

Organizational Meeting
January 5, 2009

Minutes of the Organizational Meeting held on the above date beginning at 4:00 p.m. in the Meeting Room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members present: Supervisor Robert Politi, Councilmen Jay Rand, Bob Miller, Chuck Damp and Denice P. Fredericks, Deputy Town Clerk.

Others present: Pastor Derek Spain, Attorney Ronald Briggs, Cathy Gregory, Laurie Dudley, Larry Straight and Jacob Resneck.

Supervisor Politi called the first meeting for the year 2009 for the Town of North Elba Board to order at 4:00 p.m for the purposes of organizing Town Government.

Supervisor Politi asked everyone to stand and honor our flag with the Pledge of Allegiance.

Supervisor Politi introduced Pastor Derek Spain and asked him to give us a prayer on behalf of the Board and the Community for the new year of 2009.

Pastor Derek Spain offered a prayer for the Town for the up coming year.

Supervisor Politi thanked Pastor Spain for coming today.

Supervisor Politi introduced Board Members and Department Heads.

Supervisor Politi stated it is my pleasure to introduce Laurie Curtis Dudley our new Town Clerk and will be administered her oath of office by Denice Fredericks.

Supervisor Politi stated I would like to take a second to say thank you to everyone for the hard work of last year I enjoyed very much working with each one of you as board members and Ronnie with you as Town Attorney and my department heads. He stated I feel that we made a lot of success during the year and I hope you feel the same way and in keeping with that I still want everyone to focus on the fact that we represent the Community rather than ourselves so every time that I do an Organizational Meeting I like to move a Resolution of Commitment for each of our board members so if you bare with me I would like to read that Resolution of Commitment and offer it for the year 2009.

I look forward to this opportunity of working with each of you again this year. Although we may not always agree on all of the issues all of the time, we must remain unified in our pursuit of the highest standards for the Town of North Elba

As individuals, we are presented from time to time with ethical dilemmas:

Sometimes honesty about the facts of a situation will conflict with loyalty to our family, friends and supporters.

Sometimes short-term solutions will conflict with the long-term good.

Sometimes what is the best for the community will be at odds with the rights of the individual.

And, sometimes, hard choices need to be made between forbearance for some and justice for others.

As a board, however, we are expected to make decisions-good decisions. It's our job.

Now, therefore, let's resolve to work together, respecting each other's conflicts and dilemmas, to make good decisions for the people of North Elba. Do I have a second to the resolution.

The resolution was unanimously seconded.

Supervisor Politi stated at this point we will move on to the Organizational Meeting and you are welcome to stay, but it is basically the procedural duties of this Board for 2009.

He stated again, I thank you very much and appreciate your coming today.

Supervisor Politi stated that he will read thru the proposed 2009 format.

Supervisor Politi then presented the proposed format for the year 2009 as follows:

1. The regular meeting of the Town Board of the Town of North Elba will be held on the second Tuesday of each month at 7:00 p.m. in Lake Placid, except for the months of July and September at which time they will be held at the North Elba Town House in Saranac Lake, New York.
2. Rules of order governing the Town of North Elba shall be pursuant to Section 63 of Town Law allowing any Board member (including the Supervisor) to bring a motion, and second a motion before said motion comes to a vote.
3. That Councilman Favro be appointed at the pleasure of the Supervisor to the position of Deputy Supervisor with the power to sign all checks of the Town of North Elba and preside over all meetings and functions during the absence or inability to act of the Supervisor.
4. That the Supervisor of the Town of North Elba (or in the Supervisor's absence or inability to act, the Deputy Supervisor) shall have the authority to perform such

ministerial functions and duties necessary and appropriate to the business affairs of all Districts of the Town during those occasions when the Town Board is not in session; and the Supervisor (or the Deputy Supervisor) shall report such actions to the Town Board at the next regularly scheduled meeting. In the event a District-related issue involves a matter that could require a policy determination by the Board as a whole, or require a commitment or expenditure of funds not previously approved and authorized, the Supervisor or the Deputy Supervisor acting in accordance with Town Law, shall commence a special meeting of the governing Board.

