

RESOLUTION NO. 1 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution proclaiming Linda J. Murphy as Deputy Supervisor.

WHEREAS, the Deputy Supervisor shall preside during the absence or inability to act of the Supervisor;

BE IT RESOLVED that Linda J. Murphy be, and hereby is, appointed as Deputy Supervisor for a term of two years at a salary set forth in the 2020 Budget, said term to expire December 31, 2021.

RESOLUTION NO. 2 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Linda J. Murphy
 Danielle Futia
 Jill Penn
 Melissa Jeffers VonDollen
 Councilmen Rick Field, Sr.
 David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Peter Stuto as Chairman of the Planning Board.

BE IT RESOLVED that Peter Stuto be, and hereby is, appointed as Chairman of the Planning Board from January 1, 2020 until December 31, 2021 at a salary set forth in the 2020 Budget.

RESOLUTION NO. 3 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Kathleen Marinelli, Esq. as counsel for the Planning Board.

BE IT RESOLVED that Kathleen Marinelli, Esq. be, and hereby is, appointed as counsel for the Planning Board from January 1, 2020 until December 31, 2021 at a salary set forth in the 2020 Budget.

RESOLUTION NO. 4 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing Michael J. Garry, Esq. as Counsel for the
Zoning Board of Appeals.**

BE IT RESOLVED that Michael J. Garry, Esq. be, and he hereby is, appointed as
Counsel to the Zoning Board of Appeals from January 1, 2020 until December 31, 2021 at a
salary set forth in the 2020 Budget.

RESOLUTION NO. 5 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing David C. Rowley, Esq. and Frederick Altman, Esq. as Assistant Vehicle and Traffic Prosecutors.

BE IT RESOLVED that David C. Rowley, Esq. and Frederick Altman, Esq. be, and hereby are, appointed as Assistant Vehicle and Traffic Prosecutors from January 1, 2020 until December 31, 2021 at a salary set forth in the 2020 Budget.

RESOLUTION NO. 6 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Linda J. Murphy
 Danielle Futia
 Jill Penn
 Melissa Jeffers VonDollen
 Councilmen Rick Field, Sr.
 David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing John Cunningham as Commissioner of Public Works.

BE IT RESOLVED that John Cunningham be, and he hereby is, appointed as Commissioner of Public Works for a term of two years, said term expiring December 31, 2021, at an annual salary as set forth in the 2020 Budget, effective January 1, 2020.

RESOLUTION NO. 7 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing Kevin Franklin as Town Historian for one year,
effective January 1, 2020.**

BE IT RESOLVED that Kevin Franklin be, and he hereby is, appointed by the Supervisor as Town Historian effective January 1, 2020 for a one year term at an annual salary as set forth in the 2020 Budget.

RESOLUTION NO. 8 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Michael C. Magguilli, Esq. as Town Attorney.

BE IT RESOLVED that Michael C. Magguilli, Esq. be, and hereby is, appointed as Town Attorney for a term of two years, said term expiring December 31, 2021, at an annual salary of \$82,000, effective January 1, 2020.

RESOLUTION NO. 9 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Financial Projects Manager (Special Salaried) in the Comptroller's Department and appointing Craig Blair to that position.

BE IT RESOLVED that one (1) position of Financial Projects Manager (Special Salaried) be, and hereby is, established in the Comptroller's Department; and

BE IT FURTHER RESOLVED that Craig Blair be, and hereby is, appointed Financial Projects Manager (Special Salaried), effective January 1, 2020 at an annual salary of \$40,000.00.

RESOLUTION NO. 10 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Executive Assistant to the Town Supervisor in the Supervisor's Office and appointing Thomas Breslin, Jr. to that position.

BE IT RESOLVED that one (1) position of Executive Assistant to the Town Supervisor be, and hereby is, established in the Supervisor's Office; and

BE IT FURTHER RESOLVED that Thomas Breslin, Jr. be, and hereby is, appointed Executive Assistant to the Town Supervisor, effective January 5, 2020 at an annual salary of \$60,000.00.

RESOLUTION NO. 11 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Matthew E. Lorini to the position of Law Clerk/Justice, Grade 14, in the Justice Department.

BE IT RESOLVED that Matthew E. Lorini be, and hereby is, appointed to the position of Law Clerk/Justice, Grade 14, in the Justice Department at an annual salary of \$62,682, effective January 3, 2020.

RESOLUTION NO. 12 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Michael J. Davey to the position of Sewage Treatment Plant Operator, Grade 22, in the DPW/Division of Pure Waters.

BE IT RESOLVED that Michael J. Davey be, and hereby is, permanently appointed to the position of Sewage Treatment Plant Operator, Grade 22, in the DPW/Division of Pure Waters at an annual salary of \$52,542, effective January 3, 2020.

RESOLUTION NO. 13 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution designating official newspaper.

WHEREAS, there is a newspaper regularly published in the Town entered in the United States Post Office as second class mail known as the *Colonie Spotlight*; and

WHEREAS, Section 64, subdivision 11 of the Town Law provides that the Town Board may designate such newspaper as the official newspaper of the Town;

NOW, THEREFORE, BE IT RESOLVED that the *Colonie Spotlight* be, and hereby is, designated as the official newspaper of the Town of Colonie.

RESOLUTION NO. 14 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution fixing amounts of bonds of town officers, clerks and employees.

BE IT RESOLVED that pursuant to §11 of the Public Officers' Law and with the consent and approval of the Supervisor and Town Board, the blanket undertaking from a duly authorized corporate surety covering officers, clerks, employees, be, and it hereby is, approved and directed to be filed in the Town Clerk's Office, and that any provisions in law that the officials, clerks or employees of the Town of Colonie shall secure undertakings to the effect that they will faithfully discharge the duties of their office and promptly account for and pay over all moneys or property received by them in their official capacity are hereby waived.

RESOLUTION NO. 15 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to take all steps necessary to pursue disciplinary actions as necessary and to appoint Hearing Officers pursuant to Section 75 of the Civil Service Law of the State of New York for 2020.

WHEREAS, Civil Service Law Section 75 sets forth certain procedures that must be followed in order to discipline public employees;

BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to take all steps necessary pursuant to Section 75 of the Civil Service Law of the State of New York to impose disciplinary action against employees of the Town of Colonie; and

BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to appoint Hearing Officers pursuant to Section 75 of the Civil Service Law of the State of New York and that any agreements entered into with said Hearing Officers are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 16 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor and Comptroller or Acting Comptroller to refund, reimburse, adjust, approve changes, and pay and disburse up to and including \$500 for overcharges, overpayments, clerical errors, other billing mistakes and cancellation of participation in Town programming or use of Town property.

BE IT RESOLVED that the Supervisor and Comptroller or Acting Comptroller are authorized to refund, reimburse, adjust, approve changes, and pay and disburse up to and including \$500 with respect to overcharges, overpayments, clerical errors, other billing mistakes and cancellation of participation in Town programming or use of Town property.

RESOLUTION NO. 17 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Town Board to allow the Town
Comptroller or Acting Comptroller to make necessary budget
transfers that do not increase the overall budget prior to Town
Board authorization during the year 2020.**

BE IT RESOLVED that the Town Comptroller or Acting Comptroller be, and hereby is,
authorized to make necessary budget transfers that do not increase the overall budget prior to
Town Board authorization during the year 2020.

RESOLUTION NO. 18 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing mileage allowance for the use of private cars for Town purposes and adopting Per Diem rates for the Town of Colonie Travel Policy.

WHEREAS, it is occasionally necessary for Town Officers, employees and non-salaried individuals, in the performance of their official duties, to incur expenses for the operation of their private automobiles; and

WHEREAS, subdivision 1 of §116 of the Town Law permits payment for such obligations with certain restrictions;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Colonie as follows:

1. Town officers, employees and non-salaried individuals of the Town of Colonie, are hereby authorized to incur expense in executing the duties of their several offices, including the operation of their private automobiles in the business of the Town. In lieu of actual and necessary expenses for travel by means of private automobiles of said Town officers, the Town shall allow and pay to said individuals the rate in effect (as established by the Internal Revenue Service) on the date of travel for the use of their own automobiles for each mile actually and necessarily traveled by them in the performance of their duties.

2. No allowance for traveling expenses shall be made by means of private automobiles between the homes of the aforesaid individuals and their customary place or places of employment as such.
3. Reimbursement for travel, lodging and meals shall be permitted, as described in the Travel Policy, at the Per Diem rates approved and published by the U.S. General Services Administration.

RESOLUTION NO. 19 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution adopting the Town of Colonie Investment Policies and Procedures for the Town of Colonie Service Award Program for the 2020 fiscal year.

WHEREAS, pursuant to Article 11-A of the General Municipal Law, the Town of Colonie previously established a defined benefit plan and defined contribution plans to provide service awards for active volunteer firefighters, for the following fire protection districts, respectively: Latham, Fuller Road, Maplewood and Shaker Road Loudonville; and

WHEREAS, administration of the Service Award Program requires that monies and other financial resources be invested to provide for the awards under such program, and it has been determined that the policies and procedures outlined on the attached Town of Colonie Service Award Program Investment Policies and Procedures will enable the Town to provide the service awards under the program;

THEREFORE, BE IT RESOLVED that the Town of Colonie Service Award Program Investment Policies and Procedures attached hereto as Exhibit “A” be, and hereby are, adopted.

TOWN OF COLONIE LENGTH OF SERVICE AWARD PROGRAM INVESTMENT POLICIES AND PROCEDURES

As Revised for the Year Ended December 31, 2020

I. SCOPE

This investment policy applies to all monies and other financial resources available for investment by the Town of Colonie Length of Service Award Program (LOSAP) on its own behalf or on behalf of any other entity or individual. The LOSAP includes defined contribution plans for the Fuller Road, Shaker Road, and Maplewood Fire Protection Districts and a defined benefit plan for the Latham Fire Protection District. The purpose of the LOSAP is to retain and recruit active volunteer firefighters.

II. DELEGATION OF AUTHORITY

The Governing Board's (Town) responsibility for administration of the investment program is delegated to the Chief Fiscal Officer who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability.

