

**Meeting of the Board of Fire Commissioners  
Of the Manhasset-Lakeville Fire District  
In the Town of North Hempstead  
In the County of Nassau, New York  
January 3, 2023**

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At a regular meeting of the Board of Fire Commissioners of the Manhasset-Lakeville Fire District, in the Town of North Hempstead, in the County of Nassau, New York, held at the Fire District Office, 170 East Shore Road, Great Neck, New York, on January 3, 2023 at 5:15 p.m. (Prevailing time),

There were present:

Commissioner(s):

Honorable Mark S. Sauvigne, Chairman of the  
Board of Fire Commissioners

Honorable, Brian J. Morris Fire District  
Treasurer

Honorable, Steven Flynn Fire District  
Secretary

Also present:

Supervisor Tim Gould  
Business Manager Hilary Grossman  
District Counsel Robert Morici, Paul Pepper

\* \* \*

Meeting called to order by the Chairman at 5:15 p.m.

Commissioner Elect Steven Flynn was sworn in this evening to assume the duties as Commissioner of the Manhasset-Lakeville Fire District for a term of three years.

A letter with Constitutional Oath of Office card will be mailed to the Town of North Hempstead Town Clerk and the Nassau County Clerk.

Minutes of the previous meeting to stand approved by the Board.

Incoming and outgoing communications were considered by the Board.

This being the organizational meeting of the Board of Commissioners, **MOTION** was proposed by Commissioner Morris that Commissioner Sauvigne assume the duties of the office of Chairman of the Board for the year 2023. This was accepted by Commissioner Sauvigne.

The adoption of the foregoing **RESOLUTION** (#F01-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Flynn  
Nays: None  
Abstained: Commissioner Sauvigne

This being the organizational meeting of the Board of Commissioners, **MOTION** was proposed by Commissioner Sauvigne that Commissioner Morris assume the duties of the office of Treasurer of the Board for the year 2023. This was accepted by Commissioner Morris.

The adoption of the foregoing **RESOLUTION** (#F02-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Sauvigne, Commissioner Flynn  
Nays: None  
Abstained: Commissioner Morris

This being the organizational meeting of the Board of Commissioners, **MOTION** was proposed by Commissioner Sauvigne that Commissioner Flynn assume the duties of the office of Secretary for the year 2023. This was accepted by Commissioner Flynn.

The adoption of the foregoing **RESOLUTION** (#F03-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Sauvigne, Commissioner Flynn  
Nays: None  
Abstained: Commissioner Morris

This being the organizational meeting of the Board of Commissioners, **MOTION** was proposed by Commissioner Morris the following professional consultants will be retained by the District for fiscal year 2023:

***Computer Programmer/Billing – General Ledger***

LI Software Solutions – Kevin Saal  
Unlimited I.T Solutions – Richard Baldwin  
SAP

***Specialized Computer Consulting Services In Connection With a Six Location,  
Integrated Computer-based Security System for the District's Fire Houses***

Island Tech Services, LLC  
Principal Robert Gronenthal

Mayday Communications  
Principal Cliff Casazzone

C & H Signal - Alarms

Sound Dimensions – Security Cameras

***Specialized Service Providers***

Otis Elevator

MedPro US – Service Ambulances.

Clinical Clean – Sanitizing Ambulances.

Orkin Exterminators

Paychex – Payroll Service Providers

Firefly Admin Inc. – Tony Hill, Principal

Quick Med Claims

***Accountability System, LOSAP, Point System***

Fire Rescue Systems, Div. of SCM Products  
Principal Keith Siegel

***Automation, Copiers, Document Handler***

LDI Color Tool Box

***Auditor***

Craig, Fitzsimmons & Meyers, LLP  
Harry Meyers – Audit Manager

**Civil Engineers**  
H2M Group

**Insurance**  
Salerno Brokerage Corp.  
Principal - Nick Salerno

**Counsel**  
Morici & Morici, LLP  
Principal – Robert Morici, Attorney

McLaughlin and Stern, LLP  
Christopher Prior, Attorney

The adoption of the foregoing **RESOLUTION** (#F04-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Morris seconded by Commissioner Sauvigne it was **RESOLVED** that the Bank Accounts be continued in the following banks, in the name and for the use of the Board of Commissioners of the Manhasset-Lakeville Fire District and that until otherwise ordered, said banks be and are hereby authorized to make payments of the funds of said District and deposits with it upon and according to checks of this District signed by Commissioner Mark S. Sauvigne, Commissioner Brian J. Morris or Commissioner Steven Flynn and said banks are authorized to receive for deposit or collection of funds as follows:

<b>Manhasset-Lakeville Fire District 2023</b>		
<b>Bank</b>	<b>Description</b>	<b>A/C #</b>
Webster Bank	MLFD General Fund	*3992
Webster Bank	MLFD General Fund	*2562
Signature Bank	MLFD - EMS Recovery Operations	*4044
Signature Bank	MLFD Fire Apparatus	*3862
Signature Bank	MLFD Fire Apparatus	*1996
Signature Bank	MLFD Fire Apparatus	*2003
Signature Bank	MLFD Fire Apparatus	*2011

Signature Bank	MLFD General Fund	*3811
Signature Bank	MLFD General Fund	*3838
Signature Bank	MLFD Land and Building	*3854
Signature Bank	MLFD Land and Building	*1945
Signature Bank	MLFD Land and Building	*1961
Signature Bank	MLFD Land and Building	*1988
Signature Bank	MLFD Repair Reserve	*3846
Signature Bank	MLFD Repair Reserve	*1953

<b>Manhasset-Lakeville Fire District - 2023 LOSAP Funds</b>		
Financial Institution	Investment Advisor	A/C #
Ameriprise Financial	The Pinnacle Group	*8001
Charles Schwab	Capfinancial Partners LLC	*3264
Charles Schwab	Capfinancial Partners LLC	*9957
Charles Schwab	Capfinancial Partners LLC	*7646
First Security Benefit Life Insurance and Annuity Company of New York	Hometown Benefits Inc.	*0061

