



# LAGRANGE FIRE DISTRICT

504 Freedom Plains Rd • Poughkeepsie, NY 12603



## MINUTES BOARD OF FIRE COMMISSIONERS Special Meeting – Thursday, December 8<sup>th</sup>, 2022

ATTENDEES: Chairman Marc Komorsky  
Commissioner Richard Sassi (*via Teams*)  
Commissioner Barry Ward  
Secretary Bria Le  
Commissioner George Burns  
Commissioner Anthony Pignataro  
Chief Tim O'Connor

At 7:05 pm, Chairman Marc Komorsky called the Special Meeting to order for Thursday, December 8<sup>th</sup>, 2022, and led the Pledge of Allegiance. He welcomed everyone to the meeting.

### **NEW BUSINESS:**

- Vehicle – Lt. Kyle Rancourt expressed concerns that the repairs needed for 47-97 weren't worth the cost and noted that the replacement vehicle that has been ordered is not due to arrive until the April time frame. He said that he found a 2023 truck at a dealer in Albany that only has some minor differences from the one ordered. Discussion followed regarding the differences and the immediate need for a vehicle that can be used for plowing. Rancourt said that the vehicle wasn't on State bid but the dealer has a contract with Westchester County off of which the District could piggyback. He said the total cost would be \$55,358.50. Further discussion followed regarding the price of the vehicle and whether LaGrange could piggyback off of the contract. Tabled until the Treasurer can advise.
- Volunteer Firefighter Cancer Coverage –  
Upon a MOTION made by Commissioner Burns and SECONDED by Commissioner Pignataro, the Board RESOLVED to accept Option 2 coverage for \$1691.50. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky – Aye. **Motion Carried.**
- Parade of Lights – Chief Tim O'Connor said that earlier in the day Nate (Herring-Trott) forwarded him a request for LaGrange to participate in a Parade of Lights on the following Monday with Union Vale. He said a request came in from a 5 year old girl in Wisconsin with terminal cancer who saw something about the world record Christmas lights in Union Vale. Chief O'Connor asked for the Board's support in having LaGrange participate. Discussion followed regarding the event.
- Hose Dryer – Deputy Chief reported that the hose dryer at Station 1 has been sold. He asked if the salt spreader had been declared surplus and Komorsky said that it has not been. Brief discussion followed about whether the spreader could be of use.
- Organizational Meeting Items for Review – Pignataro said they should discuss the Organizational meeting items to determine if any changes need to be made to them before the meeting. Lengthy discussion followed regarding updates to the organizational materials (attached).

### **ABSTRACT:** \$239,697.81

Upon a MOTION made by Burns and SECONDED by Pignataro, the Board RESOLVED to approve the abstract and pay the bills for the end of November in the amount of \$239,697.81. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky – Aye. **Motion Carried.**

BoFC Special Meeting 12/8/22

Please note that this meeting was conducted in person at 504 Freedom Plains Road in Poughkeepsie, NY AND open for public viewing and/or listening via Microsoft Teams.



## LAGRANGE FIRE DISTRICT

504 Freedom Plains Rd • Poughkeepsie, NY 12603



### PUBLIC COMMENTS:

- Chief O'Connor said he had an update on the (Parade of Lights) event. He said that it was more than just Union Vale extending the invitation to LaGrange – there will be Connecticut departments sending apparatus there and supposedly a large section of Eastern Dutchess County departments will be involved. He said that Nate (Herring-Trott) will coordinate the LaGrange vehicles that will participate.

### EXECUTIVE SESSION:

At 8:28 pm, upon a MOTION made by Burns and SECONDED by Pignataro, the Board RESOLVED to go into Executive Session to discuss two administrative items and three personnel matters from the Chief. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky - Aye. **Motion Carried.**

### OPEN SESSION & VEHICLES:

At 9:54 pm, the Board resumed Open Session.

Upon a MOTION made by Commissioner Ward and SECONDED by Pignataro, the Board RESOLVED to spend \$55,358.50 for the 2023 Chevrolet Silverado 2500 pickup truck from DeNooyer (Chevrolet) in Albany. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky - Aye. **Motion Carried.**

Upon a MOTION made by Ward and SECONDED by Pignataro, the Board RESOLVED to cancel the vehicle order with Joe Basil Chevrolet. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky - Aye. **Motion Carried.**

Short discussion followed regarding an undercoat for the Silverado truck.

