

## TOWN BOARD

The Town Board, Town of Highlands, held a Re-organization and Regular Meeting on Monday, January 14, 2013 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

## RE-ORGANIZATION MEETING

Supervisor Livsey opened the Re-organization meeting at 7pm.

Supervisor Livsey welcomed everyone to the first meeting of the year.

### ELIGIBILITY & QUALIFICATIONS OF TOWN OFFICERS/OATHS OF OFFICE

Supervisor Livsey reported that all Officers of the Town meet the eligibility requirements and all Oaths of Office have been taken.

### OFFICIAL UNDERTAKING

Supervisor Livsey reported that the Town's insurance has been renewed.

### VACANCIES

Supervisor Livsey said the Town Clerk advertised on December 14, 2012 for vacant Town offices.

### APPOINTMENTS

#### 1 Year Appointments:

Council Member Edsall made a motion seconded by Council Member Gokey to appoint Rider, Weiner and Frankel as Attorney's for the Town.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Council Member Edsall made motion seconded by Council Member Stradley to appoint McGoey, Hauser & Edsall as Town Engineers.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Gunza to appoint Doug Willis as Sewer Inspector.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Gokey to appoint Tony Squicciarini as Deputy Sewer Inspector.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Gunza to accept the resignation of Ralph Montellese as the Dog Control Officer.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Stradley to appoint Mercedes Coulter as Dog Control Officer.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Gokey to appoint Orange County Health Department as Health Officer.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Gokey to appoint Kelly Blauvelt as Budget Officer.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Supervisor Livsey made a motion seconded by Council Member Edsall to appoint Stella Bailey as the Town Historian.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Council Member Gunza made a motion seconded by Council Member Stradley to appoint Tim Connors as Emergency Management Coordinator and John O'Connor as the Deputy.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

### 5 Year Appointments

\*\*\*There was no letter submitted for the Planning Board vacancy\*\*\*

\*\*\*There was no letter submitted for the Board of Assessment Review\*\*\*

### 6 Year Appointment:

Supervisor Livsey made a motion seconded by Council Member Stradley to appoint Fran Lawless to the Recreation Commission.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

### 6 & 7 Year Appointments:

\*\*There was no letter submitted for the Zoning Board vacancy\*\*

Supervisor Livsey said he spoke to Mayor D'Onofrio about the possibility of reducing the Zoning Board to 5 members. The Supervisor asked the Town Board how they felt about that.

The Board did not have a problem with it.

### SALARY SCHEDULE

Supervisor Livsey made a motion seconded by Council Member Gokey to approve the 2013 Salary Schedule with the following revisions: 1)Remove Deputy Dog Control Officer; and 2) both Dog Control Officers will receive \$12.05 per hour.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

### MILEAGE

Supervisor Livsey made a motion seconded by Council Member Edsall to set the mileage rate at 56.5 cents per mile.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

**2013 HOLIDAY SCHEDULE**

Supervisor Livsey made a motion seconded by Council Member Edsall to adopt the 2013 Holiday Schedule.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**2013 VACATION, SICK AND PERSONAL LEAVE POLICIES, HEALTH INSURANCE**

Supervisor Livsey made a motion seconded by Council Member Edsall to adopt the 2013 Vacation, Sick and Personal Leave Policies and Health Insurance as outlined in the Employee Handbook with the exception of the change in the Health Insurance.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Supervisor Livsey stated that Council Member Edsall will remain as the Deputy Supervisor.

Supervisor Livsey said he has made the following Liaison changes for 2013: Dog Control – Council Member Gunza, Water District #2 – Supervisor Livsey, Parks – Council Member Edsall.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**MARRIAGE OFFICER**

Council Member Gokey made a motion seconded by Council Member Gunza to appoint Supervisor Livsey as the Marriage Officer.

**MOTION CARRIED: 4-eyes (Edsall, Stradley, Gunza, Gokey)  
0-nays  
1-abstain (Livsey)**

**CAMERA OPERATOR**

Supervisor Livsey made a motion seconded by Council Member Stradley to appoint Tierney Scott as the Camera Operator at a rate of \$50 per meeting.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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### **DEPOSITORIES**

Supervisor Livsey made a motion seconded by Council Member Stradley to make Chase and First Niagara as the Town's official depositories.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### **ACCOUNTING DUTIES**

Supervisor Livsey made a motion seconded by Council Member Gunza to appoint Kelly Blauvelt to handle the accounting duties.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### **COMPETITIVE BIDS**

Supervisor Livsey said that all competitive bids will be opened by the Supervisor (or Deputy), the Town Clerk (or Deputy) and the Department Head involved.

