

**ORGANIZATION MEETING
OF THE TOWN OF WESTERLO
TOWN BOARD
WEDNESDAY, JANUARY 4, 2023**

The Town of Westerlo Town Board Organization meeting was held on Wednesday, January 4, 2023 at the Richard H. Rapp Municipal Building located at 933 County Route 401, Westerlo, NY 12193. The meeting was opened at 6:02 PM by Supervisor Matthew Kryzak with the Pledge of Allegiance to the Flag.

ATTENDING WERE: Supervisor Matthew Kryzak
Councilman Joshua Beers
Councilwoman Lorraine Pecylak
Councilwoman Amie Burnside
ABSENT WERE: Councilman Peter Mahan

Also present were: Planning Board Chair Beau Loendorf and member Bill Hall, Highway Superintendent Jody Ostrander and Employee Salvatore Spinnato, Hometown Heroes members Lisa DeGroff and Betty Filkins, Library President Maureen Sikule and Trustee MaryAnn Witt, Confidential Administrator Rosemary McHugh, Town Attorney George McHugh, Deputy Town Clerk's Marta Pongo and Kathleen Spinnato, Clerk to the Assessor Claire Marshall, Altamont Enterprise Reporter Noah Zweifel, Town Clerk Karla Weaver and approximately three interested residents.

EXECUTIVE SESSION

Supervisor Kryzak made a motion to enter into Executive Session at 6:03 pm for the purpose of discussing the vacancy on the Planning Board. Seconded by Councilman Beers. All in favor motion carried.

Councilman Beers made a motion to return from Executive Session at 6:07 pm. Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 1-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Altamont Enterprise, being the newspaper of general circulation in the Town of Westerlo, is hereby designated as the official newspaper for the Town of Westerlo and all notices required by law are published in said newspaper.

Seconded by Councilman Beers. All in favor motion carried.

Resolution # 2-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Bank of Greene County (PO Box 470 Catskill, NY 12414) is hereby designated as a depository for any or all Town funds, the maximum amount on deposit at any one time not to exceed \$500,000.00 per account; and in association with Wilmington Trust,

RESOLVED: pledges all securities in excess of \$100,000.00. It is further that NYCLASS (New York Cooperative assets Security System) be designated as a depository of discretionary funds not exceeding 75% of the available fund balances at any one time.

Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 3-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to purchase equipment, materials and tools for Highway Dept. use in an amount not to exceed \$10,000 for each purchase, to purchase Bituminous Road Oils at the State Contract Price.

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 4-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to enter into contracts for public works related to the Highway Dept. in an amount not to exceed \$20,000 without prior approval of the Town Board however at no time shall he cause any appropriation account to be overdrawn.

Seconded by Councilman Beers. All in favor motion carried.

Resolution # 5-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that any elected or appointed official of the Town of Westerlo shall be reimbursed monthly an amount per mile, matching the current IRS approved rate when using their own vehicle for OFFICIAL Town business.

Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 6-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the regular meetings of the Town Board shall be held on the third Tuesday of each month at 6:00 PM at the Westerlo Town Hall. The Town Board Workshop meetings shall be held on the first Tuesday of each month at 6:00 PM, except for the November meeting, which shall be held on the first Wednesday following the General Election. In the event of inclement weather, the meeting is automatically rescheduled for the following Wednesday. The Town Planning Board shall meet on the second Tuesday of each month at 7:00 PM, the Zoning Board of Appeals shall meet on the fourth Monday of each month at 7:00 PM, the Museum Board shall meet on the second Thursday of each month at 6:00 PM, the Water Board shall meet on the first Wednesday of March and September at 6 pm, the Broadband Research Committee shall meet

on the third Monday of each month at 7 PM, and the Hometown Heroes Committee shall meet on the fourth Tuesday of each month at 6 PM. Seconded by Councilman Beers. All in favor motion carried.

Resolution # 7-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Supervisor shall submit to the Town Clerk within 60 days after the close of the last fiscal year, a copy of the report to the State Comptroller, pursuant to Section 30 of the General Municipal Law and the Town Clerk shall thereafter cause summary of said report be published within ten days after receipt thereof on a form approved by the State Comptroller. This report shall be in lieu of the report required by Section 10 of Town Law.

