



# Town of Porter

## Organizational Meeting

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

~ Minutes ~

Gail Zachary

Wednesday, January 2, 2013

3:00 PM

Town Hall Auditorium

### I. Call to Order

3:00 PM Meeting called to order on January 2, 2013 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Present	3:40 PM
Joe Fleckenstein	Town of Porter	Councilman	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	

### II. Public Portion

### III. Resolutions/Reports

#### 1. Report 2013-1

#### Opening Comments

#### Opening Comments

"Good Afternoon,

I would like to take this time to congratulate Wayne Pollow to his election as Porter Town Justice.

Today the Town Board will make a number of appointments, set fees and rates, establish committees, plus other necessary official town policies and procedures.

I'd like to thank the Town Board, along with the employees within the Town Hall, and the DPW for their daily efforts in making the Town of Porter a great place to live and work."

Merton K. Wiepert  
Supervisor

**RESULT: REPORT ISSUED**

**2. Resolution 2013-1****Attorney & Engineer**

**Reappoint Michael J. Dowd as Attorney for the Town for the year 2013 at \$20,600.00, to be distributed as follows: 50% town-wide, 25% Zoning and 25% Planning, and to authorize the Supervisor to sign the contract.**

**Reappoint Attorney Michael J. Dowd as Town Prosecutor for 2013 at \$8,240.00, and authorize the Town Supervisor to sign the contract.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Mert Wiepert, Thomas Baia, Larry White, Joe Fleckenstein
<b>ABSENT:</b>	Jeff Baker

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**3. Report 2013-2****Engineer**

**Per Councilman White's request, the decision to appoint CRA Infrastructure & Engineering, Inc. as the Town engineering firm for 2013 at \$7,200.00 was tabled for further discussion at a later date.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Resolution 2013-2****Planning & Zoning Board Appointments**

**Reappoint Jackie Robinson to the Zoning Board of Appeals. Term of office is from January 1, 2013 to December 31, 2017.**

**Reappoint John "Duffy" Johnston as Chairman of the Town of Porter Zoning Board of Appeals for 2013.**

**Reappoint Nancy Smithson as Secretary of the Town of Porter Zoning Board of Appeals for the year 2013**

**Appoint George Spira as chairman of the Town of Porter Planning Board for the year 2013.**

**Reappoint Donald McCollum to the Planning Board for the term 1/1/2013 thru 12/31/2017.**

**Reappoint Pamela Parker as Secretary of the Town of Porter Planning Board for the year 2013.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Joe Fleckenstein, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

**5. Resolution 2013-3**

**Set - 2013 Salaries**

Resolution to set the following salaries for the year 2013:

**Town of Porter**

	<b>Hourly</b>	<b>2013 ANNUAL</b>	<b>TOTAL</b>
<b>Councilman Jeff Baker</b>		7,165	
<b>Councilman Larry White</b>		7,165	
<b>Councilman Joe Fleckenstein</b>		7,165	
<b>Councilman Tom Baia</b>		7,165	
<b>Deputy Super</b>		515	<b>7,680</b>
<b>Justice David Truesdale</b>		16,657	
<b>Justice Wayne Pollow</b>		16,657	
<b>Court Officer Tim Wilksmore</b>	12.00	1,320	
<b>Court Officer Tom Burley</b>	12.00	1,320	
<b>Court Clerk - Lisa Hastings</b>		40,413	
<b>Longivity</b>		175	
<b>Recreation Secretary P/T</b>		3,759	<b>44,347</b>
<b>Supervisor Merton Wiepert</b>		30,579	
<b>Budget Officer</b>		1,503	<b>32,082</b>
<b>Bookkeeper Norm Ault</b>		38,393	
<b>Longivity</b>		175	
<b>System Manager</b>		2,759	
<b>Budget Assistant</b>		1,977	
<b>Salary</b>		2,021	
<b>Asst Town Clerk</b>		1,000	
<b>Asst Registrar</b>		500	<b>46,825</b>
<b>Tax Collector Sally Hogan</b>		5,878	