### ADJOURNMENT:

At 9:10 pm, upon a MOTION made by Pignataro and SECONDED by Burns, the Board RESOLVED to adjourn the meeting. Burns – Aye, Pignataro – Aye, Ward – Aye, Komorsky - Aye. **Motion Carried.**


Respectfully submitted,

Bria Le – District Secretary

***Approved by the Board of Fire Commissioners on 1/10/23***

BoFC Special Meeting 12/8/22

Please note that this meeting was conducted in person at 504 Freedom Plains Road in Poughkeepsie, NY AND open for public viewing and/or listening via Microsoft Teams.

LFD ABSTRACT			12/8/2022
V #	VENDOR	AMOUNT DUE	DESCRIPTION
932	Association of Fire Dist. Of NYS ✓	✓ 500.00	2023 Membership dues
933	Association of Fire Dist. Of DC ✓	✓ 125.00	2023 Membership dues
934	Bottini Fuel ✓	✓ 1,808.28	N/T Clear Diesel Station #2
935	Brandl's Towing ✓	✓ 179.50	Towing of Yukon XL
936	Central Hudson ✓	✓ 1,253.56	Electric & Area Light charges 10/19 - 11/18 Station #1
937	Cryo Weld ✓	✓ 155.07	Oxygen Compressed
938	Frontier ✓	✓ 138.52	Station #1 Telephone - Dec 2022
939	HG Page & Sons ✓	✓ 7.59	ARB SG483 Starter Handle 88" Cord
940	HG Page & Sons ✓	✓ 143.93	Solar Salt, Tape rule, hand truck tires
941	HG Page & Sons ✓	✓ 17.38	Gilmour 571 TFR Insulated Nozzle
942	HG Page & Sons ✓	✓ 49.94	Truck Wax
943	HV Public Safety Lighting ✓	✓ 1,207.04	900 Red Sngl Clr - Internal Flasher/Patterns (4)
944	Haix ✓	✓ 343.5	Boots
945	Freihofer Ice & Springwater ✓	✓ 157.50	Water for water coolers 11/22 Stations #1 and #2
946	Jackson Lewis ✓	✓ 8,511.50	Professional Services for month ending 10/31/22
947	Hudson Valley Public Safety Light <del>34</del> ✓	<del>1,207.04</del>	900 Red Sngl Clr only Internal flasher/patterns - Duplicate
948	John Giaimo & Sons ✓	✓ 7,020.50	Station #2 Transfer Swith
949	KoscoHeritage ✓	✓ 456.87	Dyed ULSHO State, Station #1
950	KoscoHeritage ✓	✓ 750.28	Dyed ULSHO State, Station #3
951	Mass Mutual ✓	✓ 571.75	Life Insurance - Fenster
952	Medical Warehouse ✓	✓ 777.81	Medical Supplies
953	MES ✓	✓ 192.00	T shirts
954	MES ✓	✓ 230.00	Badges
955	MES ✓	✓ 364.71	PPE
956	MES ✓	✓ 353.16	Batteries, NY/NJ Flares
957	MES ✓	✓ 1,509.00	Uniforms and Badges
958	MES ✓	✓ 205.00	Fire Vulcan LED REL battery
959	MES ✓	✓ 58.00	Apply buttons to shirts
960	MES ✓	✓ 285.00	Compressor PM
961	MES ✓	✓ 444.03	Uniforms and Badges
962	NYCOMCO ✓	✓ 192.80	Repair Minitor VI Pager
963	NY State Assoc. of Chiefs ✓	✓ 45.00	Membership dues
964	Precision Automotive ✓	✓ 1,142.03	Replace Fuel Pump 47-8
965	Precision Automotive ✓	✓ 79.34	47-11 Headlight Repair
966	Premire Fire Apparatus, Inc ✓	✓ 4,920.64	Check power steering for leaks, al leaks
967	Royal Carting ✓	✓ 438.78	Garbage removal
968	Security Mutual Life Ins Co of NY ✓	✓ 419.00	Life Ins Thomas Martell
969	Security Mutual Life Ins Co of NY ✓	✓ 391.75	Life Ins Diann Hackett
970	Security Mutual Life Ins Co of NY ✓	✓ 385.75	Life Ins <del>Donald Fenster, Jr</del> Dewitt
971	Staples ✓	✓ 345.29	Household supplies, Office supplies
972	State of NY Employees Benfit Div ✓	✓ 109,041.19	health insurance Jan
973	Veso Life ✓	✓ 336.83	Life Insurance - Volunteers Jan 2023
974	Weatherproofing Technologies, Inc ✓	90,884.69	Station 2 roof project - pymt #2
974	WEX ✓	✓ 880.78	Fuel for Vehicles - gas card purchases
975	Workplace ✓	✓ 623.00	Physicals
	TOTAL UNPAID BILLS	239,150.33	- 1,207.04 = 237,943.29
976	Paychex	235.91	Payroll fees for the w/e 11/27
977	Paychex	311.57	Payroll fees for the w/e 12/4
	TOTAL PAID BILLS	547.48	
	TOTAL BILLS TO APPROVE	239,697.81	
	Changes		
	Commissioner's Signatures		Commissioner's Signatures
		12/8/2022	
		12-8-22	

