appendices

I. Introduction

It shall be the responsibility of all personnel involved with the purchasing to operate within the authority and guidelines, established by the Village Board of Trustees. Such guidelines are set forth in this document.

Cooperation and Documentation is key. Department heads need to coordinate with the Clerk/Treasurer with questions before making a purchase. Department heads need to ensure that invoices are notated, if need me with appropriate comments (State Bid, Fiscal year, etc.) and need to keep track of their budgets internally to ensure that funds are available.

Objectives:

The purchasing function is required to provide the necessary equipment, supplies and services in the right quantity and quality, in the right place, at the time needed, at the lowest cost to the Village. Policies and procedures which encourage competition provides taxpayers with the greatest assurance that goods and services are procured in the most prudent and economical manner, goods and services of desired quality are being acquired at the lowest possible price and procurement are not influenced by favoritism, improvidence, extravagance, fraud, or corruption.

Department heads and those responsible for purchasing should follow these procedures:

- Develop single and multiple sources of supply;
- Develop relationships with vendors who deliver suitable goods promptly;
- Establish the most economical functions that are practical for their department;
- Maintain a high standard of purchasing ethics;
- Provide an opportunity to all responsible supplier to do business with the Village;
- Maintain lists of all potential bidders for various types of materials, equipment, and supplies.

These concepts should comply with General Municipal Law, Section 103 and Section 104-b.

Every action taken involves benefits and costs. Cost-benefit analysis involves weighing of benefits against costs in order to make possible a choice among alternatives that will yield the maximum benefit at the least cost. In adopting and carrying out policies and procedures, the benefits of actions taken should outweigh the costs.

Purchase orders may be issued after first determining that unencumbered balances and budgetary appropriations are available to cover anticipated obligations. A department head cannot authorize a purchase unless sufficient appropriations are available in the budget at the time of the purchase. By obtaining prices and encumbering all purchase orders at the time of purchase, appropriate reports will be generated by the Clerk/Treasurer to assist department heads in making their own purchasing decisions.

No employee of the Village shall have a financial interest in any contract entered into by the Village.

PURCHASING POLICY

The purchasing procedures employed shall comply with all applicable laws and regulations of the State of New York and the County of Erie. There are several methods of purchasing available to municipalities under New York State Law.

1. State Bid. State Law makes it possible for municipalities to procure items, supplies or equipment through the State Divisions of Standards and Purchase. When State contracts are used, it is not necessary for the department head to obtain quotations or to engage in competitive bidding. Purchase orders should contain the State contract number, as well as other pertinent data, and be issued directly to the vendor.
2. County Bid. General Municipal Law permits any municipality to make purchases of material, equipment, or supplies through the County. The County Legislature may authorize the inclusion of a provision allowing municipalities, located wholly or partly within the County to participate in purchase contracts awarded by them.

If utilizing a state or county contract price, the invoice and request for payment (PO or voucher) must clearly notate the contract number and that the purchase was made on State bid.

3. Cooperative Purchasing. General Municipal Law allows various methods of cooperative purchasing. Any agreement entered into must be approved by a majority of the vote of the governing board of each participating municipality. The agreement should provide an equitable method of pro-rating the cost of operation to the participants.

A. General Municipal Law §103

The procurement of goods and services is subject to competitive bidding based on the following:

Public Works Contracts-expenditures over \$35,000 of labor (or primarily of labor, in the case of combined contracts). Examples-construction, paving, painting, repair contracts.

Purchase Contracts-expenditures over \$20,000 of materials and/or equipment (or primarily materials and/or equipment, in the case of combined contracts). Examples-office supplies, vehicles and equipment, building improvements.

If in excess of the above limits, the following must be bid:

- a. Lease/rental of personal property
- b. Cooperative Bid Arrangements

The bid laws state that these purchases must be made by advertising to responsible bidders, receiving the sealed bids, and awarding the contract to the lowest responsible bidder.