Deputy Collector Patricia Cranston		862	
Assessor (non-certified) Susan Driscoll		39,134	
Planning Coordinator		750	
Zoning Coordinator		750	<b>40,634</b>
Assessor Clerk Margaret Ann Given	12.12	12,338	
Town Clerk Gail Zachary		38,230	
Registrar		6,192	
Water Payment Clerk		5,317	
Sewer Payment Clerk		2,926	<b>52,665</b>
Deputy Town Clerk Barbara DuBell		34,457	
Deputy Registrar		2,302	<b>36,759</b>
Highway Superintendent Scott Hillman		35,743	
Water Superintendent		15,649	
Sewer Superintendent		14,742	
Park Maintenance		1,000	
Town Hall Maintenance		500	<b>67,634</b>
Highway Clerk P/T Charmayne Pollow	13.67	11,045	
Water Clerk P/T		1,449	
Sewer Clerk P/T		1,449	<b>13,943</b>
Historian Suzanne Dietz		2,257	
Deputy Historian Rosanne Moje		670	
Crossing Guard	12.45	5,852	<b>6,522</b>
Code Inf/Bldg Inspect Roy Rogers		18,074	
Water Clerk P/T Ramona Lockhart		10,575	
Sewer Clerk P/T	16.01	5,828	
Story Hour Director P/T		5,691	<b>22,094</b>
Story Hour P/T Teresa Bednarczyk		4,273	
Story Hour P/T Sharon Rugg		4,273	
Summer Rec Director P/T Kathy Zasucha		9,169	
Deputy Summer Rec Dir P/T Terry Nyland		5,282	
Zoning Board Secretary P/T Nancy Smithson		3,834	
Zoning Board Chairman P/T Duffy Johnston		2,000	
Zoning Board Member	65.00 per meeting		
Planning Board Secretary P/T Pam Parker		4,566	
Planning Board Chairman P/T George Spira		2,000	
Planning Board Member P/T	65.00 per meeting		
Drainage Mower P/T Russell Whyte	13.60	13,600	
Deputy Hwy Supt MEO David Gombert	23.83	48,757	
Longivity		725	<b>49,482</b>

MEO Steven Bills	22.12	46,187	
MEO Jim Stone	22.12	46,187	
MEO Wendy Shaw	15.06	31,445	
Hwy Relief - Sidewalks P/T	13.60		
Sidewalk - Plowing P/T Hoppy Leggett	9.93		
Water/Sewer Foreman David	23.83	49,757	
Burmester			
Longivity		1,025	<b>50,782</b>
Water/Sewer Scott Cudney	22.12	46,187	
Summer Help - Hgwy P/T	9.36	7,488	
Summer Help - Hwy P/T - new	8.53	6,824	
Summer Help - Recreation	8.53	1,706	
Summer Help - Recreation - new	8.53	1,706	

**Paid by Voucher**

**Board of Assessment Review** 75.00 per day

<b>RESULT:</b>	<b>ADOPTED [3 TO 1]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Thomas Baia, Deputy Supervisor
<b>AYES:</b>	Mert Wiepert, Thomas Baia, Larry White
<b>NAYS:</b>	Joe Fleckenstein
<b>ABSENT:</b>	Jeff Baker

**6. Report 2013-3****Executive Session**

At this time, Councilman Fleckenstein, with Councilman White seconding, moved to go into executive session to discuss a personnel matter. Unanimously carried.

No decision or changes were made and Councilman White moved to go back into the regular session. Councilman Baia seconded the motion. Unanimously carried.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Resolution 2013-4****Additional Benefits**

**Longevity Schedule for full-time employees:**

<b>10 Years Service: Additional</b>	<b>\$175.00</b>
<b>15 Years Service: Additional</b>	<b>\$425.00</b>
<b>20 Years Service: Additional</b>	<b>\$725.00</b>
<b>25 Years Service: Additional</b>	<b>\$1,025.00</b>

**Set Health Reimbursement Account: \$700 annual, Full time employees, and \$500 annual for Grandfathered employees.**

**Set work boot reimbursement \$150 for 2013 (Full time DPW Employees)**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Mert Wiepert, Thomas Baia, Larry White, Joe Fleckenstein
<b>ABSENT:</b>	Jeff Baker