# Organizational Meeting of the LaGrange Fire District, **January 10<sup>th</sup>, 2023**

MEETING CALLED TO ORDER BY TEMPORARY CHAIRMAN

PLEDGE OF ALLEGIANCE

ADMINISTRATION OF OATH OF OFFICE OF NEWLY ELECTED MEMBER OF BoFC – (if oaths already taken, state for the record that they have been filed with the town clerk's office.)

## APPOINTMENTS/REQUIRED DESIGNATIONS

APPOINT \_\_\_\_\_, CHAIRMAN OF THE BOARD OF FIRE COMMISSIONERS OF THE LAGRANGE FIRE DISTRICT FOR THE YEAR 2023.

(Newly appointed chairman now presides over the meeting.)

### RESOLUTION 1.1

BE IT RESOLVED that Mark Pozniak is hereby appointed Treasurer of the LaGrange Fire District with a weekly pay rate of \$489.31 *(current 2022 rate)* for 2023.

### RESOLUTION 1.2

BE IT RESOLVED that Bria Le is hereby appointed Secretary of the LaGrange Fire District with an hourly pay rate of \$30.90 *(current 2022 rate)* for 2023. Said is also appointed Records Management Officer and Records Access Officer for the LaGrange Fire District.

### RESOLUTION 1.3

BE IT RESOLVED that Mike Hekle of Jackson Lewis, P.C. be designated as the attorney for the LaGrange Fire District for 2023.

### RESOLUTION 1.4

BE IT RESOLVED that NFP Property & Casualty Svcs, Inc. *(formerly Rose & Kiernan)* be designated as the insurance agent for the LaGrange Fire District for 2023.

### RESOLUTION 1.5

BE IT RESOLVED that The Poughkeepsie Journal be designated as the Official Newspaper of the LaGrange Fire District for placing legal advertisements, when necessary, for 2023.

### RESOLUTION 1.6

BE IT RESOLVED that Tompkins Bank be designated as the official depository for LaGrange Fire District for 2023.

### RESOLUTION 1.7

BE IT RESOLVED that Mark Pozniak, George Burns, & Richard Sassi be designated as the authorized signers on the financial accounts.

### RESOLUTION 1.8

BE IT RESOLVED that all five commissioners – George Burns, Marc Komorsky, Anthony Pignataro, Richard Sassi, & Barry Ward - be designated as the authorized signers on all of the Prudential, Mass Mutual, and Security Mutual life insurance policies owned by LaGrange Fire District.

### RESOLUTION 1.9

BE IT RESOLVED that the District Treasurer prepares monthly financial reports and furnishes a copy to each Commissioner at the first regular meeting each month.

RESOLUTION 1.10

BE IT RESOLVED that the District Treasurer is authorized to submit the annual treasurer's report to the State Comptroller's office.

RESOLUTION 1.11

BE IT RESOLVED that the District Treasurer be authorized by this Board of Fire Commissioners, to pay, in advance of an audit, the telephone, electric, fuel oil, recurring salaries, and contracted health and life insurance bills as they are received provided they appear to be in order.

RESOLUTION 1.12

BE IT RESOLVED that mileage will be reimbursed, when appropriate, at the current rate as determined by the Internal Revenue Service. **Jan. 1, 2023**, the standard mileage rate for the use of a car (also vans, pickups, or panel trucks) will be: **62.5** (*this is the current 2022 rate – the 2023 rate has not yet been published*) cents per mile for business miles driven.

RESOLUTION 1.13

BE IT RESOLVED that the three Commissioners who are not signers on the checks be the internal audit committee.