B. Provisions of General Municipal Law §104-b

Policies must be adopted for these procurements which conform to General Municipal Law 104-b. The following provisions outline the standards for these purchases below bid levels:

1. Procurements not subject to bidding must be quoted, either verbal or written, to preserve the competitive pricing structure which allows the Village to purchase suitable goods and services at the best price;
2. Professional services - a request for proposal is used to consider price plus other factors like experience, staffing, and suitability for needs;
3. Policies and procedures be adopted which specify when each method of procurement is used;
4. Requires adequate documentation of the actions taken to comply with the policies and procedures;
5. Requires that, in the case of an award to other than the lowest bidder, justification be documented for using the higher cost bidder;
6. Requires policies and procedures to be followed in the instance that the Board of Trustees may use their discretion in bypassing the usual procedure as it would not be in the best interest of the Village (example-emergency purchasing);
7. Requires that the Board solicit comments from the officers before adopting policies;
8. Requires that these policies and procedures be reviewed annually by the Board;
9. Provides for the unintentional failure to comply with the provisions of GML 104-b.
10. Purchases from state and county contracts, state correctional facilities, and industries employing the blind and severely disabled are exempted from the above provisions in the case of purchases below the bid limits. Documentation, including the contract number must be included on the request for payment.
11. Documentation must accompany a copy of the invoice and a purchase order to prove the efforts made to analyze quotes or bids.

II. Competitive Bidding

A. Definitions

Purchase Contract: a contract that involves the acquisition of commodities, materials, and/or equipment. If a contract calls for both labor and materials, and the materials are the predominant portion of the contract price, it is regarded as a purchase contract.

Public Works Contract: purchases which involve services, labor, or construction. If a contract calls for both labor and materials, and the labor is the predominant portion of the contract price, it is regarded as a public works contract.

B. General Municipal Law §103

The General Municipal Law of the State of New York requires that purchase contracts for materials, equipment, and supplies involving an estimated total annual expenditure exceeding \$20,000 and public works contracts exceeding \$35,000 will be awarded only after responsible bids have been received in response to public advertisement soliciting formal bids. Similar procurement forecasted to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The advertisement for bids shall contain a statement of the time and place where all bids will be publicly opened and read. Bids should be opened by the Village Clerk/Treasurer or other designated individual. The opening of bids is conducted at a public meeting and all interested parties attend. Should no spectators be present, it may be prudent to have one or more persons as witnesses. A reasonable period should elapse between the public opening and announcement of the successful bidder to permit careful examination of the bids.

C. Methods of Determining Required Competitive Bidding

1. The Village should first determine if the proposed procurement is a purchase contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, then the Village shall determine whether the amount of procurement is above the applicable threshold as set forth above.
3. The Village shall also determine whether there are any exceptions to the competitive bidding requirements (as set forth below) exist.

In the event that a contract combines the provision of professional services and a purchase, the Village, in determining the appropriate monetary threshold criteria to apply to the contract, shall determine whether the professional service or the purchase is the predominant part of the transaction.

D. Exceptions to Competitive Bidding Requirement

The Village will not be subject to competitive bidding requirements when the Board, in its discretion, determines that one of the following situations exist.

1. Emergency situations where:

- a. the situation arises out of accident or unforeseen occurrence of condition;
- b. a Village building, property, or the life, health, or safety of an individual on Village property is affected; or
- c. the situation requires immediate action that cannot wait competitive bidding.

The Board must pass a resolution declaring that an emergency situation exists, the Village shall make purchases at the lowest possible cost, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The Village shall maintain records of verbal or written quotes; Board declaration of an emergency must be made part of the Minutes.

2. Purchases from government contracts including New York State, County and Municipal contracts, BOCES services, and purchases of surplus or second-hand supplies, materials, or equipment, from the federal or state governments or from any other political subdivision or public benefit corporation within the State.

Documentation: The village shall maintain market price comparisons (verbal or written) and the name of the government entity and the Contract number must be included with request for payment. PO or Voucher must also clearly notate "Purchased on State Contract" and a copy of the Bid is to be attached to the PO or voucher.

3. Purchases from preferred sources such as industries for the blind of New York State, New York State industries for the disabled and prison-made goods.

Documentation: The Village shall maintain a copy of applicable price list attached to the purchase order or a reference on purchase order to price list.

4. When there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The Village will maintain written documentation of the unique benefits of the item or service purchases as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation shall provide that there is no possibility of competition in the procurement of the goods.

PO must notate that no other quotes can be obtained and indicate the reason for same (ie: no other vendor provides the model desired)

III. Procurements Under The Legal Bid Requirements

A. Definitions

Purchase Contract: a contract that involves the acquisition of commodities, materials, and/or equipment. If a contract calls for both labor and materials or equipment, and the materials or equipment are the predominant portion of the contract price, it is regarded as a purchase contract.

Public Works Contract: purchases which involve services, labor, or construction. If a contract calls for both labor and materials, and the labor is the predominant portion of the contract price, it is regarded as a public works contract.

