

**Town of Parishville
Organizational Meeting
January 7, 2016**

Roll Call: Supervisor Votra, Councilwoman Tremper, Councilman Cook, Councilman Sweeney

Absent: Councilwoman Robinson

Others Present:

Town Clerk Maguire swore in newly appointed Town Justice, Lester Gale, for the remainder of the unexpired 4 year term which will expire in December 2016.

Town Clerk Maguire also swore in re-elected Council Members Kari Tremper and Melvin Sweeney for four year terms to end December 31, 2019.

Privilege of the Floor:

Business:

1. Motion to grant Town Supervisor permission to pay necessary bills prior to monthly audit.
2. Designation of Community Bank NA & NBT Bank for the following accounts;
(General Fund, Highway Fund, Water Fund, Water District Fund, Trust & Agency Fund, Highway Capital Reserve Fund, Employee Benefit Fund, Town Hall Improvement Fund, Town Barn Fund, Park Reserve Fund, Town Clerk & Tax Collector Accounts).
3. Designation of Official Town Newspapers ó Watertown Daily Times / Courier-Observer.
4. Authorization for Highway Supervisor to make purchases not to exceed \$2,500.00.
5. Authorization for petty cash: Town Clerk (\$100.00), Water District #1 (\$100.00)
6. Authorize mileage paid to Town Officials @ .54 cents/mile.
7. Authorize Town Supervisor to place extra funds in interest bearing accounts or certificates of deposits.
8. Motion to appoint the following Officials:
 - a. Supervisor as Budget Officer-\$5,200.00/Annually
 - b. Patrick Remington/Kari Tremper- as Transfer Station Superintendents - \$309.00 each/annually.
 - c. Shirley Robinson - \$600.00/annually as Deputy Supervisor
 - d. Joseph McGill - as Town Historian-\$4,243.60/annually
 - e. Sherry Remington and Gloria Sweeney- Deputy Town Clerk/Tax Collector -\$10.50/hour-\$3,800.00/annually.
 - f. Connie Maguire - as Registrar of Vital Statistics-\$724.50/annually
 - g. Elbridge Randall and Robert Phillips Sr. - as Constable each \$309.00each/annually, also \$10.08/hour for court duty
 - h. Roger Linden - Attorney for the Town
 - i. Steven Hart - as Deputy Highway Superintendent -\$600.00/annually
 - j. Robert Phillips Sr. ó as Dog Control Officer \$4,200.00/annually

- k. Joseph McGill - as Code Enforcement Officer-\$15.00/hour
- l. Cynthia Baltazar - Health Officer - \$375.00/annually
- m. Assistant Water Treatment Operators ó (2) @ \$300.00 each/annually
- n. Grievance Board Chairman (\$80/meeting) and Members (\$65/meeting)
- o. Variance Board Chairman (\$50/meeting) and Members (\$25/meeting)
- p. Planning Board Chairman (\$50/meeting) and Members (\$25/meeting)
- q. Penny Wickwire/Heidi Simmons ó as Court Clerks - \$10.50 per hour 16-20 hours/week

9. *A motion* was made by Councilman Cook and seconded by Councilman Sweeney to make no changes to the current Code of Ethics Policy for the Town of Parishville. *All in favor.*
The policy is as follows:

Code of Ethics for Town of Parishville

Section 1. Purpose.

Officers and employees of the Town of Parishville hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Parishville Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

(a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) "Code" means this code of ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(d) "Municipality" means Town of Parishville. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Town of Parishville, including, but not limited to, the members of any municipal board.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of Parishville, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Parishville.

Section 4. Prohibition on use of municipal position for personal or private gain. No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party

Section 10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the municipality; or

(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism.

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

- (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
- (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
- (3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

- (1) gifts made to the municipality;
- (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics.

(a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Parishville Town Board, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the officers and employees of the Town of Parishville with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of

ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Parishville Town Board.

Section 19. Posting and distribution.

(a) The Parishville Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Parishville Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Parishville.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the clerk of the municipality who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 21. Effective date.

This code takes effect on January 07, 2016.

10. *A motion* was made by Councilwoman Tremper and seconded by Councilman Cook to approve the current Procurement Policy for the Town of Policy with no changes. *All in favor.* The policy is as follows:

**TOWN OF PARISHVILLE
PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law, (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 Section 103 or any other law; and

WHEREAS, goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud and corruption; and

WHEREAS, to further these objectives, the Town Board is adopting an internal policy and procedure governing all procurements of goods and services which are not required to be made pursuant to competitive bidding requirements of GML, Section 103 or of any other general, special or local 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 Parishville 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 Section 103. Every Town officer, Board, department head or other personnel with the purchasing

authority (the “purchaser”) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. This estimate shall include purchases by other Town Departments and researching the prior years 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.

Guideline 2. Except when directed by the Town Board, solicitation of written proposals or quotations shall NOT be required under the following circumstances:

Acquisition of professional services;

Emergencies;

Sole source situations;

Goods purchased from agencies for the blind or severely handicapped;

Goods purchased from correctional facilities;

Goods purchased from another governmental agency;

Goods purchased at auction;

Goods purchased for less than \$250; and

Public works contracts for less than \$500.

Guideline 3.

All Purchases (except as noted in Guideline 2) of:

materials, supplies or equipment which will exceed \$20,000 in the fiscal year, or

Public Works Contracts over \$35,000,

shall be formally bid using advertised, competitive bidding per GML Section 103.

Guideline 4.

All estimated Purchases of:

Less than \$20,000 but greater than \$5,000 require a written Request for Proposal (RFP) and written/fax quotes from at least three (3) vendors.

Less than \$5,000 but greater than \$1,000 require an oral request for the goods and fax/email quotes from two (2) vendors.

Less than \$1,000 but greater than \$250 require an oral quote from at least two (2) vendors.

Purchases less than \$250 are left to the discretion of the purchaser.

All estimated Public Works Contracts:

Less than \$35,000 but greater than \$15,000 require a written RFP and fax/proposals from three (3) contractors.

Less than \$15,000 but greater than \$5,000 require a written RFP and fax/proposals from two (2) contractors.

Less than \$5,000 but greater than \$500 require written quotes from not less than two (2) contractors.

Less than \$500 are left to the discretion of the purchaser.

Any written RFP for Purchases shall describe the desired goods, quantity and the particulars of delivery.

A written RFP for public work shall include a description of the scope of the work, materials specifications, time requirements and other pertinent information. 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 implementing the procedures of this policy shall be preserved and filed with the documentation supporting the subsequent Purchase or Public Works Contract.

Guideline 5.

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 located within fifty miles or pays local 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.

The lowest responsible bidder shall be awarded the Purchase or Public Works Contract when competitive bids per GML Section 103 are received.

Guideline 6. 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 to obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 7.

The unintentional failure to comply fully with the provisions of GML, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town or any officer or employee thereof.

Guideline 8.

The following officers and/or employees are authorized to purchase materials, supplies, equipment or construction in accordance with this policy provided the purchase has been budgeted and authorized.

Town Supervisor,

Town Highway Superintendent,

DPW Supervisor, and

Town Clerk

Any procurement exceeding \$2,000 shall be approved in advance by the Town Board.

Guideline 9.

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

11. ***A motion*** was made by Councilwoman Tremper and seconded by Councilman Sweeney to approve Department Heads to attend training without prior approval of such.

All in favor.

12. ***A motion*** was made by Councilwoman Tremper and seconded by Councilman Cook to allow the Supervisor to have the Annual Report of the Town for 2015 published in short form in the official newspapers for the Town.

All in favor.

Connie Maguire
Town Clerk