RESOLUTION 1.14

BE IT RESOLVED that the Fire District will maintain memberships in the following organizations: Association of Fire Districts of the State of New York (AFDSNY), Assoc. of Fire Districts of Dutchess County, Dutchess County EMS Council, Fire Chief's Council of Dutchess County, International Association of Fire Chiefs (IAFC), National Fire Protection Association (NFPA), New York Association of Local Government Records Officers (NYALGRO), and New York State Association of Fire Chiefs (NYSAFC).

RESOLUTION 1.15

BE IT RESOLVED that the Fire District policies in place in 2022 be adopted for 2023, including the Purchasing Policy, the Fixed Asset Capitalization Policy, the Investment Policy, the Credit Card Policy, the Fund Balance Policy, and the Indemnification Policy.

RESOLUTION 1.16

BE IT RESOLVED that the Fire District Treasurer is hereby authorized within sixty days after the end of the fiscal year to submit to this Board of Fire Commissioners a copy of the annual report required by General Municipal Law Section 30, in lieu of a written statement showing his receipts and disbursements for the preceding fiscal year. This authorization shall remain in effect until rescinded by this Board of Fire Commissioners.

ADDITIONAL ITEMS TO BE READ and Approved:

Meeting Schedule

Commissioner Committee Assignments

*Treasurer Oath of Office to be administered*

*Secretary Oath of Office to be done by Town Clerk after BoFC appointment*

LaGrange Fire District  
Board of Fire Commissioners  
**2023 Monthly Meeting Schedule**

January	10 (Organizational Meeting) 24
February	14 28
March	14 28
April	11 25
May	09 23
June	13 27
July	11 25
August	08 22
September	12 26
October	10 17 - Budget Hearing 24
November	14 28
December	TBD 12 – Commissioner Election 26

**The first official monthly meeting of the LaGrange Fire District is normally held on the second Tuesday of each month, and the second meeting on the fourth Tuesday of each month. All meetings will begin at 6:00 PM and be held at Firehouse #2, located at 504 Freedom Plains Road in Poughkeepsie, NY.**

*The location and time of the meeting may be changed by further resolution of the Board of Fire Commissioners upon proper notification to the public, pursuant to New York State Law, of such change.*



## COMMISSIONER COMMITTEE ASSIGNMENTS - 2022

ANNUAL BUDGET PREPARATION	<i>All Commissioners</i>
CONTRACTOR LIST UPDATE	<i>Burns &amp; Pignataro</i>
EQUIPMENT and APPARATUS	<i>All Commissioners</i>
INTERFACE WITH: Attorneys Annual Auditors	<i>Komorsky &amp; Ward</i>
INSURANCE	<i>Komorsky</i>
TELECOMMUNICATIONS	<i>Burns</i>
LIASON TO: Company #1 Company #2 Company #3  Mechanic's Facility Department President Department Training Local IAFF Company Officers  LaGrange Town Hall	<i>Ward</i> <i>Burns</i> <i>Pignataro</i>  <i>All Commissioners</i> <i>All Commissioners</i> <i>All Commissioners</i> <i>All Commissioners</i> <i>All Commissioners</i>  <i>Komorsky, Ward, &amp; Burns</i>
LONG RANGE PLANNING	<i>All Commissioners</i>
MONTHLY BANK RECONCILIATION	<i>Komorsky, Pignataro, &amp; Ward</i>
MONTHLY BUDGET REVIEW	<i>All Commissioners</i>
RULES/ POLICIES / REGULATIONS	<i>All Commissioners</i>
SUNSHINE	<i>Pignataro</i>



# LA GRANGE FIRE DISTRICT

504 Freedom Plains Road • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



## FIXED ASSET CAPITALIZATION POLICY

The LaGrange Fire District will regard its assets (including buildings, land or rights to land, and certain equipment, vehicles and furnishings) as fixed assets and shall regard those assets as capitalized, when all of the following criteria are met:

- (1) The Asset, when purchased, built or leased, shall have a useful life of one year or more.
- (2) The cost of the Asset (including installation) is \$20,000 or more. Multiple identical Assets whose individual cost is less than \$20,000 but the aggregate total of all identical Assets is \$20,000 or more are capitalized, as if they are a single Asset.
- (3) The cost of repairing or renovating the Asset is \$20,000 or more and prolongs the life of the Asset.

The Fire District shall establish an inventory of its Fixed Capitalized Assets. The inventory will include a brief description of the Asset (or group of Assets), the location of the Asset, its original estimated useful life, its remaining estimated useful life, its current condition, and its estimated replacement value.