B. General Municipal Law §104-b

Effective January 1, 1992, the governing board of each political subdivision is required to adopt written internal policies and procedures governing all procurements of goods and services not required by law to be made pursuant to competitive bid requirements. These guidelines are required under General Municipal Law, §104-b.

C. Quotes Required When Competitive Bidding Not Required/RFP

Goods and services that are not required by law to be procured by the Village through competitive bidding will be procured in a manner which ensures the prudent and economical use of the public funds in the best interests of the taxpayers. Alternate proposals, written or verbal quotes, or any other appropriate method of procurement, as set forth below.

1. Methods of Documentation

- a. **Verbal Quotes:** a telephone log used to document quotes shall, at a minimum, specify the date, item or services required, price quoted, vendor's name, name of vendor's representative;
- b. **Written Quotes:** vendors will provide, at a minimum, the date, description of the item or details of services to be provided, price quoted, name of contract. Example-If the Village requests a quote for insurance, the Village shall maintain documentation that includes a file of vendors' specifications of the specifications to be provided, the specifications of the insurance coverage requested, the resolution of the award of insurance, and the reason the insurer was chosen, if not the lowest dollar quote.

Alternatively, written or verbal quotation forms will serve as documentation, or, in the case of Requests For Proposals (RFP's) documented in the same manner as described below, may also be used;

- c. **Requests for Proposals:** the Village may contact a number of professionals

(e.g. architects, lawyers, accountants, consultants, underwriters, IT services, financial advisors, etc.) and request that they submit written proposals. The RFP's may include negotiations on a fair and equitable basis. The RFP's and evaluation of such proposals shall consider price, as well as:

- The special knowledge or expertise of the professional or consulting service;
- The quality of service provided;
- The staffing/support of the service;
- The suitability for the Village's needs
- Experience with other municipalities of similar size/budget to the Village of Kenmore

The Village shall locate prospective qualified firms by:

- Advertising in trade journals; or
- Checking listings of professionals; or
- Making inquiries of other municipalities or other appropriate sources.

The Village shall then prepare a well-planned RFP that will contain critical details of the engagement, including the methods it will use in selecting the service. After selection, the Board shall award the contract by Board resolution. The Village Clerk shall maintain a separate file for RFP's.

The Village may elect to have an RFP run through an independent 3rd party with specific expertise to coordinate said RFP. The Village will enter into an Agreement with the 3rd party outlining the scope of his/her duties and the cost. Such duties may include a Pre-Qualification phase in order to limit the number of qualified participants and to determine interest, experience and other pertinent information.

2. Purchases/Public Work:

Methods of competition to be used for non-bid procurement; documentation required

a. Purchase Contracts

- **Contracts from \$1 to \$1500** – No quotes required.
- **Contracts from \$1501 to \$5000** – 3 verbal quotes are required. Use of a specific quote sheet is suggested to document the quotes and award. Telephone logs of verbal quotes should be maintained and kept on file with the voucher.
- **Contracts from \$5001 to \$19,999** – 3 written quotes required. A document specifying the names and addresses of 3 vendors with their price shall be attached to the voucher or a notation made on the voucher where the written quotes may be found.

- **Contracts over \$20,000** – must be bid.

b. Public Works Contracts

- **Contracts from \$1 to \$2500** – no quotes required.
- **Contracts from \$2501 to \$10,000** – 3 verbal quotes required. Use of a specific quote sheet is suggested to document the quotes and award. Telephone logs of verbal quotes should be maintained and kept on file with the voucher.
- **Contracts from \$10,001 to \$34,999** – 3 written quotes required. A document specifying the names and addresses of 3 or more vendors signed by the person in charge of the quotes should be sent to the purchasing committee for approval. Two signatures of the purchasing committee are required for approval.
- **Contracts over \$35,000** – must be bid.

- c. Emergencies:** 3 written quotes are required. If three quotes cannot be obtained, a written explanation must be provided.

Suggested Documentation: written quotes received and/or reason for selecting the vendor chosen.

- d. Insurance:** written quotes obtained through an RFP.

Suggested Documentation: advertisements, specifications, and awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding will serve as documentation if formal bidding is not chosen. RFP's may be used and documented in the manner described below.

Any RFP for Insurance will be conducted by a Third Party and will include a Pre-Qualification Process.

- e. Professional Services:** RFP for initial contact.

Suggested Documentation: written proposals and reasons for chosen firm.