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 8-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the Town of Westerlo will hereby continue the PROCUREMENT POLICIES (Organizational Meeting 2020), the INVESTMENT PROCEDURES (Resolution #2-2020) (see attached)

Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 9-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

WHEREAS: the Westerlo Town Board wishes to continue its efforts to comply with New York State Statutory and Regulatory requirement, be it hereby

RESOLVED: that the town will retain the firm Marvin & Company as consultant to the Town on financial matters involving accounting, reporting and management systems, AND

WHEREAS: the Sarah Morrison will audit the records of the following: TownClerk & Tax Collector and Town Justices, at a rate of \$45 per hour be it hereby,

RESOLVED: that the Supervisor shall file a copy of the Annual Financial Report with the Town Clerk upon completion and it shall be presented to the Town Board at that time, AND

RESOLVED: that the town retain George McHugh to represent the Town in legal affairs and provide counsel and legal advice at a salary rate of \$24,000 per year and paid monthly, AND further

RESOLVED: that the Supervisor be hereby authorized to pay Utility bills, and Freightbills and bills offering discounts or with penalties; all without prior approval of the Town Board.

Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 10-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following are appointed to the respective offices for the terms

indicated:

TITLE	NAME	TERM EXP.
Registrar of Vital Statistics	Karla Weaver (4 yr. term)	12/31/2023
Deputy Registrar	Marta Pongo	12/31/2023
Deputy Town Clerk/ Dep. Tax Coll.	Marta Pongo	12/31/2023
Dep. Town Clerk/Dep. Tax Coll. II	Jaimee Motschmann	12/31/2023
Dep. Town Clerk/Dep. Tax Coll. III	Kathleen Spinnato	12/31/2023
Sub Registrar	Kathleen Spinnato	12/31/2023
Clerk to the Justices	Jaimee Motschmann	12/31/2023
Deputy Supervisor	Amie Burnside	12/31/2023
Town Prosecutor	Aline D. Galgay	12/31/2023
Town Historian	Gayle Hannay	12/31/2023
Dog Warden	Justin Case	12/31/2023
Deputy Dog Warden	Konrad May	12/31/2023
Zoning Board Clerk	Claire Marshall	12/31/2023
Planning Board Clerk	Claire Marshall	12/31/2023
Sole Assessor	Melanie Bunzey (6 yr. term)	08/31/2025
Deputy Highway Superintendent	Justin Case	12/31/2023
Grant Writer	Rosemary McHugh	12/31/2023

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 11-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the salaries of the following Town Officers and Employees frequency of payment thereof are hereby established as follows:

TITLE	SALARY	PAYABLE
Town Supervisor	\$15,000 Annual	Monthly
Deputy Supervisor	\$0	N/A
Superintendent of Highways	\$67,000 Annual	Weekly
Town Justices (2)	\$12,000 Annual Each	Monthly
Council Members	\$4,000 Annual Each	Monthly
Town Prosecutor	\$7,200 Annual	Monthly
Code Enforcement Officer/Zoning Admin.	\$25,000 Annual	Monthly
Town Clerk/Tax Collector	\$61,800 Annual	Weekly
Deputy Town Clerk/ Dep. Tax Coll.	\$22.75 Hour	Weekly
Deputy Town Clerk II/ Dep. Tax Coll. II	\$22.75 Hour	Weekly
Deputy Town Clerk III/ Dep. Tax Coll. III	\$22.75 Hour	Weekly
Clerk to the Justices	\$22.75 Hour	Bi-Weekly
Dog Warden	\$4,700 Annual	Monthly
Deputy Dog Warden	\$3,500 Annual	Monthly
Planning Board Clerk	\$22.75 Hour	Monthly
Zoning Board Clerk	\$22.75 Hour	Monthly
Assessor	\$21,000 Annual	Monthly

Town Historian	\$1,000 Annual	Annually
Museum Director	\$2,500 Annual	Monthly
Confidential Administrator	\$64,600 Annual	Weekly
Assessor/Code Clerk (Part-Time)	\$22.75 Hour	Weekly
Cleaner Staff 1	\$22.75 Hour	Bi-Weekly
Water Operator	\$22,000 Annual	Monthly

Seconded by Councilwoman Pecylak. A vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilwoman Burnside

NAYS: Councilman Beers

Motion carries.