### **AUDIT**

Council Member Gokey made a motion seconded by Council Member Stradley to authorize Supervisor Livsey to sign the contract with Vanacore for the 2013 audit.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### **CONTRACTS**

Supervisor Livsey read the current Town contracts and said that if anyone had any questions they could see the Town Clerk.

### **TOWN HALL MEETINGS**

Supervisor Livsey made a motion seconded by Council Member Gokey to hold the Town Board meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month at 7:00pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Supervisor Livsey made a motion seconded by Council Member Stradley to conduct the Town Board meetings according to Robert's rules of Order.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**TOWN HALL BUSINESS HOURS**

Supervisor Livsey made a motion seconded by Council Member Stradley to set the Town Hall business hours as Monday through Friday from 8:00am to 4:30pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**ASSOCIATION OF TOWNS**

**Voting Delegates**

Supervisor Livsey made a motion seconded by Council Member Gunza to appoint Cathy Kelly as the Voting Delegate and Karen Miller as the Alternate.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Per Diem Expenses**

Supervisor Livsey said the per diem expense policy is outlined in the Employee Handbook.

**\*\*\*\*REGULAR MEETING\*\*\*\***

**PUBLIC COMMENT**

Theresa Franck, Dog Control Officer, stated that since Detective Bailey has taken over the department things are turning around for the better.

Laura Milsom asked the Supervisor to be more descriptive with the agenda items.

**MINUTES**

Council Member Edsall made a motion seconded by Council Member Stradley to approve the minutes from the December 10, 2012 meeting.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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Council Member Edsall made a motion seconded by Council Member Stradley to approve the minutes from the January 7, 2013 special meeting.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### COMMUNICATIONS

Supervisor Livsey announced that there is a number on Channel 23 for HEAP which is an organization that can help low income people pay their heating bill.

Supervisor Livsey received a message from the Governor explain why he vetoed the Town's Bill for the Court Officer to be recognized as a Peace Officer. The Supervisor said he took this message to James Skoufis, the newly elected Assemblyman, who will put together another Bill.

Supervisor Livsey said he is very proud of Lesley Peterson who just received her citizenship and he was honored to be a part of the ceremony in Goshen.

### FINANCIAL REPORTS, REQUESTS AND RESOLUTIONS

#### Payment of Bills:

Supervisor Livsey said the amounts paid were: December 14, 2012 - \$58,234.52; December 28, 2012 - \$53,509.47; and January 11, 2013 - \$87,436.52.

#### Budget Transfers:

Supervisor Livsey made a motion seconded by Council Member Edsall to approve the Budget Reclassification Requests.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Council Member Gunza made a motion seconded by Council Member Stradley to approve the Budget Transfer Requests read by Supervisor Livsey.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

#### 2012 Election Costs:

Supervisor Livsey announced that, because of five (5) elections in 2012, the cost to the Town was \$19,886.

**2013 Procurement Guidelines:**

Supervisor Livsey said there have been changes in this policy since last year.

Ms. Blauvelt said she reviewed the limits for needing purchase orders/quotes has been lowered and this information has been reviewed with the Board.

Council Member Gokey made a motion seconded by Council Member Gunza to adopt the 2013 Procurement Guidelines.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**Investment Policy:**

Supervisor Livsey made a motion seconded by Council Member Gokey to adopt the Town of Highlands Investment Policy.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Cash Receipts Policy:**

Supervisor Livsey said that some wording in the Cash Receipts Policy has been changed.

Ms. Blauvelt said the policy now states that "All shortages and overages must be brought to the attention of the Treasurer and Comptroller immediately upon discovery. Any discrepancy in petty cash will be documented and signed off on by the Treasurer, Comptroller and custodian of the petty cash, and a copy of such documentation shall be kept in the custodian's personnel file."

Council Member Gokey made a motion seconded by Council Member Gunza to adopt the amended Cash Receipts Policy.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**BOARD REPORTS**

**Council Member Gokey:**

Assessor's Officer: They are trying to get things together for Grievance Day in May.

Building Dept.: They have been quiet, but they have issued a couple of Advisory Notices.

IT: There were a couple of issues today, but they have been fixed.

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### **Council Member Gunza:**

Ambulance: Council Member Gunza read the end of the year report. The Ambulance is looking for members and if anyone is interested they can contact the President or Captain.

Emergency Mgmt: Council Member Gunza, Tim Connors and John O'Connor will be attending training at the 911 Center.

Police: The Police have taken over Dog Control. Police officers have been assigned to the schools.