The adoption of the foregoing **RESOLUTION** (#F05-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

**MANHASSET-LAKEVILLE FIRE DISTRICT**

The following motions were proposed by Commissioner Morris and seconded by Commissioner Sauvigne,

**RESOLUTION REAFFIRMING THE ESTABLISHMENT OF THE CAPITAL RESERVE FUND  
– ACQUISITION OF FIRE APPARATUS**

RESOLVED, that, pursuant to Section 6-g of the General Municipal Law, as amended, the Board of Commissioners of the Manhasset-Lakeville Fire District (the “District”) does hereby reaffirm the prior and current establishment of the “Capital Reserve Fund – Acquisition of Fire Apparatus” as it was established by resolution heretofore on July 12, 1994, to fund the acquisition of various firefighting apparatus and, further, to fund the acquisition of apparatus and equipment as needed to respond to and resolve whatever emergencies, including medical and rescue, that may arise within the District and further

RESOLVED the District Treasurer, has and shall continue, to deposit moneys of this reserve into separate bank accounts known as “Acquisition of Fire Apparatus” and further

RESOLVED, that the monies for such funding will be raised through the appropriate tax levies as established in our annual budgetary process and through monies raised by the District Treasurer through proper and prudent investment pursuant to Section 6-f or the General Municipal Law.

The adoption of the foregoing **RESOLUTION** (#F06-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

**RESOLUTION REAFFIRMING THE ESTABLISHMENT OF THE CAPITAL RESERVE FUND  
– LAND AND BUILDING**

RESOLVED, that, pursuant to Section 6-g of the General Municipal Law, as amended, the Board of Commissioners of the Manhasset-Lakeville Fire District (the “District”) does hereby reaffirm the prior and current establishment of the “Capital Reserve Fund – Land and Building” as it was established by resolution heretofore on December 30, 1999, to fund the cost of acquisition of land and, further, to fund the cost of construction of land and building and further it is

RESOLVED that the fund may also be used to fund construction improvements, including additions, to District property and further it is

RESOLVED the District Treasurer, has and shall continue, to deposit moneys of this reserve into separate bank accounts known as “Land and Building Reserve Fund” and further

RESOLVED, that the moneys for such funding will be raised through the appropriate tax levies as established in our annual budgetary process and through monies raised by the District Treasurer through proper and prudent investment pursuant to Section 6-f or the General Municipal Law.

The adoption of the foregoing **RESOLUTION** (#F07-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

**RESOLUTION REAFFIRMING THE ESTABLISHMENT OF THE REPAIR RESERVE FUND**

RESOLVED, that, pursuant to Section 6-d of the General Municipal Law, as amended, the Board of Commissioners of the Manhasset-Lakeville Fire District (the “District”) does hereby reaffirm the prior and current establishment of the “Repair Reserve Fund” as it was established by resolution heretofore, to fund the cost of repairs to capital improvements or equipment, which repairs are of a type not recurring annually or at shorter intervals and further it is

RESOLVED the District Treasurer, has and shall continue, to deposit moneys of this reserve into separate bank accounts known as “Repair Reserve Fund” and further

RESOLVED, that the moneys for such funding will be raised through the appropriate tax levies as established in our annual budgetary process and through monies raised by the District Treasurer through proper and prudent investment pursuant to Section 6-f or the General Municipal Law.

The adoption of the foregoing **RESOLUTION** (#F08-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Morris seconded by Commissioner Sauvigne, it was **RESOLVED** that all Commissioners and/or employees of the District, when authorized and according to law, be paid at the rate of \$0.625 per mile (which is the New York State approved rate) for all transportation incurred on District business.

The adoption of the foregoing **RESOLUTION** (#F09-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Sauvigne seconded by Commissioner Morris it was **RESOLVED**, that all Commissioners, if possible, attend all educational meetings, conferences, conventions, exhibits, etc., pertaining to firematics such as the National Fire Protection Association, Eastern Association of Fire Districts of the State of New York, Association of Fire Chiefs, Firemen’s Association of the State of New York, Association of Towns, Legislative Clearing House of the Volunteer Firemen’s Association of the State of New York and Southern New York State Volunteer Firemen’s Association and any other regular meetings in 2023, if deemed necessary for the best interest of the District. At these meetings where it is felt they would be beneficial to certain employees of the District, the Board of Commissioners will designate such persons to attend. All expenses in connection with such attendance will be a proper charge against the District within the scope of the Budget. At the first meeting of the Board of Commissioners, subsequent to the attendance of the foregoing, the Secretary of the Board will record in the minutes the names of those officially attending meetings, together with a synopsis of the meetings.

The adoption of the foregoing **RESOLUTION** (#F10-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Morris, seconded by Commissioner Sauvigne, it was **RESOLVED**, the MANHASSET PRESS, GREAT NECK RECORD, and THE NEW HYDE PARK ILLUSTRATED shall be the official newspapers of the Manhasset-Lakeville Fire District.

The adoption of the foregoing **RESOLUTION**(#F11-23) which was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Morris, seconded by Commissioner Sauvigne it was **RESOLVED**; the following will be the schedule for the year 2023 Meetings for the Manhasset-Lakeville Fire District:

The Board of Commissioners of the Manhasset-Lakeville Fire District announces the regular 2023 Fall/Winter/Spring schedule of public official meetings. From January 1, 2023 through June 30, 2023, and from September 7, 2023 through December 31, 2023 the Board will meet every Tuesday at 4:00 p.m. to discuss water business and every first and third Thursday of the month at 4:00 p.m. to discuss fire business.

All meetings will be conducted in the Boardroom at the District office, 170 East Shore Road, Great Neck, N.Y. 11023, unless otherwise publicly notified. Our regular office hours are 7:00 a.m. to 3:00 p.m.

The Board is available on a daily basis by appointment to respond to concerns, questions and issues of the District residents pertaining to Water or Fire District matters.