Resolution # 12-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the compensation of Highway employees be established as follows:

Deputy Highway Superintendent	Justin Case	\$24.80 Hour
Sub Forman	Tyler Minshell	\$24.80 Hour
Operator/Truck Driver/Laborer	John Hunter	\$24.28 Hour
Operator/Truck Driver/Laborer	Peter Voisey	\$24.28 Hour
Operator/Truck Driver/Laborer	Philip Mackey	\$24.28 Hour
Solid Waste Recycling Coordinator	Dave Pecylak	\$24.28 Hour
Recreation Maintenance Person/s	Salvatore Spinnato	\$24.28 Hour
Laborer A (CDL required)	John Nevins	\$23.03 Hour
Laborer B (CDL not required)	Dan Rohrmiller	\$20.00 Hour
Seasonal/Part Time	Josh Austin	\$19.00 Hour
Buildings/Maintenance (Part-Time)	Rick Rupeka	\$28.00 Hour
Buildings/Maintenance (Helper)	Vacant	\$21.00 Hour

Seconded by Councilwoman Burnside. A vote resulted as follows:

AYES: Supervisor Kryzak, Councilman Beers, Councilwoman Pecylak, Councilwoman Burnside

NAYS: None

Resolution # 13-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries:

PLANNING BOARD (5 yr. term)

Beau Loendorf, Chairperson	12/31/2023	\$350.00 per month
Angela Carkner (formerly Edwin Stevens)	12/31/2027	\$200.00 per month
William Hall	12/31/2025	\$200.00 per month
Gerard Boone	12/31/2024	\$200.00 per month
Richard Kurlyo	12/31/2026	\$200.00 per month

Seconded by Councilwoman Beers. All in favor motion carried.

Resolution # 14-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following are hereby appointed to the designated positions, at the designated salaries and terms of:

BOARD OF ASSESSMENT REVIEW (5 yr. term)

Dawn Belarge	9/30/2027	\$200.00
Sara Statham	9/30/2026	\$200.00
Nicole Eagen	9/30/2023	\$200.00

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 15-2023. Supervisor Kryak offered the following resolution and moved its adoption:

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries and terms of office:

ZONING BOARD OF APPEALS (5 yr. term)

George Sphamer, Chairman (Formerly Rich VanIlderstine)	12/31/2027	\$350.00 per month
Guy Weidman	12/31/2024	\$200.00 per month
Sean Leary	12/31/2023	\$200.00 per month
James Gallogly	12/31/2026	\$200.00 per month
Richard VanIlderstine (Formerly George Spahmer)	12/31/2025	\$200.00 per month

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 16-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

LIBRARY TRUSTEES (5 yr. term)

RESOLVED: that the following Library Trustees are appointed as follows:

Laura Tenney	Term Exp. 8/23/2026	Eric Markson	Term Exp. 8/23/2025
Mary Ann Witt (Secretary)	Term Exp. 8/23/2026	Maureen Sikule (President)	Term Exp. 8/23/2025
Steve Cornell	Term Exp. 8/23/2025	Robert Wilcox (Treasurer)	Term Exp. 8/23/2026
Miranda Drumm	Term Exp. 8/23/2027		

Seconded by Councilman Beers. All in favor motion carried.

Resolution # 17-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following Library workers be compensated as follows:

Library Director	\$20.00 Hour	Bi-Weekly
Clerk 1	\$15.50 Hour	Bi-Weekly
Clerk 2	\$15.50 Hour	Bi-Weekly

Clerk 3 \$15.50 Hour Bi-Weekly
Seconded by Councilwoman Burnside. All in favor motion carried.

Resolution # 18-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following Museum Trustees be appointed/reappointed as follows: (5 yr.term)

Mary-Jane Araldi (Museum Director)	Term Exp. 12/31/2023
Vacancy (Formerly Palma Schloer)	Term Exp. 12/31/2026
Karla Weaver (reappointed at the Dec. Mtg)	Term Exp. 12/31/2027
Matthew Kryzak	Term Exp. 12/31/2024
Betty Filkins	Term Exp. 12/31/2025
Rebecca Kryzak	Term Exp. 12/31/2026
Danielle Downes	Term Exp. 12/31/2025

Seconded by Councilman Beers. All in favor motion carried.