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**8. Resolution 2013-5**

**Set Monthly Town Board Meeting**

**Set the regular Town of Porter, Town Board meetings on the second Monday of each month at 7:00 P.M. in the Porter Town Hall, 3265 Creek Road, Youngstown, NY, throughout the year of 2013, except for October and November. Those meetings will be on Monday, October 7<sup>th</sup> due to the Columbus Day holiday and Tuesday, November 12<sup>th</sup> due to the Veterans Day holiday.**

January 14, 2013  
February 11, 2013  
March 11, 2013  
April 8, 2013  
May 13, 2013  
June 10, 2013

July 8, 2013  
August 12, 2013  
September 9, 2013  
October 7, 2013  
November 12, 2013  
December 9, 2013

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

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**9. Resolution 2013-6**

**Miscellaneous Appointments**

Reappoint Supervisor Merton K. Wiepert as Budget Officer for the year 2013.

Reappoint Glenn Caverly as the Stormwater Management Officer for 2013.

Reappoint Rotella Grant Management as the Town's grant writer for 2013, on a month -to- month basis on a monthly retainer of \$500.00 per month and 2% commission, with a maximum of \$5,000.00. Commission to be paid when grant check is received.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

#### 10. Resolution 2013-7

#### Water/Sewer Rates for 2013

#### WATER AND SEWER RATES Effective for January 1, 2013:

##### Gallons

0-7,000 Gallons	\$15.75 Minimum
7,000 - 20,000 Gallons	\$2.26 per thousand
20,000 - 100,000 Gallons	\$2.00 per thousand
Over 100,000	\$1.50 per thousand (Irrigation Rate)

New York State Parks Minimum charge of:	\$329.61
First 100,000 gallons	182.29
Over 100,000 gallons	\$1.50 per thousand

All water bills will be charged an additional 10% surcharge to be used to build up the Water Reserve account for anticipated Capital Projects

Village of Youngstown \$1.66 per thousand

##### Existing Tapping

5/8" x 3/4" Meter with Outside Dial (normal house installation)	\$200
5/8" x 3/4" Meter with Outside Dial (meter pit)	625
1" Meter with Outside Dial (normal house installation)	300
1" Meter with Outside Dial (meter pit)	825

##### New Service

3/4" Direct tap service w/Orion meter (House Installation)	750
3/4" Direct tap service w/Orion meter (Meter Pit)	1,100
1" Direct tap service w/Orion meter (House Installation)	925
1" Direct tap service w/Orion meter (Meter Pit)	1,375
1-1/2" Service provided upon application (price to be determined)	
2" Service provided upon application (price to be determined)	
Service Charge	25 (off/on)
Water / Sewer Inspection for Sale of Property	80
Water Inspection for Sale of Property	40
Sewer Hook-up Fee	700
After hours turn on/turn off or sewer inspection	100/100
Compliance letter for sale of property	5
Hydrant Meter Deposit	100

Sewer Rates Effective for January 1, 2013:

Village of Youngstown	\$4.70 per thousand
Fort Niagara State Park	4.70 per thousand
Town of Porter	
	0-7,000 \$32.90
	Over 7,00 4.70 per thousand

Treatment Rate to Town of Lewiston \$3.25 per thousand gallons.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

#### 11. Resolution 2013-8

#### Town Fees - 2013

#### Building /Zoning/Planning Fees - 2013

One (1) family house	\$ 300 for up to 3,000 sq/ft then \$0.25 per sq/ft
Two (2) family house	\$400 for up to 3,000 sq/ft then \$0.25 per sq/ft
Addition to house/trailer	100
Garage addition/New garage/Pole barn	50
Shed, Porch, Deck	25
Commercial building, Condo (3 or more units) (plus engineering cost recovery)	500 plus 100 Per Unit
Commercial telephone tower	500
Addition to commercial building (non-residential)Demolish building	125 25
Alterations	50
Public Hearing Fee - Zoning Board	100
Public Hearing Fee - Planning Board	100
Fences	25
Pool - above ground	25
Pool - in ground	50
Wind energy conversion system (per tower)	100
Temporary use permit	50
Change of use permit	50
Certificate of legal non-conformity	50
Outdoor wood-burning furnace	50

ANY project, requiring a building permit, started prior to having received the permit, shall be subject to a \$250.00 per day fine.