The Fire District will regard software programs as fixed Assets, subject to the required criteria in this capitalization policy, and will amortize the cost of the Asset over an estimated useful life of three (3) years. Costs associated with software maintenance and customer support are considered expenditures which will not be capitalized.

### Other Considerations:

- (1) IMPROVEMENTS are expenditures for additions, alterations and renovations that appreciably prolong the life of the Asset, materially increase its value or adapt it to a different use. The cost of Improvements made to an Asset shall be capitalized.
- (2) REPAIR is an expenditure that keeps the property in ordinary efficient operating condition. The cost of the repair does not add to the value or prolong the life of the Asset. All repair expenditures are charged to the appropriate department and fund and shall not be capitalized.





# LA GRANGE FIRE DISTRICT

504 Freedom Plains Rd • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



---

## Investment Policy

BE IT RESOLVED that the LaGrange Board of Fire Commissioners of the LaGrange Fire District designates the Tompkins Mahopac Bank as the official depository of all Fire District funds and funds to be invested, pursuant to New York State Law, or any other local commercial bank offering the best interest rates.

District Funds shall be invested in certificates of deposits, treasury bills, money markets, and/or repurchase agreements when necessary and prudent, as to provide the appropriate liquidity of funds to meet operating requirements and these funds shall be FDIC insured and collateralized in compliance with Section 10 of the General Municipal Law.

The depository bank shall provide written custodial agreements and written security agreements, which will comply with General Municipal Law. This investment policy shall be reviewed annually at the re-organizational meeting of the LaGrange Board of Fire Commissioners and at any other time deemed necessary by the Board.

The designees assigned for investment management are the Board of Fire Commissioners and the District Treasurer.



# LA GRANGE FIRE DISTRICT

504 Freedom Plains Rd • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



---

## Credit Card Policy:

The LaGrange Fire District shall maintain the following Credit Card(s):

Visa –Tompkins Trust (Mahopac National Bank)

Wright Express (WEX) Fuel Cards

Staples

District credit cards are issued to and may only be used by the following district officials and employees:

Commissioner George Burns as the Authorized Officer, Fire District Secretary, Fire District Officers: Chief, Deputy Chief, Lieutenant (Training), EMS Administrator

1. The Fire District may issue District credit cards to the Chief, Deputy Chief, Lieutenant (Training), and EMS Administrator in their individual name and may revoke same at will. In addition, the District Secretary may be in possession of a District credit card to be used as needed for travel, postage or any other Commissioner approved expense.
2. District issued credit cards are to be used ONLY for official Fire District business.
3. All receipts for credit card purchases must be attached to a Fire District Purchasing form and submitted to the Board of Fire Commissioners for payment approval. Receipts must detail all charges including the name of the individual who incurred the charge, the reason for the charge and the amount of the charge.
4. District issued credit cards are not to be used for the purchase alcoholic beverages.
5. Personal Responsibility-the individual incurring the costs who fails to comply with District procedures will be personally responsible for all sums charged. Any charges made on District credit cards that do not have proper supporting documentation, the individual, not the district, will pay detail.
6. If a charge is determined to be an inappropriate or unauthorized Fire District charge, or if adequate documentation of the charge is not submitted to show it to be an authorized District charge, the individual responsible for the charge shall pay said charge within thirty days of the receipt of invoice from the credit card company.
7. All credit card users have the responsibility to notify both the Credit Card Company and the District Treasurer immediately, in the event the that the card is lost or stolen.
8. The Tompkins Trust Bank service number is 1-866-552-8855.
9. Any expenditure on the District credit card must be pre-approved by a Fire Commissioner, with the exception of the event of an emergency, when the Chief or the officer on the scene would be authorized to make emergency purchases as long as the Board is notified within 24 hours after the event.



# LA GRANGE FIRE DISTRICT

504 Freedom Plains Road • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



## Fund Balance Policy Developed for GASB 54

### ***Purpose***

The LaGrange Fire District Board of Fire Commissioners recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the District and is fiscally advantageous for both the District and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of fund balance maintained by the District to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.

### ***Definitions***

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund.