Special arrangements or appointments can be made thru Antonia Pisani at 516-466-4416 extension 729.

Notice of this schedule is being sent to the MANHASSET PRESS, GREAT NECK RECORD, AND THE ILLUSTRATED NEWS for publication.

The adoption of the foregoing **RESOLUTION** (#F12-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

The Board of Commissioners reviewed and discussed, a resolution passed at meeting #89-26W on April 11, 1989, where an employee or official that has duplicate health coverage provided by another governmental employer either through employment or marital status, the practice of paying the employee or official the equivalent of what the District's normal cost is or would have

been in providing that employee, inclusive of his or her spouse, with medical insurance equal to that provided to other employees.

With input from counsel with respect to conditions for eligibility, and the ‘rule of necessity’ enabling all commissioners to vote on matters in which all Commissioners are potentially interested, Commissioner Morris proposed, and Commissioner Sauvigne seconded the following RESOLUTION:

WHEREAS, the Board of Commissioners of the Manhasset-Lakeville Water and Fire Districts (the “Board”) must from time to time enact or amend policies that affect some or all Board members in a manner that may warrant recusal or abstention by the Board members with respect to such Board action;

WHEREAS, the Board previously enacted a policy to incentivize employees and elected officials who are eligible for health insurance coverage through the Districts to elect to obtain health insurance coverage elsewhere (often through health insurance available to the employee or official through another employer, or through the employer of a family member of the employee);

WHEREAS, such Board policy (the “Opt-Out Policy”), offers a payment to an employee who so opts out of health insurance through the Districts, in an amount that is significantly less than would be the District’s share of the premiums payable for such employee (and, where applicable, such employee’s family) to obtain health insurance through the Districts;

WHEREAS, the Board finds that the Opt-Out Policy furthers the interests of the Districts and their taxpayers by reducing substantially the amount expended by the Districts to provide health insurance to its eligible employees and officials, while enabling the Board to find and retain qualified personnel;

WHEREAS, the Board further finds that the rapidly increasing costs to provide health insurance to District employees and officials has made the Opt-Out Policy more important and beneficial to the District than it was when initially adopted, such that the amount of the incentive payment thereunder should be increased in response to such costs, in order to advance the goal of the Opt-Out Policy; and

WHEREAS, while the Board members, who are eligible for health insurance and, therefore, the opt-out payments contemplated under the Opt-Out Policy, ordinarily would recuse themselves from voting on any amendment to such Opt-Out Policy in light of their interest in the outcome, the Board would be unable to act with respect to the Opt-Out Policy if the Board members recused themselves;

WHEREAS, counsel has advised the Board that the Doctrine or Rule of Necessity permits the members of a board to act on certain matters in which they have real or potential interests if recusal by such board members would prevent the Board from acting on the matter due to lack of a quorum legally required to enable the Board to vote on the matter;

WHEREAS, counsel has advised the Board that the Rule of Necessity is often invoked in situations in which action must be taken regarding compensation by a legislative, judicial or

administrative body, and the individuals required to take the action are themselves included in the group interested in the result of the action, as is the case in the matter of amending the Opt-Out Policy;

WHEREAS, the Board notes that actions by the Board are subject to judicial review in an Article 78 proceeding, in which the reasonableness of the Board's action will ordinarily enable the action to withstand legal challenge; and

WHEREAS, the Board believes that the reasonableness of the action hereby taken will be sufficient for any reviewing body to uphold the action, notwithstanding the need for board members interested in the outcome to vote on the matter;

NOW, THEREFORE, it is hereby DETERMINED as follows:

1. The Board of Commissioners hereby amends the Opt-Out Policy Compensation. The annual opt out compensation is two thousand five hundred dollars (\$2,500.00) per year for an employee who is not eligible for family coverage, and who elects to opt out of individual coverage, and for an employee who is eligible for family coverage and who elects to take individual coverage. The annual opt out compensation is five thousand dollars (\$5,000.00) per year for an employee who is eligible for family coverage and who elects to opt out of all health insurance through the District. The OPT OUT incentive will be paid in two installments in March and September. In the event of a less than full year OPT OUT the amount of the OPT OUT Incentive will be prorated.

Employees who which to participate must:

- Request to participate in writing
  - Acknowledge in writing that the employee and/or dependents are covered by another health insurance policy. Proof of coverage can be provided to the Business Manager
  - Acknowledge they will not be eligible to re-enroll until the next open enrollment period, unless a qualifying event takes place
2. The Superintendent is hereby authorized and directed to incorporate the foregoing amendment of the Opt-Out Policy in an Amended and Restated form of Opt-Out Policy, and to take such other actions, and to execute and deliver such documents and instruments as he determines to be necessary or appropriate in order to effectuate the foregoing resolution.

The adoption of the foregoing Resolution (#F13-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Sauvigne, Commissioner Morris, Commissioner Flynn  
Nays: None

The following resolution was discussed, approved and adopted this evening.

On MOTION of Commissioner Morris, seconded by Commissioner Sauvigne, the following resolution was adopted,

RESOLVED,

WHEREAS, heretofore, the Policy of this District, in ensuring ethical conduct from its officers and employees, has been its reliance on the standards of conduct set forth in the applicable provisions of Article 18 of the General Municipal Law, and

WHEREAS, this Board now believes that the most practical method of ensuring compliance with such standards requires the adoption of a Code of Ethics for the District, based upon the standards set forth in the General Municipal Law and it ratifies and confirms the code in the form attached to these minutes.

NOW, THEREFORE, the Board of Commissioners of Manhasset-Lakeville Fire District hereby adopts the policy of Code of Ethics for the Manhasset-Lakeville Fire District, and directs the Supervisor of the Fire District to deliver via the employee handbook, to each current officer and employee of the District a copy of said Code and to serve a copy on each new officer and employee when he or she joins the District.