Supervisor Livsey said his granddaughter assisted the Town Police with a traffic stop recently and she said she was impressed with the way the Police Officer handled the situation.

### **Council Member Stradley:**

Recreation: Starting to get busy with basketball, etc.

Dial-A-Bus: The new bus is here and running well. Ms. Solan will be attending training in February.

Highway: Status quo

### **Council Member Edsall:**

ZBA: The recent meeting of the ZBA was Dave Weyant's last meeting. Mr. Edsall thanked him for his service and also thanked Mr. Jannarone for his service.

Scenic Hudson: The white building at the Fort Montgomery Marina has been boarded up.

## **SUPERVISOR'S REPORT**

Supervisor Livsey gave a report on what had been accomplished during 2012. (A copy is attached to these minutes)

## **ATTORNEY'S REPORT**

Mr. Rider thanked the Board for the re-appointment.

**UNFINISHED BUSINESS**

Council Member Edsall said he would get in touch with Scenic Hudson before the next meeting.

Supervisor Livsey said he met with Maestro Boudreau who has a ship that tours the world giving amazing performances. The Supervisor said that this is a great thing and he will look into it.

Mr. Rider said the Counsel for Scenic Hudson sent him the red-line contract and he will forward it to the Board.

Supervisor Livsey said he will possibly put that on the agenda for the next meeting.

**GENERAL BUSINESS**

**Paramedic Intercept Agreement 2013:**

Supervisor Livsey said Mobile Life has raised their charges a little this year.

Council Member Gunza made a motion seconded by Council Member Gokey to authorize Supervisor Livsey to sign the 2013 Paramedic Intercept Agreement.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Senior Dining Site Agreement:**

Council Member Gokey made a motion seconded by Council Member Stradley to authorize Supervisor Livsey to sign the Senior Dining Site Agreement.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Orange County "Save a Life" Program:**

Supervisor Livsey reported that Orange County is holding a "gun buyback program" from January 18 to March 18. The Supervisor said that guns can be turned in in Middletown, Newburgh and Port Jervis.

Supervisor Livsey said that on January 17 Orange County is inviting law enforcement to join them at the 911 Center in Goshen.

**Job Description for Dog Control Officer:**

Supervisor Livsey said Randy Bailey has suggested some changes be made to this job description. The Supervisor said this job description would be for internal use and would not replace the County's.

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Supervisor Livsey made a motion seconded by Council Member Edsall to adopt the new Dog Control Officer Job Description.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Fort Montgomery FD Ice Skating Party:**

Supervisor Livsey has a request from the Fort Montgomery Fire Dept. for permission to hold an ice skating party on Garrison Pond. The Supervisor said the Fire Dept. will provide the Town with an insurance certificate prior to the party.

Council Member Stradley made a motion seconded by Council Member Gunza to approve the Fort Montgomery Fire Department's request for an ice skating party.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Drug & Alcohol Testing Agreement and Policy:**

Supervisor Livsey said that Mr. Rider would like to look into other drivers being tested.

Mr. Rider said he would brief the Board on the policies.

Council Member Gokey made a motion seconded by Council Member Gunza to authorize Supervisor Livsey to sign the agreement with Partners in Safety for drug and alcohol testing.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**GASB #45:**

Ms. Blauvelt explained that the Town needs to hire an Actuary to estimate the future retirement costs which is something that needs to happen before an audit is done.

Council Member Edsall made a motion seconded by Council Member Gokey to authorize the Supervisor to sign an Actuary Services Contract with Dan Zinger.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Drug & Alcohol Testing:**

Ms. Blauvelt said the Drug & Alcohol Policy says the Town uses Amtek, but it should be Partners in Safety. Ms. Blauvelt asked if she needed Board approval to change this.

Council Member Edsall made a motion seconded by Council Member Stradley to use an agency approved by the Town Board for Drug & Alcohol testing.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Loan of ATV to Village Highway Dept:**

Supervisor Livsey said the Town has loaned one of the ATV's to the Village Highway Dept. and it will be used to plow the sidewalks. The Supervisor said the Town can't sell or give the ATV to the Village because it was obtained through a grant.

Supervisor Livsey made a motion seconded by Council Member Gokey to loan one (1) ATV to the Village Highway Dept. for a sum of \$1 per year.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Generators for Town Hall & Sewer Plant:**

Supervisor Livsey said he received the plans from MHE for the generators and it can now go out to bid. The Supervisor said the approximate cost for the Town Hall remediation and generator will be \$80,000 and the generator for the Sewer Plant will cost \$40,000.