III. PURPOSE

The purpose of this investment policy is to assist the Town in effectively supervising, monitoring and evaluating the investment of the LOSAP assets. The LOSAP's investment program is defined in the various sections of the investment policy by:

- Stating in a written document the Town's attitudes, expectations, objectives and guidelines for the investment of all of the LOSAP's assets.
- Encouraging effective communications between the Town and all parties involved with the investment management decisions.
- Establishing formal criteria to select, monitor, evaluate and compare the performance results achieved by each investment option on a regular basis.
- Setting forth an investment structure for managing the Plan's assets. This structure includes various asset classes, investment management styles, asset allocation and acceptable ranges that, in total, are expected to produce an appropriate level of overall diversification and total investment return over the investment time horizon.
- Providing guidelines for each investment portfolio that control the level of overall risk and liquidity assumed in that portfolio, so all LOSAP assets are managed in accordance with stated objectives.

EXHIBIT “A”

IV. OBJECTIVES

This investment policy has been arrived at upon consideration by the Town by a wide range of policies, and describes the prudent investment process the Town deems appropriate. This process includes offering various asset classes and investment management styles that, in total, are expected to offer the opportunity to diversify the portfolio in a manner consistent with the specified risk and return requirements of the portfolio.

The objectives of the LOSAP are:

- Have the ability to pay all benefit and expense obligations when due.
- Control costs of administering the plan and managing the investments.
- Maximize return within reasonable and prudent levels of risk in order to minimize contributions.

Time Horizon - The investment guidelines are based upon an investment horizon of greater than five years. The LOSAP's strategic asset allocation is also based on this long-term perspective. Short-term liquidity requirements are anticipated to be covered by the LOSAP's assets.

Risk Tolerances - The Town recognizes that some risk must be assumed in order to achieve the investment objectives of the LOSAP. In establishing the risk tolerances of the investment policy, the ability to withstand short and intermediate term variability were considered.

A 1-year loss limit of -9.5% has been calculated for the portfolio. Statistically speaking, there is a 5% chance (once in every twenty years) that the 1-year return will actually be lower than -9.5%.

The LOSAP's long time horizon, current financial condition and several other factors suggest collectively some interim fluctuations in market value and rates of return may be tolerated in order to achieve the longer-term objectives.

Performance Expectations – The desired investment objectives in a long-term rate of return on assets that is a least 5.5%. The target rate of return for the LOSAP has been based upon the assumptions that future real returns will approximate the long-term rates of return experienced for each asset class in the investment policy.

The Town realized market performance varies and a 5.5% rate of return may not be meaningful during some periods. Accordingly, relative performance benchmarks for the investment options are set for in the “Monitoring” section.

V. DUTIES AND RESPONSIBILITIES

LOSAP Sponsoring Board – As fiduciaries under the Plan, the primary responsibilities of the Board are:

- Prepare and maintain this investment policy.
- Prudently diversify the LOSAP's assets to meet an agreed upon risk/return profile.
- Prudently select investment options.
- Control and account for all investment, record keeping and administrative expenses associated with the LOSAP.
- Monitor and supervise vendors and investment options.
- Avoid prohibited transactions and conflicts of interest.

Custodian – Are responsible for the safekeeping of the LOSAP's assets. The specific duties and responsibilities of the custodian are:

- Value the holdings.
- Collect all income and dividends owed to the Plan.
- Settle all transactions.
- Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall LOSAP since the previous report.
- Maintain separate accounts by legal registration.

Investment Advisor – Serves as an objective, third-party professional retained to assist the Town in managing the overall investment process. The Advisor is responsible for managing the assets and guiding the Town through a disciplined and rigorous investment process to enable the Town to meet the fiduciary responsibilities outlined above.

VI. ASSET CLASS GUIDELINES

The Town believes long-term investment performance, in large part, is primarily a function of asset class mix. The Town has reviewed the long-term performance characteristics of the broad asset classes, focusing on balancing the risks and rewards.

Historically, while interest-generating investments, such as bonds, have the advantage of relative stability of principal value, they provide little opportunity for real long-term capital growth due to their susceptibility to inflation. Equity investments, such as common stocks, clearly have a significantly higher expected return but have the disadvantage of much greater year-by-year variability of return. From an investment decision-making point of view, this year-by-year variability may be worth accepting given the LOSAP's long time horizon.

The following asset classes were selected and ranked in ascending order in “risk” (least to most) according to the most recent quarter’s median 3-year Standard Deviation values:

- Money market, taxable
- Short-term bond
- Intermediate-term bond
- Conservative allocation
- Multi-sector bond
- Inflation-protected bond
- Moderate allocation
- World bond
- World allocation
- Large blend
- Foreign large blend
- Mid-cap blend
- Small blend
- Specialty-real estate
- Specialty-natural resources
- Other

The performance expectation (both risk and return) of each broad asset class are contained in Appendix A.

The percentage allocation of each asset class may vary depending upon market conditions. Please reference the table below for the lower and upper limits for each asset class.

		Allocation Range		
<u>Broad Asset Class</u>	<u>Peer Group</u>	<u>Lower Limit</u>	<u>Strategic Allocation</u>	<u>Upper Limit</u>
Fixed Income, Broad	Multi-sector Bond	5.0%	10.0%	30.0%
Fixed Income, Global	World Bond	5.0%	10.0%	30.0%
	Emerging Markets Bond	0.0%	0.0%	20.0%
	Currency	0.0%	0.0%	30.0%
Fixed Income, Intermediate	Inflation-Protected Bond	0.0%	0.0%	30.0%
	Intermediate-Term Bond	10.0%	20.0%	50.0%
Fixed Income, Short	Short-Term Bond	10.0%	20.0%	100.0%
	Bank Loan	0.0%	0.0%	30.0%
Fixed Income, High Yield	High Yield	0.0%	0.0%	10.0%
Convertible Bond	Convertible	0.0%	0.0%	10.0%
International Equity, Diversified	World Stock	3.0%	10.0%	20.0%
	Diversified Emerging Markets	0.0%	0.0%	10.0%

Large Cap Equity	Large Blend	5.0%	10.0%	30.0%
		Allocation Range		
<u>Broad Asset Class</u>	<u>Peer Group</u>	<u>Lower Limit</u>	<u>Strategic Allocation</u>	<u>Upper Limit</u>
Mid Cap Equity	Mid-Cap Blend	0.0%	0.0%	10.0%
Money Market	Money Market Taxable	0.0%	5.0%	100.0%
Other	Conservative Allocation	0.0%	5.0%	30.0%
	Moderate Allocation	0.0%	0.0%	30.0%
	Other/Alternative Multi-Asset	0.0%	0.0%	30.0%
	Specialty-Natural Res	0.0%	0.0%	20.0%
	Commodities/Mgd Futures	0.0%	0.0%	10.0%
	Specialty-Real Estate	0.0%	0.0%	10.0%
	World Allocation	0.0%	10.0%	40.0%
Small Cap	Small Blend	0.0%	0.0%	5.0%

When necessary and/or available, cash inflows/outflows will be deployed in a manner consistent with the strategic asset allocation and allocation ranges of the LOSAP. If there are no cash flows the allocation of the LOSAP will be reviewed quarterly.

If the Town judges cash flows to be insufficient to bring the LOSAP within the target allocation ranges, the Town shall decide whether to effect transactions to bring the allocation of LOSAP assets within the threshold ranges.

VIII. IMPLEMENTATION

The Town will apply the following due diligence criteria in selecting each money manager or mutual fund.

1. Regulatory oversight: Each investment option should be managed by; (1) a bank; (ii) an insurance company; (iii) a registered investment company (mutual fund); or (iv) a registered investment adviser.
2. Correlation to style or peer group: The investment option should be highly correlated to the asset class being implemented. This is one of the most critical parts of the analysis since most of the remaining due diligence involves comparisons of the investment option to the appropriate peer group.
3. Performance relative to a peer group: The investment option's performance should be evaluated against the peer group's median manager return, for 1, 3 and 5-year cumulative periods.
4. Performance relative to assumed risk: The investment option's risk-adjusted performance (Alpha and/or Sharpe Ratio) should be evaluated against the peer group's median manager's risk-adjusted performance.
5. Minimum track record: The investment option should have sufficient history so that performance statistics can be properly calculated.

6. Assets in the product: The investment option should have sufficient assets so that the portfolio manager can properly trade the account.
7. Holdings consistent with style: The underlying securities of the investment option should be consistent with the associated broad asset class.
8. Expense ratios/fees: The investment option's fees should be fair and reasonable. Core/Satellite approach can be implemented to control expenses. This is the recognition that passive management and index funds should be used for the more efficient asset classes combined with active management for less efficient asset classes.
9. Stability of the organization: There should be no perceived organizational problems.

IX. MONITORING

Performance Objectives –

The Town acknowledges fluctuating rates of return characterize the securities markets, particularly during short-term time periods. Recognizing that short-term fluctuations may cause variations in performance, the Town intends to evaluate investment performance from a long-term perspective.

The Town is aware that ongoing review and analysis of the investment options is just as important as the due diligence process. The performance of the investment options will be monitored on an ongoing basis and it is at the Town's discretion to take corrective action by replacing a manager if they deem it appropriate at any time.

On a timely basis, but not less than annually, the Town will meet to review whether each investment option continues to conform to the search criteria outlined in the implementation section; specifically;

1. The investment option's adherence to the watch list criteria;
2. Material changes in the investment option's organization, investment philosophy and/or personnel; and,
3. Any legal, SEC and/or other regulatory agency proceedings affecting the investment options organization.

Benchmarks –

The Town has determined it is in the best interest of the LOSAP's participants that performance objectives be established for each investment option. Manager performance will be evaluated in terms of an appropriate market index (e.g. the S&P 500 stock index for large-cap domestic equity manager) and the relevant peer group (e.g. the large-cap growth mutual fund universe for a large-cap growth mutual fund).

Peer Group	Index
Conservative Allocation	Dow Jones U.S. Moderately Conservative
Foreign Large Blend	MSCI World ex US NDTR_D
Inflation-Protected Bond	Lehman Brothers U.S. Treasury TIPS
Intermediate-Term Bond	Lehman Brothers 5-10 Yr. Gov't/Credit Bond
Large Blend	Russell 1000
Mid-Cap Blend	Standard & Poors Midcap 400 PR
Moderate Allocation	Dow Jones U.S. Moderate Portfolio
Money Market Taxable	3 Month T-Bill
Multisector Bond	Lehman Brothers U.S. Universal Bond
Other	3 Month T-Bill
Short-Term Bond	Lehman Brother 1-5 Yr Gov't/Credit Bond
Small Blend	Russell 2000
Specialty-Natural Res	Goldman Sachs Natural Resources
Specialty-Real Estate	DJ Wilshire REIT
World Allocation	MSCI World NDTR_D
World Bond	Citigroup Non-USD WGBI USD

Watch List Criteria –

An investment option may be placed on a “Watch List” and a thorough review and analysis of the investment option may be conducted, when:

1. An investment option performs below median for their peer group over a 1, 3, and/or 5-year cumulative period.
2. An investment option’s 3-year risk adjusted return (Alpha and/or Sharpe) falls below the peer group’s median risk adjusted return.
3. There is change in the professionals managing the investment option.
4. There is a significant decrease or increase in the investment options’ assets.
5. There is an indication the investment option is deviating from the stated style and/or strategy.
6. There is an increase in the investment option’s fees and expenses.
7. Any extraordinary event occurs that may interfere with the investment option’s ability to prudently manage investment assets.