GASB Statement 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, fund balance amounts will be reported in the following categories:

- 1) **Nonspendable fund balance** – amounts that are not in a spendable form (e.g., inventory) or are legally or contractually required to be maintained intact (e.g., permanent fund principal).
- 2) **Restricted fund balance** – amounts that can be spent only for the specific purposes stipulated by external parties either constitutionally or through enabling legislation (e.g., grants or donations).
- 3) **Committed fund balance** – amounts that can be used only for the specific purposes determined by a formal action of the Board of Fire Commissioners. Commitments may be changed or lifted only by referring to the formal action that imposed the constraint originally (e.g., the board's commitment in connection with future construction projects).
- 4) **Assigned fund balance** – amounts *intended* to be used by the government for specific purposes. Intent can be expressed by the Board of Fire Commissioners or by a designee to whom the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
- 5) **Unassigned fund balance** – includes all amounts not contained in other classifications and is the residual classification of the general fund only. Unassigned amounts are available for any legal purpose.



# LA GRANGE FIRE DISTRICT

504 Freedom Plains Road • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



## ***Policy***

The responsibility for designating funds to specific classifications shall be as follows:

**Committed Fund Balance** – The Board of Fire Commissioners is the District's highest level of decision-making authority, and the formal actions that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Board.

**Assigned Fund Balance** – The Board of Fire Commissioners has authorized the Treasurer as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

## ***Unassigned Fund Balance Target***

It is the goal of the District to achieve and maintain an unassigned fund balance in the general fund at fiscal year-end of not less than 20% and not more than 35 % of annual expenditures. If the unassigned fund balance at fiscal year-end fall outside of the target range, the District shall develop a restoration plan to achieve and maintain the minimum fund balance.



# LA GRANGE FIRE DISTRICT

504 Freedom Plains Road • Poughkeepsie, NY 12603  
Tel (845) 471-4693 • Fax (845) 452-3349



## INDEMNIFICATION POLICY

APPLICABILITY: This policy applies to all personnel.

It is the policy of the Fire District to indemnify every Commissioner, Officer, employee and active member of the District for acts and omissions occurring within the scope of their duty in such capacity. This includes but is not limited to indemnification in accordance with Public Officers Law Section 18, Town Law 178-d, General Municipal Law 205-g, and as otherwise permitted or obligated by common law.

Any person, including an active member, who is served with a summons, petition, hearing notice or other action shall immediately deliver the same to the Chair of the Fire District, along with a written request for defense and indemnification. Pursuant to law, such written request and a copy of the pleadings must be delivered to the District Secretary and/or the Chair of the Board of Fire Commissioners within TEN DAYS of service upon the individual.

Indemnification shall not extend to expenses for punitive damages, fines, or penalties incurred as a result of intentionally harmful conduct.

# **Purchasing Policy**

## **Policy Statement**

The District has adopted these internal policies and procedures governing all procurements of goods and services. All such purchases using the funds or credit of the District shall be pursuant to this policy.

## **Goals of Purchasing Policy**

The goals of the District in its purchasing policy are to:

- (1) Assure the prudent and economical use of public moneys in the best interest of the taxpayers of the District
- (2) To facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- (3) To guard against favoritism, improvidence, extravagance, fraud, and corruption.

## **Purchasing Bid / Quote requirements**

When bidding is not required by statute, and whenever feasible, the District shall obtain alternative proposals or quotations for goods and services by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this policy.

Should a sufficient number of qualified vendors or suppliers be available, the following shall serve as a minimum number of quotations necessary for any purchase or public works contract.

<u>Estimated amount of Purchase Contract</u>	<u>Pre-Purchase Requirement</u>	<u>Authorized Purchaser</u>
\$0 - \$500 (Vehicle and Building Repair related)	None	Lieutenants*
\$0 - \$4,999.99	None	Chief, DC, & EMS Admin
\$5,000.00 - \$9,999.99	2 written quotations	BOFC
\$10,000.00 - \$19,999.99	3 written/faxed quotations	BOFC
\$20,000 and Greater	Competitive Bid	BOFC

<u>Estimated amount of Public Works Contract**</u>	<u>Pre-Purchase Requirement</u>	<u>Authorized Purchaser</u>
\$0 - \$9,999.99	None	Chief, DC, & EMS Admin
\$10,000.00 - \$19,999.99	2 written quotations	BOFC
\$20,000.00 - \$34,999.99	3 written/faxed quotations	BOFC
\$35,000 and Greater	Competitive Bid	BOFC

Note; In the absence of an authorized purchaser contact the BOFC Chairman

Initially adopted by the BoFC on 3/22/16

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.