Ms. Blauvelt said she found out that FEMA might pay for the work.

Council Member Gunza said this needs to be put out to bid so things can move forward.

Supervisor Livsey said the money is in the Town Hall Reserve Fund to pay for the work.

Mr. Rider advised the Board to be careful how the bid is worded.

Ms. Blauvelt said she should have a definite answer from FEMA soon.

Council Member Gunza made a motion seconded by Council Member Stradley to put out to bid the remediation behind the Town Hall, the generator for the Town Hall and the generator for the Sewer Plant.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**Transfer Station, Sanitation & the Future:**

Supervisor Livsey reported that beginning in March, the Town will be going to Goshen with the garbage. The Supervisor said he is going to look into why West Point can bring their garbage to the Orange County Transfer Station.

Supervisor Livsey said he believes that the Town's Sanitation Department is the best, but the Board will be looking at options to reduce these costs.

**Bereavement Leave Policy:**

Supervisor Livsey said there is no Bereavement Leave Policy in the Employee Handbook and he would like to propose using the same Bereavement Leave Policy that the Highway Department uses.

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Council Member Gunza made a motion seconded by Council Member Gokey to include the Bereavement Leave Policy in the Employee Handbook.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

### **Raymond Burr – Probation Complete:**

Supervisor Livsey said that Police Officer Raymond Burr has completed his probationary period and the Board needs to decide whether to continue his employment.

Council Member Stradley made a motion seconded by Council Member Edsall to continue Police Officer Raymond Burr's employment with the Town of Highlands.

**MOTION CARRIED: 4-eyes (Edsall, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-abstain (Livsey)**

### **Police Vehicle Request:**

Supervisor Livsey said Chief Quinn would like to purchase a 2013 Interceptor SUV to replace the 2008 Trail Blazer. The Supervisor said the cost of the vehicle, with equipment, would be approximately \$37,000 or there is a lease option.

Council Member Gokey said that if it was purchased, it would come out of the Reserve Fund, but she asked what would happen if it was leased.

Mr. Rider said he would need to review the language of the Reserve Fund.

The Board had a discussion on the new vehicle.

Supervisor Livsey tabled this until the next meeting and he will ask Chief Quinn to be present.

### **ZBA Application Fees:**

Supervisor Livsey said the ZBA spend \$5,000 in 2012 that should have been paid by the applicants. The Supervisor asked Council Member Edsall to notify the ZBA to start collecting escrow money from applicants.

Council Member Edsall said he had already advised them, but he would revisit the issue when they get a new Chairman.

### **Handbook Expense Reimbursement Policy:**

Supervisor Livsey said the Board needs to establish guidelines for the reimbursement of expenses.

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Council Member Edsall made a motion seconded by Council Member Stradley to set the mileage reimbursement at the adopted rate and the meals will be reimbursed at a maximum of \$50 per day with receipts and that alcohol expenses will not be reimbursed.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### PUBLIC COMMENT

Laura Milsom thanked the Board for being fiscally responsible regarding the vehicle purchase. Ms. Milsom said the Sanitation employees are great, but she is concerned with people not recycling and wondered if a policy could be done to address this issue.

Supervisor Livsey agreed that the Town should get stronger with recycling.

Ms. Milsom asked the Board what is being done with the derelict property at 109 Center Street.

Supervisor Livsey directed her to the Village Board.

Council Member Gokey said she believes that Mr. Hager has done everything he can, but she will talk to him and ask him to run a report.

Supervisor Livsey asked Mr. Rider to get together with Mr. Hager and Council Member Gokey to look at this.

Sal Feducia asked who will pay for repairs on the ATV that was loaned to the Village.

Supervisor Livsey said the Village would pay for any repairs.

Lynda Bashoor asked questions and expressed her concerns regarding the Fort Montgomery Marina.

Mervin Livsey, Jr. said the Ponytail League is getting smaller and he wondered if other communities could be asked to join.

Judge Fatsis asked Council Member Edsall about the letter in the paper that referenced the Court's budget.

Council Member Edsall said he believes his point was the A Fund was up because of the additional medical and retirement costs.

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Judge Fatsis would like to discuss the possibility of the Town making their own legislation for a Peace Officer.

Supervisor Livsey said he has no problem with that as long as it is legal.

Mr. Rider said he would review this again.

Council Member Gunza said she asked the Village for help with security, but they said no.

Dan Zint asked if the Board had contacted surrounding Town's for information on Court Officers.

Supervisor Livsey said they had not, but he would do that.

Council Member Gokey asked what the liability would be if Mr. Zint carried his weapon.