The decision to retain or terminate an investment option cannot be made by a formula. It is the Town’s confidence in the investment option’s ability to perform in the future that ultimately determines the retention of an investment option.

Measuring Costs –

The Town will review at least annually all costs associated with the management of the LOSAP, including:

1. Expense ratios of each mutual fund against the appropriate peer group.
2. Administrative fees; costs to administer the LOSAP, including record keeping, custody and trust services.
3. The proper identification and accounting of all parties receiving soft dollars and/or 12b-1 fees generated by the Portfolio.

X. ANNUAL REVIEW AND AMENDMENTS

The Town will review this investment policy at least annually to determine whether stated investment objectives are still relevant and the continued feasibility of achieving the same. It is not expected that the investment policy will change frequently. In particular, short-term changes in the financial markets should not require adjustments to the investment policy.

APPENDIX A

<u>Asset Allocation Model</u>	<u>Return</u>	<u>Risk</u>	<u>Yield</u>	<u>Dividend</u>	<u>Turnover</u>
Cash	2.00%	2.00%	2.00%	0.00%	100.00%
CDs	2.50%	3.00%	2.50%	0.00%	100.00%
Fixed Annuities	2.50%	3.50%	0.00%	0.00%	5.00%
Intermediate-Term Fixed Income	4.75%	6.00%	4.75%	0.00%	60.00%
Long-Term Fixed Income	5.25%	8.00%	5.25%	0.00%	40.00%
Intermediate-Term Tax Exempt	3.25%	4.00%	3.25%	0.00%	60.00%
Long-Term Municipal	3.75%	8.00%	3.75%	0.00%	40.00%
Corporate Fixed Income	5.50%	8.50%	5.50%	0.00%	40.00%
Mortgage Backed Fixed Income	5.00%	7.50%	5.00%	0.00%	40.00%
High Yield Fixed Income	8.25%	16.00%	8.25%	0.00%	40.00%
Large Value Equities	8.50%	13.25%	0.00%	2.50%	40.00%
Large Growth Equities	9.60%	16.00%	0.00%	1.75%	40.00%
Small Value Equities	10.00%	18.75%	0.00%	2.25%	40.00%
Small Growth Equities	11.10%	22.00%	0.00%	1.50%	40.00%
Mid Cap Equities	9.75%	18.00%	0.00%	2.00%	40.00%
Balanced Funds	6.25%	11.00%	2.00%	.050%	60.00%
Real Estate	6.50%	14.00%	5.50%	0.00%	10.00%
Futures/ Commodities	7.00%	30.00%	0.00%	0.00%	100.00%
Venture Capital/ Ltd Partnerships	11.50%	35.25%	0.00%	0.00%	10.00%
International Equities	10.00%	22.25%	0.00%	1.75%	40.00%
International Fixed Income	6.00%	13.25%	6.00%	0.00%	40.00%
Emerging Equities	10.50%	40.25%	0.00%	0.75%	40.00%

RESOLUTION NO. 20 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution confirming and designating depositories of Town Funds for the 2020 fiscal year and authorizing the Supervisor to transfer and close accounts as deemed necessary.

WHEREAS, various depositories have heretofore been designated for all Town monies;
NOW, THEREFORE, BE IT RESOLVED that the funds and accounts of the Town of Colonie shall hereafter be kept on deposit within the following banks or trust companies, the names of which are set forth below:

PIONEER COMMERCIAL
JP MORGAN CHASE
KEY BANK
M & T BANK
CAPITAL BANK & TRUST
TD BANK
NY CLASS
CITIZENS BANK
NBT BANK
BERKSHIRE BANK
SARATOGA NATIONAL BANK & TRUST
KINDERHOOK BANK
BANK OF AMERICA
BALLSTON SPA NATIONAL BANK
GREENE COUNTY COMMERCIAL BANK

BE IT FURTHER RESOLVED that the above depositories may be processed in accordance with 12 USC Section 1832 (a)(2) relative to utilizing Negotiable Order Withdrawal (Now) accounts for Municipal Funds.

RESOLUTION NO. 21 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution adopting Post-Issuance Tax Compliance Procedures for
Tax-Exempt Bonds and Notes.**

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt comprehensive post-issuance tax compliance procedures;

NOW, THEREFORE, BE IT RESOLVED that the Town hereby adopts the comprehensive post-issuance tax compliance procedures that are attached hereto as Exhibit “A” and resolves to be governed thereby; and

BE IT RESOLVED that Exhibit “A” will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

**TOWN OF COLONIE,
ALBANY COUNTY,
NEW YORK**

**Post-Issuance Tax Compliance Procedures
for Tax-Exempt Bonds and Notes**

Statement of Purpose

These Post-Issuance Tax Compliance Procedures (the “Procedures”) set forth specific procedures of the **Town of Colonie, Albany County, New York** (the “Issuer”) designed to monitor, and ensure compliance with, certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) and the related Treasury regulations, promulgated thereunder, post-issuance tax compliance with the Internal Revenue Service (“IRS”) in connection with the Issuer’s issuance of tax-exempt bonds and notes (“Obligations”).

These Procedures describe various systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations to ensure that the interest on such Obligations is eligible for exclusion from gross income for federal income tax purposes. The federal tax law requirements applicable to the Obligations will be described in the tax questionnaire and/or tax certificate prepared by bond counsel and signed by officials of the Issuer. These Procedures establish a permanent, ongoing structure of practices that will facilitate compliance with the requirements for individual borrowings.

To ensure compliance with applicable federal tax requirements, the Issuer must monitor the various direct and indirect uses of proceeds of the obligation and the investment of such proceeds, including but not limited to:

- (1) Monitoring the use of financed property over the life of the obligation.
- (2) Determining the sources of debt service payments and security for the obligation.
- (3) Calculating the percentage of any nonqualified use of the financed property.
- (4) Calculating the yield on investments of proceeds.
- (5) Determining appropriate restrictions on investments.

EXHIBIT “A”

(6) Determining the amount of any arbitrage on the investments.

(7) Calculating any arbitrage rebate payments that must be paid to the U.S. Treasury.

The Issuer recognizes that compliance with the pertinent law is an on-going process, necessary during the entire term of the Obligations. Accordingly, the implementation of the Procedures will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and advisors.

General Procedures

The following procedures relate to monitoring post-issuance tax compliance generally.

- A. **The Acting Comptroller (currently, P. Christopher Kelsey) (the "Compliance Officer")** shall be responsible for monitoring post-issuance tax compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations must be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable IRS requirements, such as those contained in Revenue Procedure 97-22 (see attached).
- D. The Compliance Officer shall be aware of remedial actions under Section 1.141-12 of the Treasury Regulations (see attached) and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance tax compliance procedures and systems on a periodic basis, but not less than annually.
- F. The Compliance Officer will be responsible for training any designated officer or employee who is delegated any responsibility for monitoring compliance pursuant to this procedure. To the extent the Compliance Officer needs training or has any questions with respect to any item in this procedure, he or she should contact bond counsel and/or Issuer's accountants and advisors. The IRS recognizes that the Compliance Officer and any delegated individual are not expected to act as lawyers who know the proper response to all compliance situations that may arise, but they should be familiar enough with federal tax issues that they know when to ask for legal or other compliance advice.

Issuance of Obligations: Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the “Transcript”).
- B. Confirm that the applicable information reports (e.g., Form 8038 series) for such issue are filed timely with the IRS. Issuer should consult with their accountants and/or bond counsel with questions regarding the filing of such forms.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations.

Arbitrage

The following procedures relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer’s financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations (see attached).
- F. Monitor compliance with the applicable “temporary period” (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.

- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value as defined in Section 1.148-5(d)(6) (see attached). In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month, or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity: Use of Proceeds

The following procedures relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records for determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;

2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
5. Joint-ventures, limited liability companies or partnership arrangements;
6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
7. Development agreements which provide for guaranteed payments or property values from a developer;
8. Grants or loans made to private entities, including special assessment agreements; and
9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis but not less than annually; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt debt, the Compliance Officer will consult with bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Reissuance

The following procedures relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following procedures relate to retention of records relating to the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 - 1. The Transcript relating to the transaction (including any arbitrage or other tax questionnaire, tax regulatory agreement, and the bond counsel opinion);
 - 2. Documentation evidencing expenditure of proceeds of the issue;
 - 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
 - 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 - 5. Documentation evidencing all sources of payment or security for the issue; and
 - 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

RESOLUTION NO. 22 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution adopting the Town of Colonie Securities Exchange
Commission Driven Continuing Disclosure Compliance Procedures for
the 2020 fiscal year.**

WHEREAS, Securities Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”) generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Town is an occasional issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, the Town Board deems it to be in the best interest of the Town to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED that the Town hereby adopts the continuing disclosure compliance procedures that are attached hereto as Exhibit “A” and resolves to be governed thereby; and

BE IT RESOLVED that such Exhibit “A” will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

**TOWN OF COLONIE
ALBANY COUNTY,
NEW YORK**

**Continuing Disclosure Compliance Procedures for
Tax-Exempt Bonds and Notes**

- a. Purpose:** The purpose behind implementation of these continuing disclosure compliance procedures is to ensure that the **Town of Colonie, Albany County, New York** (the “Issuer”) (i) is compliant with its continuing disclosure obligations with respect to the securities it issues, pursuant to Rule 15c2-12, as amended (the “Rule”), promulgated under the Securities Exchange Act of 1934, as amended and (ii) makes accurate reports as to its compliance therewith in connection with its offerings of securities from time to time.
- b. Disclosure Compliance Officer Designation, Education, and Training:** The Issuer will designate a “Disclosure Compliance Officer” who will be the primary official responsible for monitoring compliance with the continuing disclosure requirements listed in the Issuer’s continuing disclosure undertakings. The Disclosure Compliance Officer will consult with the Issuer’s bond counsel and financial advisor as needed to keep current on Securities and Exchange Commission regulations and developments relating to continuing disclosure compliance for its obligations. **The Issuer’s designated Disclosure Compliance Officer is the Acting Comptroller, currently P. Christopher Kelsey.**
- c. Continuing Disclosure Obligations Review:** The Disclosure Compliance Officer is responsible for reviewing, with the Issuer’s financial advisor, the Issuer’s continuing disclosure undertakings to determine the date(s) by which annual financial information and audited financial information, along with any required material events notices and, if applicable, failure to file notices, must be filed with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“EMMA”) system in accordance with the Rule.
- d. Preparation of Annual Financial Information and Audited Financial Statements:** If the Issuer’s continuing disclosure undertakings require the filing of annual financial information and audited financial statements with EMMA, the Disclosure Compliance Officer will coordinate with the Issuer’s auditor and financial advisor to ensure that such documents are prepared and submitted in advance of the deadline for such filing.
- e. Monitoring Disclosure Compliance:** The Disclosure Compliance Officer will monitor the filing with EMMA of any and all documents required under the Issuer’s continuing disclosure undertakings through consultation with the Issuer’s financial advisor and bond counsel when necessary.