Resolution # 19-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following are hereby appointed/reappointed to the designated positions.

HOMETOWN HEROES COMMITTEE (1 yr. term)

Amie Burnside, Chairperson	Exp. 12/31/2023
Lisa DeGross	Exp. 12/31/2023
Rick Haley	Exp. 12/31/2023
Betty Filkins	Exp. 12/31/2023
Rebecca Kryzak	Exp. 12/31/2023
June Sherman	Exp. 12/31/2023
Cricket Elder	Exp. 12/31/2023
Beau Loendorf	Exp. 12/31/2023

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 20-2023. Supervisor Kryzak offered the following resolution and moved its adoption:

RESOLVED: that the following are hereby appointed/reappointed to the designated positions.

BROADBAND RESEARCH COMMITTEE (1 yr. term)

Carrie Wallace, Chairperson	Exp. 12/31/2023
Bob Wilcox	Exp. 12/31/2023
Vacancy (Formerly Leonard Laub)	Exp. 12/31/2023
Vacancy	Exp. 12/31/2023
Vacancy	Exp. 12/31/2023

Seconded by Councilwoman Pecylak. All in favor motion carried.

Resolution # 21-2023. Supervisor Kryzak offered the following resolution and moved its adoption.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions.

WATER BOARD, WATER District #1 (3-year term)

James Loux, Chairman Exp. 12/31/2025

William Slaver, member Exp. 12/31/2024

Kelly Keefe, member Exp. 12/31/2023

Seconded by Councilman Beers. All in favor motion carried.

ADDITIONAL MEETING DISCUSSION

Councilwoman Burnside would like to see the Town Clerk's office open an additional 8 hours and also to have all Town employees pay period to switch from weekly to bi-weekly to save the town money and help with retirement. Mr. Kryzak would like to discuss with department heads regarding payroll.

RESOLUTION FOR TOWN OF WESTERLO SUPERVISOR TO CONTRACT WITH TOWN OF RENSSELAERVILLE FOR SHARED USE OF THEIR DOG FACILITY

Town Attorney McHugh advised the dog facility contract has been drafted and was sent to the Town of Rensselaerville's attorney to be reviewed. The cost for the service would be \$15/day. Mr. Kryzak made a motion to adopt the following resolution:

WHEREAS: The Town of Westerlo is in need of a new facility to hold dogs temporarily due to Mohawk and Hudson no longer contracting with towns, be it hereby

RESOLVED: The Town Board authorize the Supervisor to sign a contract with the Town of Rensselaerville for shared use of their dog facility upon Town Attorney approval at a rate of \$15 a day per dog.

Seconded by Councilwoman Burnside, a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilman Beers,
Councilwoman Burnside

NAYS: None

Resolution # 22-2023 was thereby duly adopted.

APPROVAL OF PLANNING BOARD TRAINING

Planning Board Member Bill Hall mentioned he would like to attend a series of training webinars for Municipal Planning and Agrivoltaics related to solar development and agriculture. There is no cost for the training and it is being conducted by Cornell. Supervisor Kryzak made a motion to adopt the following resolution:

WHEREAS: Planning Board Member Bill Hall requested permission to attend free training being conducted by Cornell for Municipal Planning and Agrivoltaics, be it hereby

RESOLVED: The Town Board approves training for Planning Board Member Bill Hall.

Seconded by Councilman Beers, a vote resulted as follows:

AYES: Supervisor Kryzak, Councilwoman Pecylak, Councilman Beers,
Councilwoman Burnside

NAYS: None

Resolution # 23-2023 was thereby duly adopted.

PUBLIC COMMENT

Suggestions were made regarding the Clerk's office hours. Mr. Kryzak responded that if anyone wishes to discuss hours, they should do so with the Clerk as she is an elected official.

MaryAnn Witt wondered about raises being calculated by percentage. Mr. Kryzak mentioned, to be fair he and the department heads decided to give everyone \$1 to cover the extra costs for gas and food this year. They still stayed within the window of the average for the year of 3-5%.