The adoption of the foregoing Resolution (#F14-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn

Nays: None

On MOTION made by Commissioner Morris, seconded by Commissioner Sauvigne it was **RESOLVED**; the Board approves all Policy and Procedures as written in the manual:

Capital Assets Policy  
Cell Phone Usage Policy  
Code of Ethics Policy  
Covid Policy  
Credit Card Policy  
Cyber Security Citizen's Notification Policy NYS  
District Vehicle Usage Policy  
Emergency Evacuation Policy  
FOIL – Public Access to Records Policy  
Fund Balance Policy  
Health & Safety  
Internet Reimbursement Policy  
Internet Usage Policy  
Investment Policy  
Job Titles & Responsibilities

Physicals – Fire Department Members  
Procurement & Purchasing  
Record Retention & Disposition Policy  
Residency Requirements (MLFD Chief's) Policy  
Travel & Special Events Policy

The adoption of the foregoing **RESOLUTION** (#F15-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

On **MOTION** made by Commissioner Morris, seconded by Commissioner Sauvigne it was **RESOLVED**; the Board reaffirms the Manhasset-Lakeville District Employee Handbook of Work Rules, as written in the manual, which was revised in 2003.

The adoption of the foregoing **RESOLUTION** (#F16-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

Upon recommendation by Commissioner Morris and seconded by Commissioner Sauvigne, the following Resolution was adopted:

**RESOLUTION AUTHORIZING PATRICIA DURANTE AS THE RECORDS MANAGEMENT OFFICER TO DISPOSE OF CERTAIN RECORDS IN THE MANHASSET-LAKEVILLE FIRE DISTRICT**

**RESOLVED**, By the Commissioners of the Manhasset Lakeville Water and Fire Districts that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

WHEREAS, the Manhasset-Lakeville Water District has requested to dispose of certain records here-in-below identified pursuant to Section 57A of the Arts and Cultural Affairs Law of the State of New York;

NOW, THEREFORE, BE IT

RESOLVED, by the Board of Commissioners of the Manhasset-Lakeville Water District that Patricia Durante be appointed as Records Management Officer and is hereby authorized to retain and dispose of the records as per the current Retention List and Retention and Disposition Schedule for New York Local Government Records (LGS-1)

BE IT FURTHER

RESOLVED, that Patricia Durante is hereby directed to dispose of certain records from the Manhasset- Lakeville Water District in accordance with the minimum legal retention periods set forth in Records and Retention and Disposition Schedule LGS-1 and

BE IT FURTHER

RESOLVED, that Patricia Durante be and is hereby directed to dispose of certain records from the Manhasset-Lakeville Water District in accordance with the minimum legal retention periods set forth in Records Retention and Disposition Schedule LGS-1.

The adoption of the foregoing **RESOLUTION** (#F17-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

**MANHASSET-LAKEVILLE FIRE DISTRICT**

Be it resolved, that the Manhasset-Lakeville Fire District be and hereby establishes the following as a standard workday for elected officials, superintendents, supervisors, office staff and union members, for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

ALL ELECTED OFFICIALS

Water Commissioners                      Five-Day Work Week, Six-Hour

SUPERINTENDENTS

Fire Supervisor                              Five-Day Work Week, Eight-Hour

Assistant Supervisors Five-Day Work Week, Eight-Hour

OFFICE STAFF

Business Manager, Treasurer Five-Day Work Week, Eight Hour

Clerical Staff Five-Day Work Week, Eight Hour

UNION MEMBERS

CSEA Union Members Per Union Contract

PART TIME AND SEASONAL

Part time & Seasonal Employees The District hires part time employees qualifying for the New York State Retirement System. Work hours vary according to District needs and obligations.

The adoption of the foregoing Resolution (#F18-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

Ratifying Availability of Defense and Indemnity Benefits of Public Officers Law Section 18

After discussion, upon motion duly made and seconded, the Board of Commissioners of the Manhasset-Lakeville Districts jointly,

RESOLVED, as follows:

SECTION 1.

The Board of Commissioners of the Manhasset-Lakeville Fire District desire to ratify and confirm that the benefits of Section 18 of the New York State Public Officers Law, as amended and expanded by the provisions hereof, are, and shall continue to be, available to all of the Employees of the Manhasset-Lakeville Fire District, and each such District agrees to be liable for the costs incurred by its employee, under the provisions of Section 18 of the Public Officers Law, as amended and extended hereby.

SECTION 2.

The term “Section 18 of the New York State Public Officers Law” means the provisions of said Section as enacted by Chapter 277 of the Laws of 1981, as same has been or may be amended and in effect from time to time.

### SECTION 3.

The term “Employee” for purposes of this resolution shall be deemed to include all persons defined as “employee” pursuant to Section 18 of the New York State Public Officers Law, including, without limitation, any Commissioner, member of a public board or commission, trustee, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program, or any other person holding a position by election, appointment or employment in the service of a public entity, whether or not compensated, but shall not include an independent contractor. The term “employee” shall include a former employee, his estate or judicially appointed personal representative.

### SECTION 4.

Defense. Upon compliance by an employee with the provisions of Section 6 of this resolution, the District which employs such employee shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of Section 1981 or Section 1983 of Title 42 of the United States Code. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the District.

Upon compliance by an employee with the provisions of Section 6 of this resolution, the employee shall be entitled to be represented by counsel to the District, or if so determined by the Board of Commissioners of such District, by special counsel; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever counsel to the District determines, based upon his investigation and review of the facts and circumstances of the case, that representation by counsel to the District or by special counsel would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interests exists and that the employee is entitled to be represented by private counsel of his choice. Counsel to the District shall notify the employee in writing of any determination that the employee is entitled to be represented by private counsel. Counsel to the District may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by counsel under the provisions hereof, counsel to the District shall so certify to the Board. Reasonable attorney’s fees and litigation expenses shall be paid by the District to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation, under the terms of this resolution, by the Board. Any dispute with respect to representation of multiple employees by a single counsel, or with respect to the amount of litigation expenses or the reasonableness of attorneys’ fees, shall be resolved by the court upon motion or by way of a special proceeding.