Mr. Rider said he does not meet the qualifications to carry it.

### **EXECUTIVE SESSION**

Supervisor Livsey made a motion seconded by Council Member Edsall to go into executive session to discuss Personnel problems in the Building Department and Police Department. Board went into executive session at 9:30pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Council Member Gokey made a motion seconded by Council Member Stradley to close the executive session. Executive session closed at 10:00pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Council Member Edsall made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 10:01pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Attest,

RESOLUTION  
OF  
JANUARY 14, 2013

TO ADOPT PROCUREMENT GUIDELINES

Councilwoman Gokey moved the following resolution which was seconded by Councilwoman Gunza.

WHEREAS, LEGISLATION RAISING THE GML, SEC 103 BIDDING LIMITS TO \$20,000 AND \$35,000 FOR PURCHASE AND PUBLIC WORKS CONTRACTS, RESPECTIVELY, EFFECTIVE JUNE 22, 2010, REQUIRES LOCAL GOVERNMENTS TO ADOPT PROCUREMENT POLICIES FOR PURCHASES AND CONTRACTS FOR SERVICES THAT ARE NOT SUBJECT TO COMPETITIVE BIDDING; AND

Whereas, section 104-b of the GML requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, sect 103 or any other law; and

Whereas, comments have been solicited from those officers of the Town involved with procurement; now, therefore, be it

Resolved; that the Town of Highlands does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, sect 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter purchaser) shall estimate at the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML, sect 103.

Guideline 3.

<b><u>Goods&amp;Services</u></b> <b><u>Dollar Amount</u></b>	<b><u>Procedure</u></b>	<b><u>Public Works</u></b> <b><u>Dollar Amount</u></b>
Up to \$250	No competition required.	Up to \$250
\$251 - \$1,000	Documented solicitation of verbal or internet quotes from at least 3 sources. Purchase order required with approval of department head and comptroller.	\$251 - \$1,000
\$1,001 - \$2,500	Documented solicitation of verbal or internet quotes from at least 3 sources. Purchase order required with approval of supervisor and comptroller.	\$1,001 - \$2,500
\$2,501 - \$19,999	Written quotes from at least 3 sources. Purchase order required with approval of supervisor and comptroller.	\$2,501 - \$34,999
Over \$20,000	Subject to competitive bidding.	Over \$35,000

Purchases over \$250 must have a purchase requisition attached, signed by the Department Head and the Comptroller. Any purchase requisitions not approved by the Comptroller will not be processed for payment. In the absence of the Comptroller, the department liaison may approve the purchase requisition. Purchase requisitions over \$1,000 also require the signature of the Supervisor.

Any written RFP shall describe 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.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. 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 the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or

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

Guideline 6. Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A) Acquisition of professional services;
- B) Emergency purchases;
- C) Single source situations;
- D) Goods purchased from agencies for the blind or severely handicapped;
- E) Goods purchased from correctional facilities;
- F) Goods purchased from another governmental agency;
- G) Goods purchased at auction;
- H) Goods purchased for less than \$250;
- I) Utility bills.
- J) Gasoline for vehicles.
- K) Software support agreements.
- L) Dues and subscriptions.
- M) Health insurance premiums.
- N) Social security and workers' compensation premiums.
- O) Unemployment insurance.
- P) Postage.
- Q) Election officials' fees.
- R) Payments on leases.
- S) Purchases from municipal contract.

Guideline 7. For the purposes of this policy, the following definitions apply:

**EMERGENCY:** Emergency purchase is defined in Section 103.4, Article 5A of the General Municipal Law. An emergency is defined by the Town of Highlands as a situation which threatens lives, health or public property safety.

In the case of an emergency requiring immediate action, the department head responsible for that operation will assume charge for the operation. The department head must write a memorandum within 72 hours of the emergency detailing the event and any purchases made. The memorandum must be submitted to the Town Board, the Purchasing Agent and the Comptroller.

**SINGLE SOURCE PROVIDER:** A single source provider is a source specifically selected amongst others, if any, due to specific reasons, i.e. replacement parts, compatibility, quality, service, support, etc. Documentation must be provided which details the specific reasons the sole source provider was chosen.

Guideline 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman, voting **Aye**

June Gunza, Councilwoman, voting **Aye**

Holly Gokey, Councilwoman, voting **Aye**

William Edsall, Councilman, voting **Aye**

Mervin R. Livsey, Supervisor, voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a special meeting of the Town Board, Town of Highlands, on January 14, 2013.

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June Patterson, Town Clerk