- f. Leases** (these are true leases, not installment purchase contracts): written quotes.

Suggested Documentation: written quotes, cost-friendly benefit analysis of leasing versus purchasing, etc. The Village shall note the lease as a true lease and not an installment or bargain purchase contract.

Before entering into any Lease arrangement, the Department Head must coordinate with the Clerk/Treasurer to ascertain if said lease is the best option for the Village and meets the requirements of the General Municipal Law.

- g. Second-hand equipment from other governmental units:** written quotes.

Suggested Documentation: market price comparisons (verbal and written quotes) and the name of the government.

- h. Sole Source:** includes material that has a patent or copyright, or purchase from a monopoly. Notate “sole source” on the PO or Invoice.

Suggested Documentation: The purchasing committee need not document competitive pricing, but must document need for the item if the circumstance is not obvious that the Village need purchase this particular item.

- i. State Contracts:** Department Heads are required to search their files for an Applicable state contract. Upon finding such applicable state contract, the Department Head will indicate the state contract number and the delivery price of the same or comparable goods on the Purchase Order AND invoice.

D. Quotes Not Required When Competitive Bidding Not Required

The Village shall not be required to secure such alternative proposals or quotations for those procurements:

- a. under a county contract;
- b. under a state contract;
- c. of articles manufactured in the state correctional institutions; or
- d. from agencies for the blind and severely handicapped.

If utilizing a state or county contract price, the invoice and request for payment (PO or voucher) must clearly notate the contract number and a copy of State/County bid price must be attached.

In addition, the Village shall not be required to secure such alternative proposals or quotations for:

- a. emergencies where time is a crucial factor;
- b. procurement for which there is no possibility of competition;
- c. procure of professional services that, because of the services’ confidential nature, do not lend themselves to procurement through solicitation; or
- d. very small procurement when solicitations of competition would not be cost-effective.

E. Procurement from Other than the “Lowest Possible Offeror”

The Village shall provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the Village and otherwise furthers the purpose of Section 104-b of the General Municipal Law.

F. Consequences of Unintentional Error

The unintentional failure to comply fully with the provisions of GML 104-b or the Village's regulations regarding procurement shall not be grounds to void action taken or give rise to a cause of action against the Village or any employee of the Village.

IV. Purchasing Procedures

A. Standard Procedures

1. Department heads or their designated personnel should follow State Laws and the General Municipal Laws stated in the introduction. Department heads should monitor their budgets to ensure funds are available prior to ordering. If the budget transfers are made in a timely fashion, the purchase order will flow through the purchasing system smoothly instead of waiting for Board resolution.
2. Department heads are responsible for compliance with the purchasing procedures adopted.

In the case of the Kenmore Fire Department, both the Fire Chief and the Sr. Firefighter shall have responsibility for the Fire Department budget and compliance with the purchasing procedures. The Village recognizes that, because the Fire Chief is a volunteer, is not employed by the Village and is not selected by the Village Board, it is in the best interests of the Village to have oversight and responsibility shared by the Sr. Firefighter who is employed by the Village. This procedure is instituted to ensure the best management of taxpayer and other revenue, continuity of management and fiscal responsibility of purchasing and procurement, including day to day management of the Fire Department budget.

3. The number of purchase orders should be kept to a minimum. Advanced planning should be used.

Only purchase order forms provided by the Clerk/Treasurer shall be used. IN NO EVENT ARE PURCHASE ORDERS TO BE MAILED DIRECTLY TO SUPPLIERS WITHOUT ROUTING THROUGH THE CLERK/TREASURER'S OFFICE.

4. Purchasing personnel shall obtain firm prices from the vendors before ordering. Telephone logs of verbal quotes should be maintained and kept on file for three years. The Village Treasurer is authorized to conduct an internal audit of these logs.
5. If the purchase order is under \$1,500, the purchasing personnel shall call the Clerk/Treasurer's Office with the following information:
 - a. Vendor name and address
 - b. Ship to address
 - c. Quantity, item description, price
 - d. Appropriation account number