Engineering Cost Recovery Fees:  
Residential: \$500 plus \$50 per lot or living unit  
Commercial: \$2,000 per structure

**STORMWATER FEES:****For Single-Phase Residential & Commercial Development Projects ("Scheme A"):**

0 - 5 Acres: \$500.00

5 - 10 Acres: \$500.00 + \$350.00 = \$850.00

10 + Acres: \$850.00 + \$300.00 for each additional 5 acres

**For Multi-Phase Residential & Commercial Development Projects ("Scheme B"):**

1. When the entire project is first being reviewed and approved by the municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.

2. Add \$500.00 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

**TOWN CLERK FEES:****2013 Dog Fees:**

Spayed/Neutered	<b>Total Fee:</b>	<b>\$ 10.00</b>
Not spayed/neutered	<b>Total Fee:</b>	<b>\$ 18.00</b>
Purebred	<b>Total Fee:</b>	<b>\$ 25.00</b>

Set \$20.00 fee on each check tendered as payment and returned for **INSUFFICIENT FUNDS.**

Subdivision Regulations	<b>\$10.00 + postage</b>
Zoning Book	<b>30.00 + postage</b>
Master Plan	<b>25.00 + postage</b>
Zoning Maps	<b>10.00 + postage</b>
Genealogy Search (Certified)	<b>10.00</b>
F.O.I.L. & Minutes Copies	<b>.25 per page</b>
Copy of:	
Marriage Certificate	<b>10.00</b>
Birth Certificate	<b>10.00</b>
Death Certificate	<b>10.00</b>

Set Fax Charges as follows: **\$2.00/fax.**

Set Photocopy charges as follows:	<b>Letter Size</b>	<b>.15 each</b>
	<b>Legal Size</b>	<b>.25 each</b>
	<b>11" x 17"</b>	<b>.30 each</b>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Thomas Baia, Deputy Supervisor
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

**12. Resolution 2013-9****Holidays - 2013**

**Set the following Holidays for 2013:**

New Year's Day	Tuesday, January 01, 2013
Martin Luther King, Jr Day *	Monday, January 21, 2013
President's Day **	Monday, February 18, 2013
Good Friday	Friday, March 29, 2013
Memorial Day (Observed)	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Floating Holiday ***	Friday, July 05, 2013
Labor Day	Monday, September 02, 2013
Columbus Day (Observed)	Monday, October 14, 2013
Veteran's Day	Monday, November 11 2013
Thanksgiving Day	Thursday, November 28,2013
Day After Thanksgiving	Friday, November 29, 2013
Christmas Day	Wednesday, December 25, 2013
New Year's Day	Wednesday, January 01, 2014

\* The Highway Department will receive the FIRST DAY OF SMALL GAME SEASON IN PLACE OF MARTIN LUTHER KING JR. DAY.

\*\* The Highway Department will receive the FIRST WORK DAY OF BIG GAME SEASON IN PLACE OF PRESIDENT'S DAY.

\*\*\* Work Election Day-Take floating holiday

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

**13. Resolution 2013-10****Contracts - 2013**

**Approve the following Contracts as budgeted and authorize the Town Supervisor to sign the Contracts as they come due in 2013.**

01-1989.0004	Village of Youngstown (Village Center Recreation, Senior Citizens)	10,000
01-1989.0004	Village of Youngstown	10,000
01-6460.0004	Industrial Dev (NIACAP)	4,000
01-6510.0004	American Legion O Leo Curtis Post 830 (Maintenance) Ransomville	2,000
01-6510.0004	Veterans of Foreign Wars Post 813 Youngstown	2,000
01-6772.0004	Ransomville Rural Retirees (Services)	1,500
02-6989.0004	LNRRCOC Annual Contract	10,000
02-6989.0004	LNRRCOC Annual Contract	7,500
02-6989.0004	LNRRCOC Special Event	2,500