EXHIBIT “A”

f. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with the Issuer's continuing disclosure undertakings, the Disclosure Compliance Officer will promptly take steps, including consultation with the Issuer's financial advisor and bond counsel, to correct such non-compliance, such as by filing failure to file notices with EMMA.

g. Official Statements: The Disclosure Compliance Officer will review for accuracy and completeness any descriptions of the Issuer's continuing disclosure compliance history contained in the initial drafts of notices of sale or official statements that are promulgated by the Issuer in connection with its bond and note issues, and will inform the Issuer's financial advisor and bond counsel of any potential inaccuracies or omissions within, so that any discovered inaccuracies or omissions in the draft document(s) can be corrected before such document(s) are finalized and distributed.

RESOLUTION NO. 23 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution adopting a Town of Colonie Investment Policy for the 2020 fiscal year.

BE IT RESOLVED that, pursuant to §39 of the General Municipal Law, the Town of Colonie Investment Policy for the 2020 fiscal year attached hereto as Exhibit "A" be, and it hereby is, adopted.

THE TOWN OF COLONIE

INVESTMENT POLICY

As Revised for the Year Ended December 31, 2020

I. SCOPE

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

II. OBJECTIVES

The primary objectives of the Town's investment activities are, in priority order:

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

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Chief Fiscal Officer who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amount of investments, the fund(s) which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

IV. PRUDENCE

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

EXHIBIT "A"

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

IV. PRUDENCE, Continued

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

V. DIVERSIFICATION

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

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

VI. INTERNAL CONTROLS

It is the policy of the Town for all moneys collected by any officer or employee of the government to transfer those funds to the Town Comptroller's Office within 5 days of deposit, or within the time period specified in the law, whichever is shorter.

The Town Comptroller, or Acting Comptroller, is responsible for establishing and maintaining an internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks, trust companies, and municipal cooperatives that are authorized for the deposit of monies, and the maximum amount which may be kept on deposit at any time, are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Pioneer Commercial Bank	\$ 50,000,000.00	Government Accounts

JP Morgan Chase	50,000,000.00	Government Accounts
Key Bank	50,000,000.00	Government Accounts
Capital Bank & Trust Co.	50,000,000.00	Government Accounts
M & T Bank	50,000,000.00	Government Accounts
TD Bank	50,000,000.00	Government Accounts
New York Cooperative Liquid Assets		
Security System (NYCLASS)	50,000,000.00	Government Accounts
Bank of America	50,000,000.00	Government Accounts
Berkshire Bank	50,000,000.00	Government Accounts
NBT Bank	50,000,000.00	Government Accounts
Saratoga National Bank & Trust	50,000,000.00	Government Accounts
Kinderhook Bank & Trust	50,000,000.00	Government Accounts
Ballston Spa National Bank	50,000,000.00	Government Accounts
Greene County Commercial Bank	50,000,000.00	Government Accounts

VIII. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, “deposits”) made by officers of the Town that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by:

1. A pledge of “eligible securities” with an aggregate “market value” (as provided by GML 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities.”
2. An “eligible surety bond” payable to the Town for an amount at least equal to 100 percent of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The governing board shall approve the terms and conditions of the surety bond.
3. An “eligible letter of credit, ” payable to the Town as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the Town, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company’s commercial papers and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.
4. An “irrevocable letter of credit” issued in favor of the Town by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are

rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of public deposits and agreed-upon interest, if any.

IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of the Town shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

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

In the event that the pledged securities are not registered or inscribed in the name of the Town, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town or its custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the Town in the securities as set forth in the security agreement.

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

X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the governing board of the Town authorizes the Town Comptroller, or Acting Comptroller, to invest moneys not required

for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

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

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

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

Any obligation that provides for the adjustments of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the Town transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and factors

that make the financial institution or the dealer capable and qualified to transact business with the Town. The Town Comptroller, or Acting Comptroller, shall evaluate the financial position and maintain a listing of proposed depositaries, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

XII: PURCHASE OF INVESTMENTS

The Chief Fiscal Officer is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner.
2. By participation in a cooperative investment agreement with another authorized municipal corporations pursuant to Article 5G of the General Municipal Law and in accordance with Article 30A of the General Municipal Law.

All purchase obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing for any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town with a perfected interest in the securities.

The Chief Fiscal Officer, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from

the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. COURIER SERVICE

The Chief Fiscal Officer may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the Town and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Town may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Town in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

XIV. ANNUAL REVIEW AND AMENDMENTS

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

XV. DEFINITIONS

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

THE TOWN OF COLONIE

INVESTMENT POLICY

As Revised for the Year Ended December 31, 2020

SCHEDULE A – “ELIGIBLE SECURITIES” FOR COLLATERALIZING DEPOSITS AND INVESTMENTS IN EXCESS OF FDIC COVERAGE (SECTION VIII)

- i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation.
- ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

Note – For the purposes of determining aggregate “market value,” eligible securities shall be valued at 100% of “market value.”

RESOLUTION NO. 24 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into agreements in connection with the Comptroller's Office for 2020.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into the following agreements in connection with the Comptroller's Office for 2020:

Munistat Services, Inc.	Advisory Services for Bond and Note Issues
Hodgson, Russ, LLP	Bond Counsel
Penflex, Inc.	Administration of Service Award Programs for: Shaker Road-Loudonville Fire Protection District Maplewood Fire Protection District Latham Fire Protection District Fuller Road Fire Protection District

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 25 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Release of Easements for 2020.

WHEREAS, the Town of Colonie DPW/Latham Water Division, Pure Waters Division and Engineering Bureau occasionally release an easement that is no longer necessary; and

WHEREAS, the Town is required to file a Release of Easement in the Albany County Clerk's Office releasing the easement that is no longer necessary;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Release of Easements for 2020.

RESOLUTION NO. 26 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Right of Entry Agreements for 2020.

WHEREAS, telecommunications providers occasionally request access to town owned sites to ascertain if they are suitable for telecommunication facilities; and

WHEREAS, such companies are doing non-invasive testing, and

WHEREAS, no permanent installations are constructed during such testing; and

WHEREAS, said companies thereafter may approach the Town of Colonie with a formal proposal if a site is found acceptable for their purposes (i.e. cell antennae); and

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Right of Entry Agreements permitting access to town owned sites for preliminary analysis as to their suitability for telecommunications purposes; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 27 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Hold Harmless Agreements for 2020.

WHEREAS, Town residents and companies frequently request that structures and/or other items (i.e., fences, landscaping, driveways, retaining walls) be placed on Town easements; and

WHEREAS, said residents or companies thereafter approach the Town of Colonie Department of Public Works with a formal proposal to place structures and/or items on a Town easement;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Hold Harmless Agreements for Town residents and companies permitting structures and/or other items to be placed on Town easements; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 28 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Temporary Access and Construction Agreements during the year 2020.

WHEREAS, from time to time various Town personnel must access private property in order to perform their duties, including the repair of municipal facilities; and

WHEREAS, private property owners are willing to allow such access; and

WHEREAS, access can be permitted if temporary easements are granted by the private property owner; and

WHEREAS, these easements must sometimes be drafted and signed on short notice to permit the necessary work to be accomplished expeditiously;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute temporary access and construction agreements during the year 2020; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 29 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute License Agreements
for 2020.**

WHEREAS, the Town of Colonie receives requests from companies to enter upon Town property or requires access to private properties at various locations to perform work;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign License Agreements; and

BE IT FURTHER RESOLVED that such License Agreements are subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 30 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute Construction
Inspection Escrow Agreements for 2020.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Construction
Inspection Escrow Agreements for the year 2020; and

BE IT FURTHER RESOLVED that such Construction Inspection Escrow Agreements
are subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 31 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Stormwater Facilities Maintenance Agreements for 2020.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Stormwater Facilities Maintenance Agreements for the year 2020; and

BE IT FURTHER RESOLVED that such Stormwater Facilities Maintenance Agreements are subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 32 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute Mitigation Fee
Installment Payment Agreements for 2020.**

WHEREAS, the Town of Colonie receives requests from developers to enter into Installment Payment Agreements for Mitigation fees due for various department projects in the Town;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to sign Mitigation Fee Installment Payment Agreements; and

BE IT FURTHER RESOLVED that such Agreements are subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 33 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the bids to VMJR Companies, Spring Electric and RMB Mechanical in connection with the Salt Shed Project and authorizing the Supervisor to enter into Agreements for same.

WHEREAS, pursuant to advertisement on October 23, 2019, the following proposals were received in connection with the Salt Shed Project attached hereto as Exhibit “A”; and

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and the Commissioner of Public Works;

BE IT RESOLVED that the low bidder, VMJR Companies be, and hereby is, awarded the bid for the base bid and Alternate No. 1 of the General Construction in the amount of \$1,929,000.00; and

BE IT RESOLVED that the low bidder, Spring Electric be, and hereby is, awarded the bid for Electrical Construction in the amount of \$153,500.00; and

BE IT RESOLVED that the low bidder, RMB Mechanical be, and hereby is, awarded the bid for HVAC in the amount of \$16,800.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into Agreements for same; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney’s Office.