6. If the purchase order is over \$1,500, the proper procedure must be followed regarding receiving quotes or bidding before a purchase order will be issued.
7. A verbal purchase order number will be given by the Clerk/Treasurer staff on all approved requisitions. This number will be entered into the computer system which will generate the confirming purchase order and encumber the funds. NOTE: The Village Clerk/Treasurer may refuse to give a purchase order number if proper procedures were not followed.
8. The purchase order form will be distributed as follows:
 - a. White copy will be held by Clerk/Treasurer's Office to match invoice,
 - b. Orange copy to be sent to Department head for his/her records,
 - c. Pink copy to be held by the Clerk/Treasurer's Office.
 - d. Yellow cop can go to the Vendor.
9. Upon receipt of vendor invoice, the Clerk/Treasurer attaches the invoice to the white copy of the purchase order and forwards both to the Department heads to certify receipt of goods and/or services. Any discrepancies should be noted. Invoices that do not reference a PO number will be returned to the vendor. Exceptions: utilities, insurance, reimbursement of employee expenses in the performance of day-to-day duties, reimbursement of petty cash, service contracts for a fixed or annual amount, medical bills, and postage meter costs. A signed voucher may be substituted for the above listed exceptions.
10. The Clerk/Treasurer's office will schedule invoices for payment and prepare abstract at Board Meetings.
11. Checks are drawn after approval by Board.
12. Checks are released as per payment schedule.
13. Filing – check copy, invoice, white PO to be filed by Clerk/Treasurer's office alphabetically by vendor by Board Meeting abstract.

B. Exceptions to Standard Procedures

1. Blanket PO's – Blanket purchase orders or open end accounts may be issued to various vendors for purchase of items considered to be of immediate need for the purpose of consolidated (bulk) purchases.

The reason for use of blanket purchase orders are twofold:

- a. To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently from the same vendor. An example of this would be automotive supplies (such as spark plugs, battery cables, points, etc.) used in central garage.

- b. To permit the department to purchase items of this nature on an “as needed” basis when there is no provision to maintain an inventory.

The vendor’s billing cycle (usually monthly) should be considered in determining the period of time covered by the blanket purchase order.

The amount of the blanket purchase order shall be determined by the Village Clerk/Treasurer. It should be based on information available in the records covering previous fiscal years and data obtained from the department head involved.

The department should keep a record of the purchases made to insure that they do not exceed the amount allowed by the blanket purchase order.

When supplies are delivered or picked up, receipts, delivery slips, or other documents transmitted by the vendor will be signed by the individual receiving the supplies. The blanket purchase order number will also be placed on the documents which will be attached to the receiving copy of the purchase order and forwarded to the treasurer at the end of the period for which the blanket purchase was issued. However, if the amount allowed on the blanket purchase order is reached prior to this time, the covering documents should be forwarded to the treasurer and a new blanket purchase order requested.

2. Emergencies - A need for the procurement of goods or services arising out of an accident to other unforeseen occurrence or condition whereby circumstances affecting public buildings, property, or the life, health, safety, or the property of the inhabitants of the Village are involved.

The person placing an emergency order must justify its use. Lack of proper planning is not considered a valid reason for using the emergency purchasing procedure.

- a. If during weekdays from 8:30-4:30, prices should be attempted to be obtained from the vendor. The department head may obtain a PO # from the Clerk/Treasurer’s office and normal purchasing procedures shall follow.
- b. Emergencies while the Clerk/Treasurer’s office is closed – department heads may proceed with an emergency order. They must notify the Clerk/Treasurer’s office the following working morning of any emergency order. At this time, the department head shall provide the same information as required in step 5.

The Clerk/Treasurer’s office will then call the vendor and give them a PO # to be used on their invoices. Normal purchasing procedures shall follow.

3. Pricing Problems – Ordered without prices will not be accepted. NO EXCEPTIONS.

Occasionally a firm price is not available for labor purchases. An estimate from the vendor is required in these instances.

C. Miscellaneous

1. **Tax Exempt Status.** The Village is tax exempt. Department Heads are responsible for notifying vendors of this status and ensuring that tax has not been charged.
2. **Timely Delivery of Invoices to Clerk/Treasurer's Office.** Department Heads are required to pass all POs and invoices to the Clerk/Treasurer's Office upon receipt to ensure timely payment and the most accurate information for available funds to the budget.
3. **Fiscal Year End.** Department Heads shall make every effort to ensure that all charges for a fiscal year are passed to the Clerk/Treasurer's Office by May 31 of a given year. Any invoices received after June 1, for purchases made in the prior fiscal year, are to be clearly marked by fiscal year to ensure that the invoice is charged to the proper fiscal year.