01-7410.0004	Youngstown Free Library	72,658
01-7410.0004	William J McLaughlin Free Library	72,658
01-7520.0004	Ransomville Historical Project	1,350
01-7520.0004	Old Fort Niagara Association	20,000
01-7520.0004	Town of Porter Historical Society (Program Maintenance)	2,500
01-7550.0004	Ransomville Country Faire (Ransomville Historical Project)	1,000
01-7550.0004	Village of Lewiston Fireworks	1,000
01-7550.0004	Youngstown Field Days Fire Works	1,500
01-7550.0004	Lighting of the Wreaths (Ransomville Historical Project)	1,500
01-8510.0004	Ransomville Business Professional Assn. (Comm Beautification)	2,000
01-8510.0004	Ransomville Flowers	700
02-7310.0004	Niagara Pioneer Soccer League	500
02-7310.0004	Wilson Youth Baseball (Baseball Program)	500

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

#### 14. Resolution 2013-11

##### Miscellaneous Authorizations - 2013

Authorize the Highway Superintendent to use Town forces and/or town equipment for shared services and to aid municipalities that declare a STATE OF EMERGENCY.

Authorize the Highway Superintendent to purchase pipe, stone, asphalt, etc., at County Bid Prices. Salt, tires, etc., at State Bid Prices. Tools at prices not to exceed \$1,500.00 without approval by the Town Board.

Set Mileage Rate at 50 Cents/Mile.

Set the Town Hall Hours:

Monday - Friday      8:00 AM until 4:00 PM

Designate Official Banks:                      First Niagara Bank

Designate Official Newspaper:              Niagara Gazette, Niagara Falls, NY

Authorize the following to attend the Association of Towns Convention in New York City from February 17-20, 2013: Town Justices, One (1) member each from Planning & ZBA.

Appoint George Spira as the Town Delegate to the Association of Towns' Convention in New York City and appoint David Truesdale as the Town Alternate to the Association of Towns' Convention February 17-20, 2013 in New York City.

Authorize and set the following: PETTY CASH: Town Justices \$50.00 each, Water Clerk \$50.00, Town Clerk \$50.00, Tax Collector \$100.00 and Highway Department \$40.00.

Authorize the Town Justices to hire a Court Stenographer when needed, and set Jury Fees as follows: \$10.00 if called and reported, \$40.00 if seated.

Authorize the following: For the betterment of Town Government, authorize the payment of the following dues: Supervisors' and County Legislators' Association, New York State Association of Town Magistrates (for both Justices), New York State Assessors' Association, Niagara County Assessors' Association, New York State Association of Tax Collectors and Receivers, Niagara County Water Supervisors' Association, New York State Association of Town Highway Superintendents, American Waterworks Association, Environmental Association, New York State Association of Town Clerks, Niagara County Town Clerks Association, International Construction Expo, Niagara County Magistrates (for both Justices), New York State Planning Board Association, New York State Association of Town's Dues for 2013, and NYS-GFAO Association Dues for 2013.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joe Fleckenstein, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

15. Resolution 2013-12

**Supervisor's Appointments - 2013**

**SUPERVISOR'S COMMITTEES:**

Deputy Supervisor-Thomas Baia  
 Insurance- Gail Zachary, Norm Ault, Tom Baia, and Lisa Hastings.  
 Water-Merton Wiepert, Scott Hillman, Jeff Baker.  
 Sewer- Joe Fleckenstein, Scott Hillman, and Larry White.  
 Land-ALL TOWN BOARD MEMBERS and Roy Rogers  
 Cable TV-Tom Baia, Joe Fleckenstein  
 Refuse- Tom Baia, Norm Ault and Jeff Baker.  
 Audit Committee- Tom Baia, and Larry White  
 Drainage - Joe Fleckenstein and Jeff Baker  
 G.I.S. - Susan Driscoll (Coordinator), Scott Hillman, Norm Ault  
 Employee Compensation -Larry White, Gail Zachary, and Norm Ault.