5. That the Town Board approve the recommendation by Laurie Curtis Dudley Town Clerk/ Registrar and Denice P. Fredericks as Deputy Clerk/Registrar.
6. That Catherine Gregory be appointed as Budget Officer for the Town of North Elba, the North Elba Park District and all Special Districts.
7. That Ronald J. Briggs be appointed as Town Attorney.
8. That Kimball W. Daby be named as Chairman/Clerk of the Board of Assessors.
9. That the Board approves Denice P. Fredericks as Clerk to the Supervisor.
10. Beverly Reid be named as Town Historian.
11. That Catherine Gregory be named Human Resource Coordinator and Andrea Randall be Human Resource Representative.
12. That Rose Van Wormer be appointed as the Town Safety Coordinator.
13. That James Morganson serve as Director of Codes with the function of overseeing building inspection, fire codes and enforcement actions.
14. That Timothy Smith, Esq. be appointed as the attorney for the Joint Review Board and Planning Commission and shall also fill in for the attorney for the Zoning Board of Appeals in all instances where there is a conflict or if said attorney is unable to attend a particular meeting. The compensation for such serves shall not Exceed \$10,000.00 per year plus appropriate health insurance benefits.
15. That William Kissel, Esq. be appointed as the attorney for the Zoning Board of Appeals to serve at the pleasure of the Board and to fill in for Attorney Smith in all instances where Attorney Smith has a conflict or is unable to attend such meetings. The compensation for such services shall not exceed \$6,000.00 per year, plus appropriate health insurance benefits.
16. That Marty Perkins be re-appointed as North Elba Animal Control Officer to serve at the pleasure of the Board.

Supervisor Politi asked for a motion to approve items 1-16 as presented. Councilman Damp moved and Councilman Rand seconded the motion to accept items 1-16 as read by Supervisor Politi. Discussion?

Supervisor Politi stated the only thing I do want to mention is that there is a change in Deputy Supervisor and that is for no other reason other than I have done this in the past as I like everyone to participate and Jay has been here the longest and he has in the past been my Deputy Supervisor and that courtesy was passed to him and now it is passed to Jack because Jack is the second longest serving Councilman and if I am here in the future it will then move to Chuck and then to Bob. He stated it is because I want everyone to have that opportunity to work for the Town in that capacity.

Councilman Miller stated may I ask a question is the compensation for Tim Smith and Bill Kissel the same as last year?

Supervisor Politi stated it is exactly the same.

There being no further discussion the motion was unanimously carried.

Supervisor Politi then continued to read the Organizational procedures:

17. That the existing Zoning Board Members serve at the pleasure of the Town Board only until such time that the new Land Use Code shall take effect.

18. That the following Town Board Committee appointments, as recommended by the Supervisor, be approved for 2009:

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| a. Insurance | Councilman Damp/Councilman Miller |
| b. Lake Placid Village Liaison | Councilman Rand/Supervisor Politi |
| c. Saranac Lake Village Liaison | Councilman Damp/Supervisor |
| d. Highway | Councilman Favro/Councilman Damp |
| e. Craig Wood | Councilman Favro/Supervisor Politi |
| f. North Country C.C. | Councilman Damp/Councilman Miller |
| g. Landfill | Councilman Favor/Councilman Miller |
| h. Airport | Councilman Rand/Supervisor Politi |
| i. ORDA | Councilman Damp/Supervisor Politi |
| j. Lake Placid Central School | Councilman Favro/Councilman Rand |
| k. Municipal Beach & Parks | Councilman Rand/Councilman Damp |
| l. APA/DEC Matters | Councilman Miller/Councilman Favro |
| m. BTI Program | Councilman Rand/Councilman Miller |
| n. Zoning Matters | Councilman Rand/Councilman Miller |
| o. Fire Dept. Liaison | Councilman Favro/Councilman Damp |

19. That the Town of North Elba continues as a member of the New York State Association of Towns.

- 20.. That Supervisor Politi be delegate and that Councilman Damp be the alternate to the Association of Towns and further authorizing the attendance of any Board members or appropriate others and the payment of their “actual or necessary” expenses for said meetings as authorized by State Law.
21. That Councilman Favro and Councilman Miller be representatives of the North Elba Town Youth Commission.
22. That John Rickard be appointed Constable to patrol the Lake Placid Lake area.
23. That the National Bank & Trust, Adirondack Bank, Community Bank and the Champlain National Bank be recognized as official depositories of the Town of North Elba funds.
24. That the Lake Placid News and the Adirondack Daily Enterprise be designated as the official newspapers of the Town of North Elba.
25. That salaries and wages of all Town employees be set forth by the Town of North Elba Town Board in accordance with Section 27 of Town Law.
26. That the Town Clerk be empowered in the absence of the Supervisor and/or Town Board to open all competitive bids, record same and report to the Town Board.
27. That the mileage allowances for official Town business be \$.55 per mile.
28. A petty cash fund of \$100.00 be established for the Town Clerk.
29. A petty cash fund of \$200.00 be established for the collection of taxes by the Town Clerk/Tax Collector.
30. That all travel expenses (including mileage) must be itemized and/or logged and/or documented before payment.
31. The use of any town credit cards be done so subject to the provisions of the Town credit card policy.

Supervisor Politi moved the motion and asked for a second to items #17 though #31, as presented. The motion was seconded by Councilman Favro. Discussion?

There being no further discussion, the motion was unanimously carried.