Contract 1 – General Construction

Bidder	Base Bid With Allowances	Alternative 1 – Entry 3-Bay Shed Structure	Total Including Alternate No 1
VMJR Companies	\$1,814,000.00	\$115,000.00	\$1,929,000.00
LeChase Construction Services	\$2,271,000.00	\$126,000.00	\$2,397,000.00
Plank, LLC	\$2,739,000.00	\$112,000.00	\$2,851,000.00
Sam Greco Construction Inc.	\$3,554,000.00	\$113,000.00	\$3,657,000.00

Contract 2 - Electrical

Bidder	Base Bid With Allowances	Alternative 1 – Entry 3-Bay Shed Structure	Total with Alternate No 1
Spring Electric, Inc.	\$139,000.00	\$14,500.00	\$153,500.00
Dynamic Electrical Systems, LLC	\$138,865.00	\$21,482.57	\$160,347.57
Hewitt Young Electric, LLC	\$146,000.00	\$19,000.00	\$165,000.00
Kasselman Electric Co. Inc.	\$168,877.00	\$29,995.00	\$188,872.00
LaCorte Companies	\$193,174.00	\$27,900.00	\$221,074.00

Contract 3 – Mechanical Construction – HVAC

Bidder	Base Bid With Allowances And Alternate No 1	Total Cost
RMB Mechanical, Inc.	\$16,800.00	\$16,800.00

**EXHIBIT “A”
RESOLUTION NO. 34 FOR 2020**

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

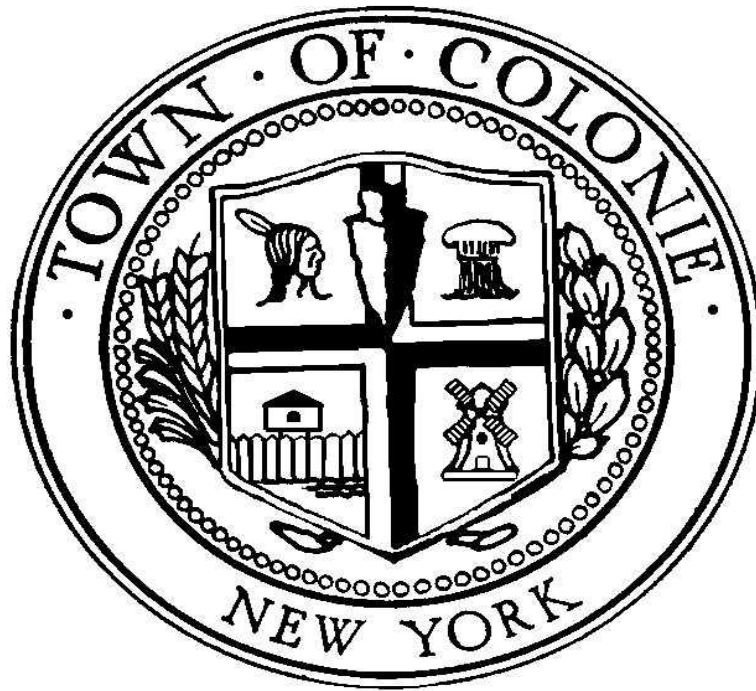
ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Town Board to approve the Town Procurement Policy and to approve a revision to the Town Procurement Policy and Procedure to incorporate the list of Town Employees responsible for purchasing pursuant to General Municipal Law Section 104-b.

WHEREAS, it is Town policy to ensure fair and consistent consideration of potential vendors offering services and goods to the Town and meet New York State requirements for competitive bidding;

THEREFORE, BE IT RESOLVED that the Town Board be, and hereby is, authorized to approve a revision to the Town Procurement Policy and Procedure in connection with Town Employees responsible for purchasing pursuant to General Municipal Law Section 104-b as set forth in the annexed Exhibit “A”.



TOWN OF COLONIE

PROCUREMENT POLICIES
AND
PROCEDURES

January 2, 2020

EXHIBIT “A”

Town of Colonie

Purchasing Policy and Procedures

Mission Statement

The Town of Colonie General Services Department dedicates itself to the procurement of the right goods and services at the right price for the various Town departments in a timely manner assuring the prudent and economical use of public monies. The Town will facilitate the acquisition of goods and services at the lowest possible cost and at the same time guard against favoritism, extravagance and fraud.

Introduction

It is, therefore, essential that the purchasing policies and procedures of the Town of Colonie be clearly established and understood by all concerned.

The Purchasing Manual has been prepared as a statement of the policy upon which our purchasing practices and procedures are based.

The Town declares its intention to purchase competitively without prejudice and to seek maximum operational value for every dollar expended.

Purchasing Policy

- ❖ The General Services Director is responsible for reviewing and administering the purchasing program of Town of Colonie.
- ❖ Members of the Purchasing Department shall maintain effective and professional public, vendor and customer relationships.
- ❖ To maintain a high level of quality service to our customers, we encourage our staff to participate in the numerous educational opportunities offered in the purchasing field; and to keep abreast of current developments in market conditions,

pricing, new products and New York State laws as they pertain to the purchase of goods and services for the Town.

- ❖ The Purchasing policy herein shall be administered in accordance with all ethical rules called for by the Town of Colonie and the National Institute of Governmental Purchasing Code of Ethics.
- ❖ The purchasing procedures employed will comply with all applicable laws and regulations of New York State and shall be subject to the approval of the Town Board.
- ❖ Each procurement request will be examined by a member of the Town of Colonie Purchasing Department and processed according to the guidelines set forth under the appropriate section of the attached Purchasing Procedures.
- ❖ The Town of Colonie Purchasing Department will maintain adequate documentation of all action taken in connection with each method of procurement. Such documentation shall include but not be limited to any and all pertinent Board resolutions, memoranda, written quotes, contracts and any other appropriate form of documentation.
- ❖ If the General Services Director finds a supplier to be an irresponsible bidder, bid notices shall not be sent to that vendor, however any vendor will be provided with the bid package if requested. Irresponsibility is determined by a vendor failing to adhere to the terms of a contract, having repeatedly made slow or unsatisfactory delivery of supplies or services or having been found by a court of competent jurisdiction to have engaged in unlawful employment or business practices within the previous twelve (12) months.
- ❖ When soliciting bids, a “General Instructions to Bidders” will be included with all specifications provided to suppliers. These general conditions will be incorporated into contracts awarded for the purchase of materials, equipment and services.
- ❖ Purchases shall be made under Town contract pursuant to all required Laws, through available state contracts (OGS), or Sub d 3 of the New York State General Municipal Law (GML)103 and 104b which allows purchases of materials, equipment or supplies, or to contract for services, other than services subject to article nine of the labor law, through any publicly bid and awarded contract in compliance with NYS GML law, whenever such purchases are deemed by the General Services Director to be in the best interest of the Town.

- ❖ Supplies used by various Town departments should be uniform whenever consistent with operational goals in the interest of efficiency and economy.
- ❖ No official or employee will be interested financially in contracts entered into by the municipality (as defined in Section 800 of NYS General Municipal Law). This also precludes acceptance of gratuities, financial or otherwise, as stated in the Town of Colonie Code of Ethics.
- ❖ The Town of Colonie will not be deemed responsible for any commitment made at the departmental level circumventing these procedures. If Town procedures are circumvented, disciplinary action may be taken.
- ❖ Salespersons are encouraged to visit the Purchasing Department prior to or in conjunction with initial, individual department contact.
- ❖ The policies and procedures set forth in this manual shall be annually reviewed by the Town Board.
- ❖ The unintentional failure to fully comply with the provisions of NYS General Municipal Law Sections 103 and 104-b shall not be grounds to void any action taken or give rise to cause of action against the Town of Colonie, the Purchasing Department, or any officer or employee thereof.

Purchasing Policy and Procedures

Employees Responsible for Purchasing for the Town by Name and Title

Per General Municipal Law Section 104-b (2) (f) the Town is required to include in the Policy and Procedures Manual the list of individuals by name and title that are responsible for purchasing for the Town.

Name	Title
Paula Mahan	Town Supervisor
Linda Murphy	Town Councilperson
Melissa Jeffers Von Dollen	Town Councilperson
David Green	Town Councilperson
Rick Field Jr.	Town Councilperson
Jill Penn	Town Councilperson
Daniele Futia	Town Councilperson

Douglas Sippel	General Services Director
Andrew Clermont	Purchasing Assistant
Julie Pfeiffer	Principal Clerk
Deborah Swedick	Buyer
Christopher Kelsey	Acting Town Comptroller
Susan Kennedy	Accounting Assistant
Ronald Monfils	Sole Assessor
Donna Babie	Administrative Aide
Christian Ford	Senior Real Property Appraiser
Michael Magguilli	Town Attorney
Jan Notaro	Confidential Secretary to Town Attorney
Wayne Spenziero	Building Department Manager
Joe Mahan	Senior Building Inspector
Lynn Gallant	Administrative Aide
Michael Burick	Personnel Officer
Nancy Andriano	Community Development Program Manager
Jennifer Kennedy	Administrative Aide
Chris Kostyun	Emergency Medical Services Chief
Chris Rench	Emergency Medical Services Assistant Chief
Carol Mahar	Principal Clerk
John Cunningham	Commissioner of Public Works
Matthew McGarry	DPW Engineer
Michael Ruggiero	Vehicle Maintenance Supervisor
Keyiera Hamilton	Principal Fleet Maintenance Clerk
Michele Matuszek	Administrative Aide
Kevin Franklin	Town Historian
Rosemary Newton	Human Resources Director
Tracy Pirri	Personnel Assistant
Phyllis Hallenbeck	Benefits Coordinator
Mary Falace-Mayr	Clerk of the Court
Paige Trance	Senior Clerk to Town Justice
John Frazer Jr.	Latham Water Superintendent
Daniel Corey Seaver	Water Engineer
Tina Miskewicz	Administrative Aide
Suzanne Mauger	Purchasing Clerk
Evelyn Neale	Library Director
Kathleen Cook	Administrative Aide
Joseph Nash	Librarian 3
Lisa Travis	MIS Director
Marilina Daniels	Application Analyst
Kirstin Smith	Application Network Specialist
Michael Biance	Computer Network Specialist
Robert Mateja	GIS Coordinator
Jimmy Onibokum	Network Administrator
Tara Booker	Typist
Jill Daly	Administrative Aide
Laura Archambault	Youth Services Specialist
Noel Gebauer	Golf Course Manager

Joseph LaCivita	Planning and Economic Development Director
Victoria Normandin	Administrative Aide
Jonathan Teale	Chief of Police
John VanAlstyne	Deputy Chief of Police
Michael Woods	Deputy Chief of Police
Diana Blake	Principal Account Clerk
Tami Sherry	Pruyn House Assistant Curator
Chretien Voerg	Sewer District Superintendant
E. Tucker Cox, Jr.	Sanitary Engineer
Karen Stroebe	Administrative Aide
Camille Allen	Principal Clerk
Christine M. Cary	Senior Resources Director
Carrie Blanchard	Specialist II
Judy Ekstrom	Confidential Aide to Supervisor
C. Michele Zilgme	Receiver of Taxes
Kimberly Cuva	Deputy Receiver of Taxes
Julie Gansle	Town Clerk
Michele Turcotte	Deputy Town Clerk

Quotation and Bid Requirements for Purchases or Leases over \$1,000

POLICY:

It is Town policy to ensure fair and consistent consideration of potential vendors offering services to the Town, and to meet State requirements for competitive bidding for goods and services required by the Town. Minimum requirements for Quotes and Bids are as follows:

Purchase and/or

Total Lease Amounts with a purchase option (Excluding Public Works Contracts)

Quote and Bid Requirements

\$0.01 - \$2,500

Department Does Price Check.