Where the employee delivers process and a request for defense assistance to the District, counsel to the District shall take the necessary steps, including retention of private counsel under the terms and conditions provided in this resolution, on behalf of such employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

#### SECTION 5.

Indemnification. Such District shall indemnify and save harmless its employee in the amount of any judgement obtained against him in any state or federal court or in the amount of any settlement of a claim for lawful damages, provided that the act or omission to act from which such judgement or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless described by this section shall not arise where the injury or damage resulted from intentional wrongdoing on the part of the employee.

An employee represented by private counsel shall cause to be submitted to the Board of Commissioners any proposed settlement which may be subject to indemnification by the District, and if not inconsistent with the provisions of this resolution, the Board shall certify such settlement and submit such settlement and certification to counsel to the District. Counsel to the District shall review such proposed settlement as to form and amount, and shall give his approval if, in his judgement, the settlement is in the best interests of the District. Nothing in this resolution shall be construed to authorize the District to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by counsel to the District.

Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgement or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the Board of Commissioners, and if not inconsistent with the provisions of this resolution, such judgement or settlement shall be certified for payment by the District. If counsel to the District concurs in such certification, the judgement or settlement shall be paid by the District.

#### SECTION 6.

Cooperation required. The duty to defend or indemnify and save harmless prescribed by this resolution shall be conditioned upon (a) delivery to the District business office manager, by the employee, of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after such employee is served with such documents, and (b) the full cooperation of the employee in the defense of such action or proceeding, and in defense of any action or proceeding against the District based upon the same act or omission to act, and in the prosecution of any appeal. Such deliveries by the employee to the District shall be deemed a request by the employee that the District provides for his defense pursuant to this resolution.

#### SECTION 7.

Insurance Unaffected.

The provisions of this resolution shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance issued to the District.

SECTION 8.

Applicable to all Actions and Proceedings, now or hereafter Pending. The provisions of this resolution shall apply to all actions and proceedings pending upon the effective date hereof or hereafter instituted.

SECTION 9.

No Impairment of other Rights or Immunities. The provisions of this resolution shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the District or any right to a defense or indemnification, or both, provided for any governmental officer or employee by, in accordance with or by reason of any other provision of law, rule or regulation.

SECTION 10.

Effect upon Rights of other Parties and other Laws. The benefits of this resolution shall inure only to employees as defined herein, and shall not enlarge or diminish the rights of any other party, nor shall any provisions of this resolution be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

The adoption of the foregoing Resolution (#F19-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Sauvigne, Commissioner Morris, Commissioner Flynn  
Nays: None

The Board of Commissioners of the Manhasset-Lakeville Fire District recognizes the importance of continuing education for the Board members and employees of the District.

WHEREAS, the New York State Government Finance Officers' Association (NYSGFOA) is an organization of public officials that promotes education, training and timely updates of rules, regulations and reporting requirements to New York State and Local Government Officials, and

WHEREAS, the New York Association of Local Government Records Officers (NYALGRO) is a non-profit organization formed to provide a network to all who are responsible for records upkeep and information management for local governments, such as, towns, counties, cooperative extensions, cities, fire districts, school districts, villages and BOCES. NYALGRO is a

proven advisory network for the development of sound records and information management programs, and

WHEREAS, PERMA (Public Employers Risk Management Association, Inc.), is New York's premier provider of workers compensation for public entities, and

WHEREAS, Fred Pryor Seminars/Career Track for business training seminars,

BE IT RESOLVED,

A MOTION was proposed by Commissioner Morris and seconded by Commissioner Flynn, that seminars, conferences and meetings where it is felt, would be beneficial to certain employees of the District, the Board of Commissioners will approve such persons to attend. All appropriate expenses are to be borne by the District. At the first meeting of the Board of Commissioners, subsequent to the attendance of the foregoing, the Secretary of the Board will record in the minutes the names of those officially attending meetings, together with a synopsis of the meetings.

The adoption of the foregoing Resolution (#F20-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

Supervisor Gould brought the Board up to date as follows:

<b><i>Apparatus</i></b>	
Department Van	Waiting
Co#1 Truck	Jan/Feb for Chassis
8744, 8759	Bodywork
<b><i>Buildings</i></b>	
CO#4	Basement, still waiting on stove
Co#1	2 <sup>nd</sup> Floor Kitchen
Co#2	2 <sup>nd</sup> Floor Kitchen
Co#4	Water Barricades
Co#4	Water Barricades. Still Waiting
	District Keys and Camera upgrades
	District Phone Upgrades
Ambulance Building	
<b><i>Miscellaneous</i></b>	
	Resolutions

**RESOLUTION OF THE MANHASSET-LAKEVILLE FIRE DISTRICT  
RELATING TO APPROVAL OF CHECKS  
ORGANIZATION NUMBER 1**

To the Treasurer:

I certify that the vouchers on the submitted check register were audited by the Board of Commissioners of the Manhasset-Lakeville Fire District on 1/3/23 and are allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount indicated on the opposite of his name.

Brian J. Morris  
Commissioner  
Manhasset-Lakeville Fire District

Date: 1/3/23

Commissioner Flynn proposed the following motion, seconded by Commissioner Sauvigne:

WHEREAS the purchases for goods and services identified and presented to the Board of Commissioners this date, 1/3/23, have been found to be properly acknowledged as received or due, and have been audited according to the tenets of Town Law §176 (4a) and in compliance with the Procurement Policy of the Manhasset-Lakeville Fire District and,

WHEREAS the audit of claims by the Board of Commissioners is a deliberate process to determine that the proposed payment is proper and just and satisfies the following criteria:

- The proposed payment is for a valid and legal purpose.
- The obligation was incurred by an authorized official.
- The goods or commodities for which payment is claimed were actually rendered.
- The obligation does not exceed the available appropriation.
- The claim is in proper form; it is mathematically correct; it meets legal requirements; it does not include any charges for taxes from which the organization is exempt; it includes discounts to which the organization is entitled it does not include charges previously claimed and paid; and it is in agreement with an attached invoice.