Supervisor Politi then continued reading the Organizational procedures.

32. That the Town Superintendent of Highways be authorized to purchase materials and equipment not to exceed \$5,000.00 without prior approval of the Town Board.
33. Authorize the payment in advance of claims for utility services, postage, freight, fire protection, express charges and statutory debt.
34. That the hiring and firing of all Town, Park District and Highway employees be subject to prior approval of the Town Board except as otherwise provided by the Policy Manual and/or by statute.
35. The Town of North Elba shall provide for the defense and indemnification of Town employees who may be sued for acts or omissions in their official capacities as provided by Section 18 of the Public Officers law and the Town of North Elba Local Law 1980.
36. That the Supervisor be empowered to execute and sign all contracts and agreements for services on behalf of the Town of North Elba.
37. That the Supervisor is authorized to file a copy of the Annual Report of the Town ninety (90) days after the close of the 2008 fiscal year and cause the Clerk to publish a summary of the same in the Lake Placid News.
38. That all appropriation accounts of the Town of North Elba, the North Elba Park District and all special districts be encumbered and such balances carried forward to the 2009 appropriations for the purpose of paying the 2008 amounts encumbered.
39. That a third party custodial account be assigned to all investment procedures as per Town of North Elba Resolution of 3/8/88.
40. That all monies received by the Town Clerk as Tax Collector shall be deposited within 72 hours of the receipt at an official depository of the Town of North Elba.
41. That all monies be invested in interest bearing accounts at any and all times when possible.
42. That the bills for audit be either certified or notarized.
43. That there shall be a charge of \$20.00 on each check tendered as payment to the Town which is returned for insufficient funds pursuant to General Municipal Law, Section 85.
44. That the Supervisor, in consultation with the North Elba Town Board, shall have the authority to appoint a Grant Writer for the Town of North Elba or enter into a shared service agreement with others if deemed necessary and appropriate.

45. That the approved minutes of any regular meeting or special meeting of the Town Board will be posted on the Town website.
46. That all Municipal Officers and Employees be held accountable for any prohibitable actions pursuant to Article 18 of the General Municipal Law, Section 805-a, relative to conflicts of interest and/or the disclosure of confidential information.

Supervisor Politi asked for a motion to accept items #32 through #46 of the Organizational procedure as presented. Discussion?

Councilman Damp stated is 44 new Roby or is that...

Supervisor Politi stated no it is the old one I put in there if deemed necessary and appropriate so if we decided to do it at anytime within the new year it's there to allow us to do it without resolution but there is no intention of doing so at this point.

The motion was seconded unanimously.

47. Procurement Policy

Whereas: Section 104-b of the General Municipal Law (GMU) requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GMU, 103 or any other law; and WHEREAS, comments have been solicited from these officers of the Town involved with procurement; NOW, THEREFORE, be is RESOLVED, that the Town of North Elba 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 GMU 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 of equipment needed in a fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely year 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 purchasing activity.

Guideline 2. All purchases of a) supplies or equipment which will exceed \$10,000.00 in the fiscal year or b) public works contracts over \$20,000.00 shall be formally bid, pursuant to GMU 103.

Guideline 3. All estimated purchases of:

- Less than \$10,000.00, but greater than \$3,000.00 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
- Less than \$3,000.00, but greater than \$1,000.00 requires an oral request for the goods and oral/fax quotes from two vendors.
- Less than \$1,000.00 is left to the discretion of the purchaser.

All estimated public work contracts of:

- Less than \$20,000.00 but greater than \$10,000.00 requires a written RFP and fax/proposals from three contractors.
- Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax/proposals from two contractors.
- Less than \$3,000.00 but greater than \$500.00 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 the Guideline shall be preserved and filed with documentation supporting the subsequent purchase of public works contract.

Guideline 4. The lowest responsible bidder 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 if the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting the 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 amount of proposals or quotations, the purchaser shall document the attempts 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) Procurement of insurance requires two quotations, verbal or written.
- c) Sole source situation.
- 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 \$250.00.
- i) Public works contracts for less than \$500.00.

Guideline 7. This policy shall be reviewed annually by the Town Board at its Organizational Meeting or as soon thereafter is reasonably practicable.

Supervisor Politi stated may I have a motion to accept the Procurement Policy item #47, guidelines 1 through 7 as previously established by this board. Councilman Miller moved and Councilman Rand seconded the motion. Discussion? There being no discussion the motion was unanimously carried.

Supervisor Politi stated there is no further business to come before this Board.

Councilman Favro moved and Councilman Rand seconded the motion to adjourn the Organizational Meeting at 4:25 p.m.

Supervisor Politi stated that this is the end of the Organizational Meeting and thank you everyone for coming.

Respectfully submitted,

Denice P. Fredericks
Deputy Town Clerk