\$2,501-\$7,500

Three verbal quotes obtained and documented by the department in coordination with Purchasing.

\$7,501 – \$12,000

Three written quotes, documented by the vendor, obtained by the Department through the development of a specification provided to the vendors, after review of

quote document by Purchasing. Purchasing will post the quote document to BidNet.

\$12,001 - \$20,000 Three or more written quotes, documented by the vendor, obtained by the Purchasing Department.

Over \$ 20,000 Competitive public bid required.

Part of the Purchasing review is to be sure the Town does not exceed the aggregate bid limit.

The limits above may be adjusted based on the technical nature and history of the quote following a review by the Purchasing Department.

True Leases:

True leases are defined as leases without the option to purchase. As True Leases are exempt from the Competitive bid requirement, three written quotes will be required, unless the proposed lease is as the result of a National Cooperative Contract or other contract that has already been competitively bid, to insure the Town obtains the best value for the lease dollars spent. The total annual cost of the lease will be used to evaluate the quotes received in awarding the lease. For the purposes of this provision, leases should be closed-end, with agreed upon residual values and mandatory turn-in at end of lease. Lease documentation should include negotiated price, residual value and term and payment amounts.

Public Works Contracts (Material and Labor)

\$0.01 - \$5,000 Department Does Price Check.

\$5,001 -\$10,000 Three verbal quotes obtained and documented by the department in coordination with Purchasing.

\$10,001 - \$20,000 Three written quotes, documented by the vendor, obtained by the Department through the development of a scope of work and/or specification provided to the vendors, after review of quote document by Purchasing. Purchasing will post the quote document to BidNet.

\$20,001 - \$35,000 Three or more written quotes, documented by the vendor, requested by the Purchasing Department.

Over \$ 35,000 Competitive public bid required.

For all Public Works Article 8 project and Article 9 project over \$1,500. A General Contracting Agreement is required. Also a Department of Labor PRC regarding prevailing wage will be obtained and provided to the winning vendor at award by Purchasing.

Aggregate Amounts – In determining if an item for purchase meets the bid requirements, the Town shall consider the reasonable expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase. Purchases of commodities, services, or technology shall not be artificially divided for the purpose of avoiding the requirement to competitively bid the item required.

In each case the requesting department should make every attempt to obtain required quotes as defined above. If after good faith effort to obtain the required quantity of quotes, the requesting department is unsuccessful, the requesting department should document the actions taken and may submit the requisition with the lower quantity of quotes.

After obtaining quotes and approvals as defined in the purchasing procedures, the purchase should be awarded to the lowest quote unless there is just cause for awarding the quote to an alternate vendor. If a *quote* is awarded to a vendor other than a low quote the requesting department must submit documentation to Purchasing explaining why the award should be given to an alternate vendor. This documentation must accompany the requisition and all steps in the subsequent approval process.

If a *bid* is awarded to vendor other than a low bidder the requesting department must submit documentation through board resolution explaining why the award should be given to an alternate vendor. This documentation must accompany the requisition and all steps in the subsequent approval process.

Best Value

The Town Board seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York State General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendment authorizes the Town to award purchase contracts and contracts for services subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or “best value” as defined in § 163 of the New York State Finance Law. The “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder if factors such as lower cost of maintenance, durability, higher quality and longer product life are taken into consideration.

The Town Board may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or best value.

The provisions of this chapter apply to Town Purchase contracts involving an expenditure of more than \$20,000.00 and Town contracts for services involving an expenditure of more than \$35,000.00 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and excluding any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

PROCEDURES

Purchase or Lease from \$2,501 to and including \$7,500 or Public Works Contracts from \$5001 to \$10,000 – Documented Quote Procedures

1. The Department Head confirms the availability of budgeted funds for the item and/or service and the need
2. If budgeted funds are available and item and/or service is within the spending ranges and not covered under an existing Town Contract, the Department Head checks for State or National Cooperative Contract.
3. If a State or National Cooperative Contract does not exist the Department Head or designated employee in coordination with Purchasing, investigates three sources for the item and/or service.
4. Department in coordination with Purchasing, must document the three verbal quotes for the item.
5. Quote documentation must include the vendor name, phone number, contact name, the item and/or service, the amounts, the date of the quotes, and the person who obtained the quote.
6. Documented quotes should be signed by the person obtaining the quotes. When quote or bid requirements are fulfilled, the Department Head then selects the vendor based upon lowest price of the three quotes.
7. The documented quotes must be submitted to Purchasing along with a hard copy of the Standard Purchase Requisition.

Purchases or Leases from \$7,501 to and including \$12,000 or Public Works Contracts \$10,001 to \$20,000 – Written Quote Procedures obtained by Department

1. The Department Head confirms the availability of budgeted funds for the item and/or service and the need
2. If budgeted funds are available and item and/or service is within the spending ranges and not covered under an existing Town Contract, the Department Head checks for State or National Cooperative Contract.

3. If a State or National Cooperative Contract does not exist the Department Head or designated employee prepares a specification and/or scope of work for the item of services required.
4. Specification and/or scope of work is provided to Purchasing for review. Purchasing will post the quote specifications and/or scope of work on the current electronic bid distribution service in use at the time.
5. Department provided specification and/or scope of work to multiple vendors to obtain at least three written quotes for the item or service.
6. Quote documentation must be on vendor's letterhead and include the vendor name, phone number, contact name, the item and/or service, the amounts, the date of the quotes, and the person who obtained the quote.
7. When quote or bid requirements are fulfilled, the Department Head then selects the vendor based upon lowest price of the three quotes.
8. The documented quotes must be submitted to Purchasing along with a hard copy of the Standard Purchase Requisition.

Purchases or Leases from \$12,001 to \$20,000 or Public Works Contracts \$20,001 to \$35,000 – Written Quote Procedures obtained by Purchasing

1. The requisitioning Department Head e-mails Purchasing to request quotes for the purchase or lease specific goods or services within the value ranges listed above. In the e-mail, the Department Head defines the specifications for the item and/or service and suggested vendors to include in the quote solicitation.
2. Purchasing documents the request for quotation from the information supplied by the Department Head. If additional information is required, the Purchasing Agent will contact the requisitioning Department Head to add the necessary information.
3. When complete, the Purchasing Agent submits the request for quotation to a minimum of three vendors for purchases or leases of \$20,000 and under or Public Works Contracts of \$35,000 and under.
4. The Purchasing Agent receives responses to the quotation request, tabulates the combined results, and forwards copies of vendor responses, including proposals to the Department Head.
5. The Department Head reviews the vendor responses and selects the vendor from whom to acquire the goods and/or services.

6. The Department Head then notifies Purchasing of the chosen vendor in writing. Purchasing creates and mails an award letter to the chosen vendor.
7. The Department Head then creates a standard purchase requisition, submitting the quotation responses with the Purchase Requisition.
8. For Public Works Contracts a formal Town of Colonie General Contracting Agreement is required, preceding the Purchase Order.
 - a. The requesting Department Head completes a Town Board Agenda Request for the Town Board to approve the General Contracting Agreement.
 - b. Following Town Board Approval, the Town Attorney creates the document with input from the Department Head. Once approved by all parties, the Agreement is sent to the vendor for signature.

Purchasing and Leases \$20,001 and above or Public Works Contracts of \$35,001 or above – Formal Public Bid Procedures

1. For new purchases of \$20,001 and above or Public Works Contracts of \$35,001 and above the Department Head creates a “Town Board Agenda” form and a document defining the specifications for the purchase and rationale.
2. The Department Head then forwards both documents to the required approvers. Approvers include DPW/Engr. or MIS depending on the nature of the Purchase and all of the following: Comptroller, Director of General Services, and Town Attorney.
3. The Town Attorney submits the signed “Town Board Agenda” form to the Town Board and monitors the response of the Town Board.
4. The Town Attorney notifies Purchasing and the Department Head in writing of the Town Board’s response.
5. If the Town Board approves the Purchase, Purchasing, working with the requesting department will prepare the bid document and legal notice.
6. Purchasing coordinates the submission of the legal notice with local papers.
7. Purchasing also distributes the bid document to vendors by email if possible and posts the bid document on the current electronic bid distribution service in use at the time.
9. For bid produced and administered by outside engineering or architect firms, Purchasing shall have the opportunity to review and offer changes to all bid

documents produced on behalf of the Town of Colonie. Once approved Purchasing shall post the legal notice for this bid on the current electronic bid distribution service in use at the time.

10. Upon receipt of Bid responses, the Purchasing Agent tabulates responses and forwards copies of the responses and tabulation results to the requesting Department Head.
11. The Department Head reviews bid responses and selects the proposed vendor to award the purchase.
12. The Department Head then fills out a "Town Board Agenda" form to request formal authorization for the specific purchase. The "Request for Item to be placed on Town Board Agenda" form along with bid responses is routed to the same approvers as the preliminary form used to authorize the bidding process.
13. The Town Attorney submits the signed "Town Board Agenda" form to the Town Board and monitors the response of the Town Board.
14. The Town Attorney notifies Purchasing and the Department Head in writing of the Town Board's response.
15. If the Town Board approves the purchase, the Purchasing creates and mails an Award Letter, notifying the vendor of the approval for the Purchase.
16. If the purchase is approved, the Department Head creates a standard purchase requisition defining the terms of the purchase and specific items and services.
17. For Public Works Contracts the Town Attorney will prepare a General Contracting Agreement or contract for the work which they will provide to the awarded vendor. This step shall be completed prior to the department issuing the purchase requisition.