NOW, THEREFORE, it is hereby

RESOLVED to approve payment to the vendors identified on Check Number 14742 thru Check Number 14758 this date.

The adoption of the foregoing Resolution (#F21-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Sauvigne, Commissioner Morris, Commissioner Flynn  
Nays: None

The Board approved a resolution authorizing Commissioner Sauvigne to sign the McLaughlin & Stern Fire District 2023 retainer on behalf of the board.

The adoption of the foregoing Resolution (#F22-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Flynn, Commissioner Sauvigne  
Nays: None

The Board approved a resolution authorizing Commissioner Sauvigne to sign agreement with the Manhasset Lakeville Fire Department regarding Ambulance billing behalf of the board.

The adoption of the foregoing Resolution (#F23-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Flynn, Commissioner Sauvigne  
Nays: None

RESOLVED, that the Board of Commissioners approved annual raises to base salaries effective as of January 1, 2023 for the non-CSEA Fire District employees, as set forth in a schedule of proposed salary increases presented to and reviewed by the Board.

Timothy Gould, Fire Supervisor, will receive a 3.5% raise, Kyle Dugger, Assistant Fire Supervisor, will receive a 3.5% raise, Scott Chen, Assistant Fire Supervisor, will receive a 3.5% raise, Patricia Durante, Deputy Fire District Treasurer, will receive a 3.5% raise, Antonia Pisani, Clerk will receive a 3.5% raise.

The adoption of the foregoing Resolution (#F24-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

The Board of Commissioners has adopted the revised Manhasset Lakeville Fire District Procurement and Purchasing Policy in the form attached as Exhibit A.

The adoption of the foregoing Resolution (#F25-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

The Board approved a resolution authorizing Supervisor Gould to sign the State Environmental Quality Review (SEQR) and Full Environmental Assessment Form on behalf of the board.

The adoption of the foregoing Resolution (#F26-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Flynn, Commissioner Sauvigne  
Nays: None

**RESOLUTION OF THE MANHASSET-LAKEVILLE FIRE DISTRICT RELATING TO APPROVAL OF EXPENDITURES**

Commissioner Flynn proposed the following motion, seconded by Commissioner Sauvigne

WHEREAS, the purchase of goods and services identified and presented to the Board of Commissioners this date, 1/3/23 have been found to be properly acknowledged as requested expenditures, according to the Procurement Policy of the Manhasset-Lakeville Fire District,

NOW, THEREFORE, it is hereby

RESOLVED to approve purchase to the vendors identified on Board of Commissioners Expenditure Request form submitted to the Board by the Supervisor as follows:

Approval of Expenditures:

VENDOR	DESCRIPTION	AMOUNT	BUDGET NUMBER	PURCHASE SUPPORT
LI Proliner	8759 Accident (Ins. Recovery)	\$24,971.51	8310.475.0	Insurance Recovery
TOTAL	REQUESTED	\$24,971.51		

The adoption of the foregoing Resolution (#F27-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

**RESOLUTION OF THE MANHASSET-LAKEVILLE FIRE DISTRICT RELATING TO  
APPROVAL OF EXPENDITURES**

Commissioner Flynn proposed the following motion, seconded by Commissioner Sauvigne

WHEREAS, the purchase of goods and services identified and presented to the Board of Commissioners this date, 1/3/23 have been found to be properly acknowledged as requested expenditures, according to the Procurement Policy of the Manhasset-Lakeville Fire District,

NOW, THEREFORE, it is hereby

RESOLVED to approve purchase to the vendors identified on Board of Commissioners Expenditure Request form submitted to the Board by the Supervisor as follows:

Approval of Expenditures:

VENDOR	DESCRIPTION	AMOUNT	BUDGET NUMBER	PURCHASE SUPPORT
SCM Products	2023 SCM/FRS Maintenance Agreement	\$18,506.00	3410.225.1	PS
Mayday Comm	2023 Console Maintenance Agreement	\$34,180.00	3410.225.1	PS
TOTAL	REQUESTED	\$52,686.00		

The adoption of the foregoing Resolution (#F28-23) was duly put to a vote on roll call, which resulted as follows:

Ayes: Commissioner Morris, Commissioner Sauvigne, Commissioner Flynn  
Nays: None

The Board acknowledged receipt of and discussed the information contained in the Charles Schwab and Ameriprise statement.

Meeting adjourned at 6:30 p.m. I hereby certify the aforementioned is a true and exact copy of the Minutes of Meeting held on January 3, 2023.

\_\_\_\_\_  
Steven Flynn, Secretary

:ap

EXHIBIT A

## MANHASSET-LAKEVILLE FIRE DISTRICT PROCUREMENT & PURCHASING POLICY

### Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interest of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, waste, extravagance, fraud and corruption. To further these objectives, the Board of Commissioners (the "Board") is adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 and 104b or of any other general, special or local law. This policy shall apply to all Claims other than Excepted Claims, as defined below.

### Excepted Claims

"Excepted Claims" shall mean

(a) claims for

(i) the payment of fixed salaries of officers or employees,

(ii) the principal of or interest on obligations issued for the purposes of the Manhasset-Lakeville Water District ("The District"),

(iii) fixed amounts becoming due on lawful contracts for periods exceeding one (1) year, and

(iv) amounts that the District may be required to pay to the New York State Employees' Retirement System on account of contributions for past and current services of officers and employees, all of which are expressly excepted from the audit of claims requirements of Town Law Section 215-1-b, and

(b) expenditures from the petty cash fund of the District, not to exceed \$250.00, established under authority of Town Law Section 215-1-c, for payment by the District Treasurer of certain payments in advance of audit.