**LIAISONS:**

CWM- (Citizens Advisory Committee) Merton Wiepert, William Choboy, Peter Diachun, and J. Anthony Collard.  
 Village of Youngstown-Tom Baia  
 Recreation Department-Merton Wiepert  
 Niagara Falls Area Chamber of Commerce-Tom Baia  
 Libraries-Larry White  
 Fire Companies-Tom Baia, Youngstown and Jeff Baker, Ransomville.  
 Human Relations- Joe Fleckenstein, Merton Wiepert and Norm Ault  
 Highways-Joe Fleckenstein, Scott Hillman, and Larry White  
 Buildings-David Truesdale, Merton Wiepert and Scott Hillman  
 Planning Board- Joe Fleckenstein and Tom Baia  
 Zoning Board- Jeff Baker and Larry White  
 Historical Societies-Merton Wiepert  
 Lower Niagara River Chamber of Commerce - Joe Fleckenstein and Jeff Baker  
 L.O.O.W. (Restoration Advisory Board) - William Choboy  
 Greenway (Power Authority) - Larry White

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

16. Resolution 2013-13

**Procurement Policy**

**Town of Porter Procurement Policy**

WHEREAS, General Municipal Law (GML) § 104-b requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML § 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 Porter 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 § 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 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 \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML § 103.

**Guideline 3.** All estimated purchases of:

- Less than \$10,000 but greater than \$5,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
- Less than \$5,000 but greater than \$2,500 requires an oral request for the goods and oral/fax quotes from two vendors.
- Less than \$2,500 but greater than \$250 is left to discretion of the Purchaser.

All estimated public works contracts of:

- Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from three contractors.
- Less than \$10,000 but greater than \$5,000 requires a written RFP and fax/proposals from two contractors.
- Less than \$5,000 but greater than \$500 is left to the discretion of the Purchaser.

Any written 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.

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. [For example, the second low bidder is a business in town, paying town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier.] 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 the 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) Emergencies;
- (c) Sole-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) Public works contracts for less than \$500.
- (j) Goods purchased under NY State Contract
- (k) Goods purchased under Standardization Policy

**Guideline 7.** This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

The following employees are authorized to make purchasing decisions:

Merton K. Wiepert	Supervisor
Gail Zachary	Town Clerk
Scott Hillman	Highway Superintendent *
David Truesdale	Town Justice
Norman Ault	Bookkeeper

\* If Highway Superintendent is incapacitated then this authorization goes to Dave Gombert and/or Dave Burmaster

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Deputy Supervisor
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein

## 17. Resolution 2013-14

### Cash Management Policy

The objectives of the Investment Policy of the Town of Porter are to minimize risk, to insure the investments mature when the cash is required to finance operations, and to insure a competitive rate of return. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in: REPURCHASE AGREEMENTS.

Certificates of Deposit issued by a bank or trust company authorized to do business in New York

State.

Time Deposit Accounts in a bank or trust company authorized to do business in New York State.

All other Town of Porter Officials receiving money in the official capacity must deposit such funds in negotiable order of withdrawal accounts.

Repurchase agreements shall be authorized subject to the following restrictions:

\*All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

\*Trading Partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

\*Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.

\*No substitution of securities will be allowed.

\*The Custodian shall be a party other than the trading partner.

#### COLLATERAL

Certificates of Deposit shall be secured by insurance of FDIC. All deposits in excess of FDIC limits shall be collateralized.

#### WRITTEN CONTRACT

Written Contracts shall be required for the purchase of all Certificates of Deposit.

#### REPORTING AND AUDIT

The Chief Fiscal Officer shall include, in the Supervisor's Monthly Report, the monies invested in Certificates of Deposit, Time Accounts, and Checking Accounts.

The Town Board of the Town of Porter shall review and approve an annual investment policy and amend if necessary these guidelines at the Organizational Meeting held the first week in January of each fiscal year.

THE CASH MANAGEMENT POLICY WAS ADOPTED ON JANUARY 2, 2013 BY A UNANIMOUS VOTE OF THE TOWN OF PORTER TOWN BOARD.

\_\_\_\_\_ TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, Baia, White, Baker, Fleckenstein