Procurement of Professional Services and the Issuance of Requests for Proposals

POLICY:

The procurement of a Professional Service is an exception to the Competitive Bid provision of the New York State General Municipal Law. The Town may enter into a Professional Service Agreement without the need for a competitive bid. Use of a Request for Proposal is recommended when entering into a Professional Service Agreement as it provides an opportunity for the following:

1. The Town can review up to date services and technology available in the market place.
2. Several different approaches to accomplish the request can be evaluated.

3. Service Providers must compete for the Town's Business. This may lead to better service and lower cost for the Town.

A Request for Proposal (RFP) is a descriptive document that explains in detail the requirements and terms associated with specific services request by the Town from service providers.

While not every Professional Service Agreement will be entered into as the result of an RFP, the determination of when an RFP is required shall be made as follows:

1. The General Service Director in conjunction with the Town Attorney's Office will determine if a service is classified as a Professional Service and eligible for the exemption under the General Municipal Law.
2. If the service is determined to be Professional, the Department Head, the department Attorney office liaison, and the General Service Director will determine if an RFP shall be required to enter into this agreement.
3. Purchasing will provide a basic format for the Request for Proposal document to the initiating department. The department will be required to supply the specifications for the service requested in the RFP. If the specifications are rigorous and technical in nature, it is Town policy to subcontract the RFP development to a third party firm that specializes in preparing such documentation.
4. The final draft of the RFP document shall be approved by the Town Attorney and the General Services Director prior to distribution.
5. Distribution of the RFP shall be handled in the same manner as a competitive bid, with the Purchasing Department advertising the RFP, distributing the RFP packages, receiving the responses, tabulating the companies that provide a proposal, and awarding the RFP.
6. The initiating department shall be responsible for the review of the proposals and the recommendation of an award.

The use of the RFP process may be combined with the competitive bid or quote process if the total transaction involves a hybrid of professional services and other services or professional services and the acquisition of goods. If the primary or predominant part of the transaction is the professional service, the use of the competitive bid or quote process may not be required. Purchasing will make the final determination in conjunction with the Town Attorney's office as to the need for an additional process.

PROCEDURE:

<i>Action Steps:</i>
1. Recognize the need for a budgeted professional service that is not under Town Contract. 2. Contacts the General Service Director to review the need and confirm the service is an exempt professional service.

3. Request Town Board Authorization to advertise for the Request for Proposal. (if required) 4. Provide specifications for service requested. 5. Review responses and recommend an award. 6. Request Town Board Authorization to award the RFP.
1. Review the professional service with the department head, and department attorney liaison to determine if an RFP will be necessary. 2. If an RFP is necessary, forward the RFP format documents to the department head to begin the development of the RFP. 3. Administer the advertisement, distribution and response collection of the final RFP document. 4. Facilitate the award of the RFP to the selected vendor.
1. The Town Attorney will provide guidance to the Department Head related to the RFP process and the end results. 2. Whether subcontracted or completed by the Department, the Town Attorney will review the RFP document to ensure appropriate wording to meet Town legal requirements and appropriate risk management for the Town. 3. A contractual agreement must be created and signed by both the Town and the Service Provider. This agreement confirms the terms and conditions of the service. 4. The agreement may be initiated by the Department Head or the service provider, then forwarded to the Town Attorney for review.

CREATING AND RECEIPTING AGAINST AN OPEN PURCHASE ORDER

POLICY:

Open purchase orders are intended for repetitive low dollar purchases. They are intended to be used for vendors with whom the Town has accounts. They are not intended to reimburse Town Employees who have acquired and paid for goods and services using their personal credit cards or cash. See Time and Expense Policies and Procedures for this type of reimbursement. To qualify for an Open Purchase Order, purchases must be low dollars per unit and in total. Each requisition and invoice is not to exceed \$200 and

larger dollar purchases may not be divided into \$200 increments to fall below the \$200 limit. Department Heads have the authority to acquire miscellaneous items and services, but all appropriations must be budgeted, and if not must have prior approval from the Comptroller regardless of dollar limitations.

Procedures

1. A Town Employee identifies the need for miscellaneous items or service and notifies Department Head.
2. The Department Head confirms the availability of budgeted funds for the item and/or service and the need. If budgeted funds are available and item and/or service is repetitively purchased and under \$200, the Department Head authorizes designated employee to obtain the item and/or service from an agreed upon, pre-approved vendor with which the Town has an account. In anticipation of purchases with these approved vendors, the Department Head or designated Department Employee will create an Open Purchase Requisition for the vendor, with a single line item for \$1.00. If the Vendor ID is not on file, the department is to contact Purchasing. A general description is written in the first line of the requisition, with \$1.00 for the unit price, 1 for the qty, and \$1.00 for the line amount. The Appropriation-Fund code is written in the "G/L Account" field.
3. Obtains authorization to obtain the item and/or service from the Department Head.
4. Obtains the item and/or service from the pre-authorized vendor and a detailed invoice defining the specific item and/or service performed. The receiving employee is required to show official Town identification card to the pre-authorized vendor. The receiving employee should verify the accuracy of the invoice and resolve any discrepancies prior submitting for payment, then forward the invoice to the Department Head.
5. The Department Head or designated employee within the department receives invoices from the Town Employee and updates the previously created Open Purchase Requisition to cover the invoices accumulated from the vendor for each two-week time period (or shorter if no additional invoices are anticipated from the vendor during the period). The requisition is then updated with the invoice information. Replacing the single line entered earlier, each invoice becomes a line item on the requisition. The invoice number is written in the description for items and services covered by the invoice is written in the "Item Description" line. When the requisition is complete and checked for accuracy, the Department must change the "Order Date" field ID to the *current date* and save the requisition. The Department then forwards the invoices and the requisition to Purchasing.
6. Purchasing receives the invoices and requisition from the Department Head. If the total value of the requisition is less than \$200, Purchasing posts the Purchase Order (PO). If the value of the requisition exceeds \$ 200, the Purchasing Agent must wait for Deputy Comptroller or Comptroller approval written for that specific purchase requisition on the "Unapproved Requisitions in Excess of \$200" report before posting the Purchase Order.

7. Once the Purchase Order is posted, Purchasing posts a receipt in Great Plains for the value of each invoice against the corresponding line item on the Purchase Order. The Purchasing Agent then verifies that all line items are received and that the PO is complete. At that point the Purchasing Agent sends a hard copy of the PO and the invoice(s) to the Comptroller's office for vouchering in Accounts Payable.
8. The Comptroller's Office reviews any requisitions over \$200 to confirm funding.

EMERGENCY PURCHASES:

POLICY:

All purchases of goods and services should be completed using an approved Purchase Order. However there are times when this is not possible due to an emergency.

Emergency requisitions are to be used to acquire parts for repairs or for services when there is an emergency need which would have a direct impact on the life, health and public safety to the general public as defined in General Municipal Law § 103(4). Once a situation has been identified as an emergency, parts for repairs and services can be acquired without going through normal procurement approvals and procedures. As soon as practical after the situation has been resolved, a requisitions or requisitions shall be entered into the Great Plains system for all emergency purchases made. The requisitions will be reviewed and approved as necessary and the Purchase Orders returned to the department. All invoices must be approved by the department manager and marked in red ink as an "emergency". The Town Board Resolution declaring the Emergency shall be attached to all emergency invoices. Emergency appropriations may be unbudgeted, or in excess of budgeted funds.

Procedures:

1. Department declares an Emergency Situation per GML 103(4)
2. Purchases of goods and services are made to resolve the emergency situation.
3. As soon as practical after the situation has been resolved, requisitions for the purchases of said goods and services are entered into the Great Plains system.
4. Requisitions are reviewed and approved and Purchase Orders are sent to the Department.
5. All related invoices are approved by the Department Head and marked in Red Ink with "Emergency". The Emergency Town Board Resolution shall be attached to the emergency invoices. Any differences between the original requisition and the invoice such as amounts, fund numbers, quantities are updated in the Great Plains system by the **initiating** department and sent to Purchasing for processing.

Straight Claims vs. Requisitions and Purchase Orders

POLICY:

Straight claims are forms that are submitted with vendor invoices to request payment under particular procurements. Use of a Straight Claim form does not require purchase orders. In most cases the use of a Straight Claim form does require a current, signed contract awarded from the Town of Colonie to the vendor. As with all purchases, all appropriations must be budgeted and if not must have prior approval from the Comptroller regardless of dollar limitations.

Procedure

Straight Claim forms are to be used for invoices for the following procurements:

1. Utility Payments – National Grid, Electric Supply, Natural Gas Supply, Water and Sewer payment, telephone including cell phone invoices.
2. Tax Bill Payments
3. Public Works projects where an engineering firm is managing the project.
4. Professional Service payment such as Attorney, engineer, Auditor.
5. Monthly Equipment Rental payment.
6. Subscriptions and membership payment and renewals
7. Postage expenses
8. Grant Payment to outside entities and reimbursement of clients
9. Annual Assessments/fees from Federal, State, County or other government agencies.

Straight Claims shall not be used for the following and the normal Purchasing System shall be used:

1. Any invoice to be processed where a requisitions has already been opened in the Great Plains system.
2. Public Works projects bid by the Town Purchasing Department and managed by Town personnel.

3. Purchases made through State Contracts, Cooperative Contracts, and purchases made as the result of Bids and quotes.
4. Legal notice publications.
5. Routine services such as industrial gases, fuel, road salt, cleaning supplies, etc.

Claim forms are processed directly through the Comptroller's Office and do not need Purchasing review. When practical the claimant certifications should be completed before the form is delivered to the Comptroller's Office.

Disposal of Town Surplus Property

POLICY:

The policy to dispose of surplus property shall meet the following criteria:

1. The items will be disposed of in the most cost effective and environmentally responsible manner possible.
2. Every effort shall be made to get the best return to the Town on any property to be disposed of that may have significant residual value.
3. Items to be declared surplus by the Town Board include those items with a value of \$1,000 or more. These items will generally be auctioned off to the public to obtain the best value for the Town.
4. Items considered to have a value of under \$1,000 will be disposed of in a manner determined by the General Services Director.