ADJOURN MEETING

With there being no further comments, Councilman Beers made a motion to adjourn the Organizational meeting. Councilwoman Pecylak seconded; motion carried by those present. Meeting adjourned at 6:53 pm.

Respectfully Submitted

Karla J. Weaver
Town Clerk

TOWN OF WESTERLO

Procurement Policy

AUTHORITY

The Town of Westerlo ("Town") Procurement Policy is adopted pursuant to General Municipal Law § 104-B.

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public funds.

In addition, this Procurement Policy seeks to ensure cost effective and efficient procedures for disposition of Town personal property and/or assets deemed no longer of public use to the Town.

GUIDELINES

Guideline 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein.

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.

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 supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein.

In addition, New York State Finance Law 139-L, effective January 1, 2019, requires that all competitive bids for goods sold or services to be performed contain a statement subscribed by the bidder and affirmed by such bidder that the “bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees”... and “[s]uch policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law” (New York State Finance Law 139-L(a)).

Guideline 3: (1) All estimated purchases of less than \$20,000 but greater than \$3,000 shall require a written request for a proposal (“RFP”) and written/fax quotes from at least three comparative vendors; less than \$3,000 but greater than \$1,000 require an oral request for proposal for the goods, equipment or supplies and email/fax quotes from at least two vendors and purchaser shall maintain a record of responses whether they are received by phone or in writing detailing date/time, name of individual offering quote, and remarks detailing quote; less than \$1,000 are left to the discretion of the purchaser.

(2) All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least three comparable contractors; less than \$10,000 but greater than \$1,000 require a written request for proposal and fax/proposals from at least two contractors and purchaser shall maintain a record of responses ~~are~~ received in writing detailing date/time, name of individual offering quote, and remarks detailing quote; less than \$1,000 are left to the discretion of the purchaser.

(3) All written RFP shall describe the desired goods, quantity and details regarding delivery, including mode of delivery and time parameters for delivery. The purchaser shall compile a list of all vendors from whom written quotes have been requested and the written quotes offered.

(4) 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. All responses to the RFP shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

(5) Purchaser has discretion to require certification under New York State Finance Law 139-L (b).

(6) All quotes will be confirmed in writing.

Guideline 4: All purchasers shall make a good-faith effort 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 5: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares 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 6: A request for proposal and/or quotation shall not be required under the following circumstances:

(1) Contract for professional services subject to resolution of the Town Board.

(2)(a) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by other New York State political subdivisions provided that:

- (i) the contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein;
- (ii) the contract must have been made available for use by other governmental entities, i.e. inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities; and
- (iii) the contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with General Municipal Law § 103 and related case law.

(*Note: This provision is intended to include all future statutory amendments of General Municipal Law (16) and same are deemed to be incorporated by reference, as if recited in its entirety herein).

(2)(b) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by the County of Albany or through any county within the State of New York subject to County Law 408(a).

(3) Public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Town. Unless exigent circumstances exist such that time is of the essence, Purchaser shall seek to obtain approval of the Town Board prior to purchase or contract.

(4) Sole-source situations (purchaser must obtain written verification from vendor).

(5) Surplus and second-hand supplies, material or equipment from federal government, State of New York, or other political subdivisions, districts, or public benefit corporation.

(6) Purchase of goods, equipment and supplies under State contracts through the Office of General Services and subject to rules promulgated by the Office of General Services.

Guideline 7: The purchase of goods or services must be accompanied by a duly signed and completed purchase order or contract except a purchase order shall not be required prior to purchase/procurement under those circumstances identified in Guideline 6 and purchases or public works project less than \$1000.00.

Guideline 8: The Town Supervisor may declare Town personal property and/or other asset(s) as surplus. The Supervisor or a designee shall evaluate Estimated Surplus Value of all assets and equipment to be disposed as surplus and make recommendations to the Town Board regarding disposal or sale, subject to all applicable laws and procedures regarding disposition of surplus asset/equipment, including but not limited to bid procedures set forth in General Municipal Law § 103, and receipt of an “As-Is” Statement and/or Liability Waiver.

The Town may transfer surplus assets and equipment provided that the Town Board has approved such disposal by resolution. This policy shall not in any way limit or prohibit the Town Board from donating an item of personal property and/or asset as permitted under the law.