The District may determine, on a case by case basis or for certain types of procurements generally, that the solicitation of alternative proposals or quotation will not be in the best interest of the District.

### **Authorized Purchase Order Signer**

Authorized Purchase Order Signers can sign PO's based on authorization from an Authorized Purchaser. Authorized signers on Purchase Orders shall be the District Secretary, District Book Keeper, District Fire Chief, Deputy Fire Chief, EMS administrator, and Fire Lieutenant assigned Training.

### **Bidding**

General Municipal Law 104-a(2)(a) requires that the District prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determinations that competitive bidding is not required by law. In accordance with that requirement, the District has implemented the following policy as guidance.

### **Instances when Bidding is Required**

Bidding shall be required for all contracts for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars (\$20,000). The contract shall be awarded to the lowest responsible bidder, who meets the bid specifications. The District shall determine what defines "responsible" for purposes of this requirement.

### **Awarding Bids to other than the lowest Bidder**

A contract for public works is defined as including an agreement for the erection, construction, reconstruction or alteration of building or lands.

In those cases where bids have been awarded to other than the lowest bidder (as opposed to lowest responsible bidder), even in those cases where informal bids have been accepted, the District shall document the justification and documentation for such choice, setting forth the reasons such an award furthers the goals of this policy.

In certain limited instances, the District may, in its sole discretion, determine that alternative proposals or quotations will not be in the best interest of the District. The commissioners will make such determinations in the rare instances that such need arises.

The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the Fire District or any commissioner, officer, volunteer or employee thereof.

### **Aggregate Purchases/Items of Similar Nature**

Separate purchases of the same or similar item purchased in a reasonable short time or in a single fiscal year that would exceed \$20,000 shall be considered a single purchase for determining whether bidding is required.

Initially adopted by the BoFC on 3/22/16

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.



Items of a similar nature should be grouped together for purposes of determining whether bidding is required.

### **Yearly Service Contracts**

A service contract that will likely exceed thirty-five thousand (\$35,000) dollars must be bid.

### **Service Contracts vs. Purchase Contracts and Professional Service Agreements**

The District recognizes the importance of determining whether a contract qualifies as one for the purchase of services or goods, as the purchase of services has a higher monetary threshold to mandate bidding. Additionally, certain professional services might not require bidding at all.

A contract involving both a purchase and professional services may qualify under the professional services exception if two criteria are met: (1) the professional services component of the contract is the primary or predominant part of the acquisition; and (2) there is an inextricable integration of the professional services and the physical components. This means that a contract will only be deemed to constitute professional services when the biddable component of the contract cannot be separated from the professional services. The “total character” of the agreement must be examined to ascertain its essential character or focus.

In the event that a purchase involves both a service and the purchase of goods, the District will determine whether the contract is one for public works or for the purchase of goods and use the appropriate limit to determine whether bidding is required.

A contract is mainly one for public works when the services provided constitute a predominant portion of the contract as to render the equipment purchase merely incidental to the provision of the technical services.

### **When Bidding is Not Required**

- (1) If there is only one “sole” source for the item;
  - Purchases made on State Contract / NYS Office of General services do not require bidding.
  - In this instance, the District shall document the unique benefit of the item as compared to others and its advantage to any similar item in the market.
  - Whether a particular contract involves a true sole source situation is a question of fact and municipal officials should be prepared to factually verify that the goods or services sought may only be obtained from a single source.
- (2) If the item is a “true lease”.
  - A true lease has no nominal fee buyout provision. A true residual value may be permitted for a buyout.
  - The title must always be with the leasing company, not the District.
- (3) Insurance is not subject to bidding under New York State law. However, the District shall make all reasonable attempts to obtain bids for general insurance coverage once every three years.
- (4) Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any other

Initially adopted by the BoFC on 3/22/16

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.

political subdivision, District or public benefit corporation. Not that a fire company is not considered a municipality.

- (5) Emergency purchases. In case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the District, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be dispensed with for such purchase.

### **Examples of Services Not Required To Be Bid**

Professional services which involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity in the performance of the contract are not required to be bid. Professional service contracts often involve a relationship of personal trust and confidence.

Therefore, the following are professional services:

- Attorneys
- Accountants for other than an audit
- Physicals performed by physicians
- Computer programmers
- Information Technology Services
- Architects
- Printing:

Contracts which only incidentally involve printing, such as the purchase of forms, envelopes or letterheads containing the municipality's name, address and other related matter, are considered purchase contracts for goods. Where the printing is not incidental, however, but represents the major portion of the work and costs, such as in printing of briefs and records on appeal, such services fall into the category of professional services.

Alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section.

### **Advertising for Bids**

Advertisement for bids shall be published in the official newspaper or newspapers for the District chosen for notice of meetings and elections at the organizational meeting in January.

The advertisement shall contain a statement of the time when and place where all bids shall be received.

All bid solicitations shall state that it will not permit electronic bid submission.

The District will designate an officer to open the bids at the time and place specified in the notice. Such officer shall make a record of such bids including the name of the bidder, the date received and any other information deemed necessary for each bid.

All bids received shall be publicly opened and read at the time and place specified in the notice.

[Initially adopted by the BoFC on 3/22/16](#)

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.

At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

### **Bidding Process**

All bidders shall provide an appropriate bid bond.

All bids shall be sealed until the time when all bids shall be opened together.

In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid.

In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the District may award the bid to any of such bidders.

The District may reject all bids and re-advertise for new bids if necessary.

### **Electronic Bid Submission**

Although permitted by law, the District shall not permit electronic bid submission.

### **Developing Specifications**

Whenever possible, practical, and feasible and consistent with open competitive bidding, the District may use the stock item specifications of manufacturers, producers and/or assemblers located in New York State in developing specifications for items to be let for bid in its purchasing contracts and may use the data and information contained in stock item specifications forms to assist in his determination of what constitutes a stock item of a manufacturer, producer and/or assembler located in New York State for the purpose of helping to retain jobs, business, and industry presently in the state of New York and attracting expanded and new business and industry to the state of New York so as to best promote the public interest.

### **Prohibition on Certain Bidders and Vendors**

No vendor or seller of goods or services, and no person, firm, partnership or corporation of which such vendor is a member, director or officer, who has refused to:

- (1) Testify in front of a grand jury, head of a state department, temporary state commission or other state agency, the organized crime task force in the department of law, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority.
- (2) To sign a waiver of immunity against subsequent criminal prosecution or
- (3) To answer any relevant question concerning such transaction or contract,

Shall be qualified to sell or submit bids to or receive an award from or enter into any contract with the District, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed.

[Initially adopted by the BoFC on 3/22/16](#)

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.

Any and all contracts made with the District or official thereof, by such person, and by any firm, partnership, or corporation of which he is a member, partner, director, or officer may be cancelled or terminated by the District without incurring any penalty or damages on account of such cancellation or termination. Any monies owing by the District for goods delivered or work done prior to the cancellation or termination shall be paid.

### **Statement of Non-Collusion Required**

All contracts for work and services shall contain a statement of non-collusion in bids and proposals to the District

### **Security Bonds**

Whenever a security bond is posted by a successful bidder for the faithful performance of a District project, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state department or agency responsible for supervising the aid program regarding the project, shall be transmitted to such department or agency, where it shall be reviewed to determine its authenticity prior to award of such contract. The original of such bond shall remain in the office of the District. Upon request of such department or agency, the superintendent of insurance shall render such assistance as is necessary to determine the authenticity of the security bond.

### **Bid Mistakes**

Where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following:

- (1) The mistake is known or made known to the District prior to the awarding of the contract or within three (3) days after the opening of the bid, whichever period is shorter; and
- (2) The price of the bid was based on an error of such magnitude that enforcement would be unconscionable; and
- (3) The bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and
- (4) The error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, document, or materials used in the preparation of the bid sought to be withdrawn; and
- (5) It is possible to place the District in status quo ante.

The sole remedy for a bid mistake in accordance with this section shall be withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the District may, in its discretion, award the contract to the next lowest responsible bidder or re-bid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.

[Initially adopted by the BoFC on 3/22/16](#)

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.

## **Recycled Goods**

When purchasing products, the District may, wherever recycled products meet contract specifications and the price of such products is reasonable competitive, purchase such products.

“Recycled product” shall mean any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto.

“Reasonably competitive” shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York State, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product.

Whenever such officer, board or agency shall purchase or cause the purchase of printing on recycled paper pursuant to this section, he or she shall require the printed material to contain the official state recycling emblem if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

Initially adopted by the BoFC on 3/22/16

\*Lieutenant purchasing authorization approved by the BoFC on 11/24/20.

\*\*Estimated amount of Public Works Contract changes to amounts approved by the BoFC on 1/11/22.