## Identification of Purchasing Agents

In accordance with the NYS General Municipal Law, Section 104-b.2.f., the following individuals are identified as purchasing agents for the District:

Fire District Supervisor - Timothy Gould  
Business Manager - Hilary Grossman – Business Manager  
Fire District Managers - Scott Chen, Kyle Dugger, Kenneth Krupski

## Procedures for Determining Whether Procurements are Subject to Bidding

(a) Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Although “purchase contract” and “contract for public work” are not defined in New York State General Municipal Law §103, the Office of the State Comptroller has opined that “purchase contract” applies to the procurement of commodities, equipment, materials and supplies, while the term “contract for public work” applies to contracts for services, labor or construction. If a contract involves the acquisition of commodities, equipment, materials or supplies, as well as the purchase of services, labor or construction, (e.g., when an item of equipment is purchased and installed by the vendor), the “total character” of the arrangement, as well as the underlying purpose of the competitive bidding statute, will be examined to make the determination. District personnel making this determination may, if desired, consult with counsel to the District for advice in rendering such determination.

(b) Once the determination described in the preceding clause is made, District personnel shall determine, taking into account past purchases and reasonably anticipated needs for the upcoming year, whether the aggregate amount anticipated to be spent on the item of supply or service during the year will or can be reasonably expected to exceed the applicable competitive bidding threshold amount.

## The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

- a. Purchase contracts under \$20,000.00
- b. Public works contracts under \$35,000.00
- c. Emergency purchases as defined in Section 103 (4) of the General Municipal Law
- d. Preferred source – NYS law requires municipalities purchase certain commodities from New York State Department of Correctional Services, The New York State Industries for the Disabled, The New York State Industries for the Blind, and The New York Sole Source - To qualify, at a minimum, no other products available provide an equivalent or similar benefit, the cost is reasonable, there is no possibility of competition from other dealers or distributors
- e. Purchases under State and County Contracts

- f. Surplus and second-hand purchase from another governmental entity, and
- g. “Piggy-back” purchases, pursuant to GML §103.16., under contracts publicly let by the United States, any agency of the United States, any state or political subdivision or district of any State, if let to the lowest responsible bidder or on the basis of best value consistent with GML §103, and made available to other governmental entities (collectively, “Piggy-back Contracts”).

The decision that a purchase is not subject to competitive bidding will be documented in writing by the Purchasing Agent. This documentation may include written or verbal quotes from vendors, a memo from the Purchasing Agent indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the Purchasing Agent detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. This procedure does not eliminate the requirement that the Board formally approve the declaration of every emergency.

**Statutory Exceptions From These Policies and Procedures**

Except for procurements made pursuant to General Municipal Law, Section 103 (3) (through county contracts) or Section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veterans’ workshops), Correction Law, Section 186 (articles manufactured in correctional institutions), purchases under Piggy-back Contracts, or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

**Method of Competition to Be Used for Non-Bid Procurements**

Except as otherwise provided herein, all goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price or “best value,” as contemplated under GML§103(1), pursuant to resolution of the Board adopted April 7, 2020 (copy attached as Exhibit A), and that favoritism will be avoided.

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Amount of Goods or Commodity Purchase</u>	<u>Amount of Public Works Contract</u>	<u>Method</u>
\$5,000 – 19,999.99	\$5,000–34,999.99	Solicitation of 3 written quotes or Request for Proposal (RFP)

(1) If any public works contract is awarded following compliance with the applicable method set forth above, and after the awarding thereof, a change order relating thereto is submitted to the District, the amount of which, when added to the original

contract amount, would have required a different method of analysis at the outset, no additional approvals will be required hereunder with respect to such change order, provided that the amount of the change order represents not more than 20% of the contract price originally approved. If such change order amount exceeds 20% of the original contract amount, then the change order shall be considered under the method applicable to a contract having a dollar amount equal to the amount of the change order. Notwithstanding the foregoing, if the aggregate amount of the contract price plus change order price exceeds \$35,000, then the District personnel responsible for such change order shall consult with counsel to the District to determine whether the best interests of the District are served by compliance with competitive bidding requirements otherwise applicable to public works contracts in an amount greater than \$35,000.

- (2) Reasonable shipping and handling costs not exceeding 10% of any purchase contract amount shall be excluded from the computation of amounts of purchase contracts for the purposes of the foregoing table.

When the District seeks to purchase more than one type of industrial supply or equipment at the same time from the same vendor for convenience, each such type will be considered separately when determining the amount of the purchase for purposes of the applicable method of purchase. For example, if the aggregate amount of supply item "X" is \$4,500, and the aggregate amount of supply item "Y" is \$4,750, then the purchase of both items shall be deemed two separate purchases, each less than \$5,000, even though the aggregate cost for both items exceeds \$5,000. Whenever reasonably possible, purchases of industrial supplies and equipment should be under then-effective government contracts that are eligible for piggy-back purchases or are otherwise available as purchase resources for the District under applicable law.

### **Adequate Documentation**

Documentation of actions taken in connection with each such method of procurement is required.

### **Awards to Other Than Lowest Responsible Dollar Offeror**

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings, or represent "best value," or how the offeror was not responsible. "Best value" is a basis for awarding contracts for products, using objective and quantitative methods, to the vendor that optimizes quantity, cost, and efficiency. A determination that the offeror is not responsible shall be made by the Purchasing Agent after reviewing the circumstance with counsel to the District, after which, the award may not be challenged under any circumstances.

### **Items Excepted from Policies and Procedures**

Pursuant to General Municipal Law Section 104-b (2) (g), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body (The Board), the solicitation of alternative proposals or quotations will not be in the best interests of the District. In the following circumstances it may not be in the best interests of the District to solicit quotations or document the basis for not accepting the lowest bid:

(a) Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board shall take into consideration the following guidelines:

1. Whether the services are subject to State Licensing or testing requirements.
2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
3. Whether the services require a personal relationship between the individual and District officials.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; laboratory services, securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; services involving extensive writing; editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

(b) Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

(c) Purchase of surplus and second-hand goods from any source. If alternate proposals are required, the District is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and lower price may indicate an older or less serviceable product.