Written Quotes Sheet – Purchase Contracts
(for written quotes – contracts from \$5,001 to \$19,999)

Item(s) Being Purchased _____

Estimated Amount of Purchase _____

	Corporation	Representative	Phone Number
Vendor #1	_____	_____	_____
Vendor #2	_____	_____	_____
Vendor #3	_____	_____	_____

Selected Vendor	_____	Budget Code
	_____	_____
Vendor Number	_____	_____

<u>Quantity & Price</u>	<u>Description</u>	Vendor #1 <u>Quote</u>	Vendor #2 <u>Quote</u>	Vendor #3 <u>Quote</u>
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Dept Head/Employee _____

Date _____

AFTER COMPLETION—PLEASE FORWARD TO
CLERK/TREASURER

Written Quotes Sheet – Public Works Contracts
(for written quotes – contracts from \$10,001 to \$34,999)

Item(s) Being Purchased _____

Estimated Amount of Purchase _____

	<u>Corporation</u>	<u>Representative</u>	<u>Phone Number</u>
Vendor #1	_____	_____	_____
Vendor #2	_____	_____	_____
Vendor #3	_____	_____	_____

Selected Vendor	_____	Budget Code	_____
	_____		_____
Vendor Number	_____		_____

<u>Quantity</u> <u>& Price</u>	<u>Description</u>	<u>Vendor #1</u> <u>Quote</u>	<u>Vendor #2</u> <u>Quote</u>	<u>Vendor #3</u> <u>Quote</u>
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Dept Head/Employee _____

Date _____

AFTER COMPLETION—PLEASE FORWARD TO
CLERK/TREASURER
PURCHASE CONTRACTS

Sample Telephone Log (for verbal quotes—contracts from \$1501 - \$5,000)

Dept Head/Employee _____

Date _____

Item(s) Being Purchased _____

Estimated Amount of Purchase _____

	<u>Corporation</u>	<u>Representative</u>	<u>Phone Number</u>
Vendor #1	_____	_____	_____
Vendor #2	_____	_____	_____
Vendor #3	_____	_____	_____

Selected Vendor _____ **Budget Code** _____

<u>Quantity & Price</u>	<u>Description</u>	<u>Vendor #1 Quote</u>	<u>Vendor #2 Quote</u>	<u>Vendor#3 Quote</u>
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Reason for selecting above vendor, if not the lowest quoted price:

PUBLIC WORK CONTRACTS
Sample Telephone Log (for verbal quotes—contracts from \$2501 - \$10,000)

Dept Head/Employee _____

Date _____

Item(s) Being Purchased _____

Estimated Amount of Purchase _____

	<u>Corporation</u>	<u>Representative</u>	<u>Phone Number</u>
Vendor #1	_____	_____	_____
Vendor #2	_____	_____	_____
Vendor #3	_____	_____	_____

Selected Vendor _____ **Budget Code** _____

<u>Quantity & Price</u>	<u>Description</u>	<u>Vendor #1 Quote</u>	<u>Vendor #2 Quote</u>	<u>Vendor#3 Quote</u>

Reason for selecting above vendor, if not the lowest quoted price:

To Whom it May Concern:

The Kenmore Farmers Market is requesting the closure of Delaware Rd between Argonne Dr and Wardman Rd on Sunday mornings between the hours of approximately 7:45am-1:30pm through the end of October to allow for additional vending space as well as pedestrian and vendor safety while attending the farmers market.

Thank you,
Kenmore Farmers Market

From: Kathleen Johnson
Sent: Thursday, July 11, 2024 9:08 AM
To:
Subject: FW: Block party request

For 7/16 agenda, please.

From: megan long
Sent: Wednesday, July 10, 2024 8:13 PM
To: Kathleen Johnson <kjohnson@vi.kenmore.ny.us>
Subject: Block party request

Washington ave from Eugene to Delaware Ave
Saturday September 14th
Rain date Saturday September 21
Megan Long

07/09/24

Thomas and Michelle Helles

Kenmore, NY 14217

Village of Kenmore
2919 Delaware Avenue
Kenmore, NY 14217
Attn: Village Board

We are kindly requesting street closure for a block party on Saturday, August 24th, 2024 for Kenwood Road, located between Delaware Avenue and Delaware Road. Our party is tentatively scheduled for 10am-9pm (we are usually finished before 9pm). We do not have a rain date at this time. We would like to request a visit from the Fire Department as well if they are available that day (I can reach out separately to request this if that is what is required).

Please let me know if you need any additional information.

Many thanks,

Michelle Helles

Michelle Helles

RECEIVED

JUL 12 2024

**VILLAGE OF KENMORE
CLERK'S OFFICE**