For Purposes of Guideline 8: Surplus shall be defined as any Town personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the Town and Estimated Surplus Value shall be defined as the estimated amount of money an interested party will be willing to pay the Town for the property. This can be determined through an estimate, an appraisal, or other sources available.

Guideline 9: This policy shall be reviewed annually by the Town Board.

EFFECTIVE DATE

This Procurement Policy is effective as of January 4, 2023 by resolution of the Town Board.

TOWN OF WESTERLO

Investment Policy

1. AUTHORITY AND SCOPE

The Town of Westerlo (“Town”) Investment Policy is adopted pursuant to General Municipal Law § 39.

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of Westerlo (“Town”), on its own behalf or on behalf of any other entity or individual.

2. OBJECTIVES

The primary objectives of the Town’s investment activities are:

- To conform with all applicable federal, State and other legal requirements;
- To adequately safeguard principal;
- To provide sufficient liquidity to meet all operating requirements and
- To obtain a reasonable rate of return.

3. DELEGATION OF AUTHORITY

The Town Board’s responsibility for administration of the investment program is delegated to the Town Supervisor, as Chief Financial Officer, who shall establish written procedures for the operation of the investment program consistent with these investment policies.

Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized.

4. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town Board to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

5. DIVERSIFICATION

It is the policy of the Town Board to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The Town Board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer and shall evaluate this listing at least annually.

6. INTERNAL CONTROLS

It is the policy of the Town Board for all moneys collected by any officer or employee of the government to transfer those funds to the Town Supervisor or designee within 3 days of deposit, or within the time period specified in law, whichever is shorter.

Notwithstanding the above, the following Town officers may transfer collected funds within 3 days of a month's completion:

- a. Town Justices;
- b. Town Clerk; and
- c. Tax Collector.

The Town Supervisor or designee is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations. The Town Board designated the Town supervisor as the Investment Officer to manage the Town's investments in accordance with these policies.

7. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are set forth in Town Board Resolutions adopted in the annual organizational meetings and as amended from time to time.

8. SECURING DEPOSITS AND INVESTMENTS

In accordance with General Municipal Law § 10, all deposits and investments of the Town of Westerlo at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the Town of Westerlo that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers.

See Schedule A of this policy for a listing of “eligible securities.”

2. An “eligible surety bond” payable to the Town for an amount at least equal to 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
3. An “eligible letter of credit,” payable to the Town as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the Town for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited) that is rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

9. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by Town officers shall be held by the depository subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities held may be sold, presented for payment, substituted or released and the events of default which will enable the Town to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Town, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town or the custodial bank or trust company.

The custodial agreement shall provide that pledged securities will be held by the custodial bank or trust company as agent of, and custodian for the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the Town with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral and may contain other provisions that the governing board deems necessary.

10. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the Town Board authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected

cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York;
- Through a Deposit Placement Program, certificates of deposit in one or more “banking institutions”, as defined in Banking Law Section 9-r;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Cooperative investment programs in accordance with General Municipal Law §§ -g and 3-A;
- With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation in the State of New York other than the Town; and
- Obligations of the Town, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the Town within two years of the date of purchase.

Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Town within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

11. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the Town transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with

the Town.

The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

The Town shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

12. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a).

The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town with a perfected interest in the securities.

13. ANNUAL REVIEW AND AMENDMENTS

The Town shall review this investment policy annually, and it shall have the power to amend this policy at any time.

14. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

15. EFFECTIVE DATE

This Investment Policy is effective as of January 21, 2020 by resolution of the Town Board.

SCHEDULE OF ELIGIBLE SECURITIES

- ☐_YES_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- ☐_NO_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- ☐_YES_ (iii) Obligations partially insured or guaranteed by an agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- ☐_YES_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of Public monies.
- ☐_NO_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐_NO_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐_NO_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ☐_NO_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- ☐_NO_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- ☐_NO_ (x) Commercial paper and bankers’ acceptances issued by a bank, other than the Bank,

rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.

NO (xi) Zero coupon obligations of the United States government marketed as “Treasury STRIPS”

Investment Policy Adopted at Town Board Meeting: January 21, 2020

This Investment Policy is effective as of January 4, 2023 by resolution of the Town Board.