(d) Goods or services under \$5,000. The staff and administrative time, documentation, and associated costs required to comply with purchase procedure applicable to purchases

of goods or services equal to or greater than \$5,000 may be unreasonable, and wasteful of taxpayer resources, in the context of proposed purchases under \$5,000. Furthermore, it is unlikely that contracts with a value less than \$5,000 would be awarded based on favoritism. Proposed purchases of goods or services under \$5,000 shall be reviewed by the Purchasing Agent to ensure that larger purchases are not artificially segmented in an attempt to avoid compliance with purchase procedure applicable to purchases of goods or services equal to or greater than \$5,000.

(e) Purchases under duly authorized inter-municipal cooperation agreements.

#### Use of Bank Credit Cards

The Board may authorize the use of Bank Credit Cards for purchases if it determines same to be in the best interests of the District.

#### Purchase Orders and Signing Authority

All purchases shall be made by the issuance of a Purchase Order by the Purchasing Agent. Purchase on claim forms will be routinely scrutinized by the Purchasing Agent and/or the Treasurer to verify that such purchases are legitimate and are not an attempt to avoid complying with the procedures necessary for larger purchases.

There are two main types of purchase orders: Standard Purchase orders and Blanket Purchase Orders.

Standard Purchase Orders are for items and/or services known at the time of order. Therefore, Standard Purchase Orders will not be approved without itemized details of the products or services being ordered.

Blanket Purchase Orders, or open-ended accounts, are normally prepared for a 12 month period to eliminate the necessity for the issuance of separate orders for groups of items that are purchased frequently from the same vendor (ex. office supplies) as well as to permit purchasing items of this nature on an "as needed" basis.

#### **(a) Purchases Over \$5,000**

1. The District Superintendent must submit each purchase request for a purchase equal to or greater than \$5,000 to the Board on the *BOARD OF COMMISSIONERS EXPENDITURE REQUEST FORM* (copy attached) at a scheduled Board meeting.
2. Multiple purchase requests for multiple vendors can be submitted on one such Request Form.
3. The Board's approval shall be in the form of a resolution, which shall be set forth in the minutes of the Board meeting at which same is approved.

4. Once the Board adopts a purchase approval resolution, District personnel may create the associated purchase order.
5. All written quotes shall be attached to the Purchase Order.

**(b) Purchases that do not require prior Board Approval – and which Blanket Purchase orders are acceptable:**

**Purchasing agents are authorized to initiate purchase orders without additional Board authorization for:**

1. Purchases less than \$5,000.
2. Purchases from other Governmental entities and agencies.
3. Utilities.
4. Legal Services, Laboratory Services, and Information Technology Services that are billed monthly, based upon the services provided the previous month, by the vendors previously approved by the Board to render such service.
5. Fuel, including gasoline and diesel.

The Board will monitor these purchases by reviewing and signing the check register abstract.

Confirming Purchase Orders may be generated for the purpose of items or services in the case of an emergency that has been approved by the Board of Commissioners. Confirming Purchase Orders may not be used to correct errors in the procurement of goods or services.

**Input from Officers**

Comments concerning the policies and procedures shall be solicited from officers of the District therein involved in the procurement process prior to the enactment of new policies and procedures, and will be solicited from time to time hereafter.

**Annual Review**

The governing board shall annually review these policies and procedures. The Treasurer shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

In addition, the annual vendor payment summary will be reviewed annually to determine if the sum of all payments for all goods or services purchased from a particular vendor exceeds the competitive bidding thresholds established in this policy. If it is

reasonably expected that the goods or services provided by a particular vendor will exceed the competitive bidding threshold during the year then commencing, then such goods and services shall be bid as an annual contract.

**Payment Requirements**

1. Original invoice
2. Signed proof of claim form and signed purchase order
3. Dated verification that the goods have been received / services has been performed
4. If contract is paid on an hourly basis, timesheets showing the hours worked and the applicable rate contained in the agreement
5. If applicable, copy of the signed agreement and copy of a resolution if the purchase was based upon a bid

**Unintentional Failure to Comply**

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

Date: \_\_\_\_\_

Approved by Board of Commissioners:

\_\_\_\_\_  
Mark S. Sauvigne, Chairman

\_\_\_\_\_  
Brian J. Morris, Treasurer

\_\_\_\_\_  
Steven L. Flynn, Secretary

**Exhibit A**

Resolution adopting Best Value Exception to Competitive Bidding for Purchases

WHEREAS, the Board of Commissioners desires to take advantage of authority created under the New York State General Municipal Law Section 103, providing local governments with flexibility to award certain purchase contracts on a “best value” basis, even where best value may be determined on factors other than the lowest responsible bidder; and

WHEREAS, counsel to the Board of Commissioners has advised the Board that formal action by resolution is required in order to vest the District with such flexibility;

NOW, THEREFORE, it is hereby RESOLVED, as follows:

Policy of the Board of Commissioners of the Manhasset-Lakeville Water District authorizing purchases on the basis of "Best Value," for purposes of New York State General Municipal Law § 103.

§ 1. Purchase Contracts.

- A. Definitions. As used in this Policy, the following terms shall have the following meanings:

BEST VALUE - best value as defined in State Finance Law § 163, as such may be amended from time to time.

PURCHASE CONTRACT - all purchase contracts, including service contracts, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, as same may be amended from time to time.

- B. Pursuant to the provisions of General Municipal Law § 103, the Board of Commissioners is hereby authorized, if and when it is determined by such Board to be in the best interests of the District, to award a particular purchase contract on the basis of best value.
- C. Such authority may be exercised by the Board of Commissioners with regard to any such purchase contract whether or not it reaches the threshold requiring competitive bidding pursuant to General Municipal Law § 103.

Manhasset-Lakeville Water & Fire District

QUOTES FOR EXPENDITURES

Verbal or Written

Description of Goods or Services:

Date	Contractor	Phone #	Amount
1)			
2)			
3)			
Written quotes attached.			