PROCEDURE:

1. The Department is responsible for determining that an item is surplus and no longer needed by the department.
2. For items on the Department Fixed Asset Report, please contact the Town Comptroller Department to determine remaining book value. See Attached Fixed Asset Disposition form.
3. If the item is a motor vehicle or a large piece of equipment please notify the Fleet Maintenance Supervisor of the fact this item is now surplus.
4. The Fleet Maintenance Supervisor will review the maintenance records for this item and determine if it is suitable to be offered to another department that may have a need for the item.

5. If the item is deemed not needed by another department, or not suitable for the Town to keep, Fleet Maintenance will work with General Services on the appropriate disposal method.
6. If the surplus item is office equipment, furniture, or other similar items, please notify the General Services Director that you have surplus items. Information needed about the items includes the item description, age, working condition, any value estimate, and your recommendation as to disposition.

DISPOSAL PROCESS:

Public Auction: The items that have a value of over \$1,000 will generally be auctioned to the public. This auction shall be administered by the General Services Department in cooperation with Fleet Maintenance for vehicles and equipment. All items to be auctioned shall be submitted for approval to the Town Board prior to the beginning date of the auction.

Open Competitive Bid: Some items might be best disposed of through the formal open competitive bid process. For these items all normal bid processes will be followed.

Donation: Donation to another municipality or political subdivision is another option the Town Board may consider.

Sale to another Municipality: Surplus and second-hand items may be sold to other political subdivisions or public benefit corporations within the State.

Disposal: Item valued at less than \$1,000 may be disposed in the most cost effective, environmentally appropriate manner as determined by the General Services Director. The available methods include proper disposal as trash, scrap disposal through the Landfill process, or junked. Any items disposed, scrapped, or junked will be itemized and that list provided to the Town Comptroller's office for proper record keeping. The manner of disposal shall be indicated for each item. If the item is unique or there is an indication that it would be better disposed through auction or donation, Town Board approval shall be requested to proceed with that disposal method. If the item is valued at \$1,000 or more, but has no useful remaining life, Town Board approval shall be obtained prior to the item's disposal.

Computer Disposal: Any computer items deemed to be surplus and to be disposed must be coordinated through the MIS Department. Special consideration shall be taken to

remove any data, software, or propriety information prior to disposal. MIS shall coordinate the actual disposal with General Services.

Town of Colonie Apprenticeship Program Policy

Policy:

In accordance with Town of Colonie Town Board Resolution No. 144 for 2015 of February 26, 2015 and Section 816-b of the New York State Labor Law, contractors and subcontractors of Town construction contracts of \$750,000 or more shall have in place agreements providing appropriate apprenticeship training programs approved by the Commissioner of the Department of Labor for the type and scope of work to be performed before the contracts are let. These agreements shall conform to the procedures and requirements set forth in Section 816-b of the New York State Labor Law.

The Apprenticeship policy is administered through the Town Procurement Policy. However the ultimate authority as to compliance with the policy is with the Commissioner of Public Work or his designee and the Town Attorney's Office.

The Apprenticeship policy includes the following provisions and requirements:

- All contractors and their subcontractors on contracts for public works projects of \$750,000 or more must comply with this policy regardless of the subcontractor's actual dollar amount of work provided.
- Any subcontractor used on the project must be to provide a trade or service not provided by the contractors own work force for purposes of this policy and compliance verification.
- Compliance with the policy includes providing proof of compliance for all trades to be employed on the project. Determination of the trades to be included is at the sole discretion of the Commissioner of Public Works or his designee and the Town Attorney's Office.
- For Town bids issued by Town contracted professional firms, proof of compliance with the apprenticeship program policy will be provided to the

Town by the professional firm along with any recommendation letters. The Town reserves the right to request additional verification of program compliance as necessary.

- For Bids administered by the Town directly, proof of compliance with the apprenticeship program shall be supplied by the apparent low bidder to the Town Purchasing Department within two (2) business days of the bid tabulation being completed and available to the public. The Town reserves the right to request additional documentation to verify compliance. All requested information must be provided within two (2) business days from the request.
- Failure of the low bidder to provide acceptable documentation within the time frames above will be deemed non-compliance with the program and the Town will move to the next low bidder. That bidder will have two (2) business days to provide acceptable verification.

Acceptable forms of compliance with the apprenticeship program are as follows:

1. Contractor or subcontractor having their own Department of Labor approved program for the trades to be used on the project. Verification of the approved program(s) of the New York State Department of Labor website is acceptable proof of compliance.
2. Contractor or subcontractor who is a direct signatory with a labor union that has a Department of Labor approved program for the trades to be used on the project. Verification of compliance must include the following:
 - a. Letter on company letterhead from Contractor or subcontractor outlining signatory status with a labor union and trades covered by that agreement.
 - b. Documentation from the labor union identified confirming signatory status and access to labor union apprenticeship program.
 - c. Verification from New York State Department of Labor website of an approved program(s) for the labor union.

Any questions regarding this policy or compliance requirements shall be directed in writing to the General Services Director at the following:

Town of Colonie
Purchasing Department
534 New Loudon Road
Latham, NY 12110
Or
purchasing@colonie.org

General Information

Purchases of supplies and services involving an estimated overall annual expenditure by the Town of over \$20,000 of like goods or any single public works contracts over \$35,000 will be awarded only after public advertising and solicitation of formal bids, or use of other appropriate means as allowed by law. This includes one-time purchases, a contract or blanket purchases. Excluded from this are professional services, which are secured through a Request for Proposal.

Legal notices are published in the official Town newspapers, informing the public of the products or services being bid, listed on the Town website, as well as being posted online at the Empire State Procurement Group site: <http://www.empirestatebidsystem.com/>

Where formal bidding procedures are not required by law and/or resolution, pricing will be solicited by the Requesting Department or Purchasing Department pursuant to the procedure set forth in Section 104-b of General Municipal Law and this document.

The only exceptions are for procurement made pursuant to General Municipal Law, Section 103(3) (through County contracts) Section 103(16) (through National Cooperatives) or Section 104-b (through state contracts); State Finance Law, Section 175-b (from agencies for the blind or severely handicapped); Correction Law, Section 186 (articles manufactured in correctional institutions); and approved schedules through the Federal GSA program.

Any request to award a quote or bid to any vendor other than the lowest responsible bidder must include documentation by the requesting department with reasons and justification for the award. The documentation shall be reviewed by the General Services Director in counsel with the Town Attorney's Office prior to any award being made.

In certain situations, solicitation of alternative proposals or quotes is not practical. These may include: emergencies, true leases and sole source situations and combinations of professional services/purchases. In each of these cases, the requesting department,

Purchasing, and the Town Attorney's Office shall analyze, justify and clearly document the reasons behind the award. No awards shall be made before contacting the Purchasing Department.

Sole Source & Single Source

Sole source procurement is an exception to the general rules and policies stated herein governing the procurement of goods and/or services. Sole source procurement may only be used in those rare cases where the goods or services sought and required are manufactured, sold or performed by only one entity and/or individual.

Generally, this will only apply in the following situations:

1. Only one company makes and sells a certain good or provides a certain service.
2. Only one company can service or maintain the equipment without voiding the warranty. (Note: This only applies during the warranty period. The sole source exemption is not available after the warranty expiration. After warranty expiration, repairs and maintenance must be bid.)
3. The Town is leasing equipment like postal machines or copiers that have a certain type of consumable component (e.g. ink cartridges) that must be used to avoid breaching a warranty or maintenance provision of a lease.
4. It is a service performed by companies that traditionally have territories (e.g. cable TV or certain types of equipment dealerships).
5. Software licensing, maintenance, and/or installation contracts specific to the software being purchased, inclusive of upgrades or improvements to existing software systems.

In determining whether a purchase qualifies for a Sole Source exemption, the procuring department must document, at a minimum:

1. The unique benefits to the Town of the product or service as compared to the other products or services available in the marketplace;
2. That no other product or service provides substantially equivalent or similar benefits;
3. That considering the benefits received, the cost of the product or service is reasonable in comparison to other products or services in the marketplace; and

4. That there is no possibility of competition from competing dealers or distributors.

Sole Source purchases will be reviewed by Purchasing and approved based on the written justification from the Requesting Department responding to points (1) through (4) above and supporting documentation on the letterhead of the entity providing the goods, equipment, commodity or service that they are the sole source.

Emergency Purchase

What is considered an emergency? GML 103 (4) defines it as “a public emergency arising out of an accident or other unforeseen occurrence or condition, whereby circumstances affecting public buildings, public property or the life, safety or property of the inhabitants requires immediate action”. Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency.

A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. Purchasing should be contacted as soon as the emergency need is identified to secure pricing.

Professional Services

Professional Services are not subject to competitive sealed bidding requirements, but are subject to the guidelines of GML 104-b for competitive pricing to be obtained for these services. (See Purchasing Procedures section)

Purchase Requisition

The Purchase Requisition provides the means of initiating the Purchase Order process for goods and services. The Purchasing Department is designated to review and process requisitioners' requests; it is the individual department heads responsibility to insure that expenditures are within the budgetary appropriations and that the proper department account is charged.

The Comptroller's Office and the Purchasing Department must approve the funding of every requisition prior to it being converted to a Purchase Order. Purchasing approved requisitions up to and including \$200.00. The Comptroller's Office approves all over \$200.00.

Should there be insufficient funds available departments must do a budget transfer and secure all the necessary approvals before the order can be processed.

Preparation:

The requisitioning department will enter the Requisition on the Town Great Plains Purchasing software system.

If the department has a definite reason for ordering from a specific vendor it should be noted in the comments, the Purchasing Department will make the final decision as to price and vendor after reviewing the requisition and consulting with the using department. Adequate documentation shall also be provided with all requisitions, such as any received quotes, references and full descriptions of the items/service being ordered, so that Purchasing may procure the desired items/service in a timely fashion.

Planning

Anticipate your needs! Once you have determined what you need, within the limitations of your budget, contact purchasing to help you develop the specifications for the quote or bid to get the best value possible for the expenditure of tax dollars.

The key is time; turnaround time is dependent on many factors ranging from the complexity of the specifications, and the need for a pre-bid meeting and addendums to the number of bids and quotes currently in process with Purchasing.

Prepayments

Town of Colonie takes the position that unless absolutely necessary, that prepayments should not be made using Town funds.

Contact the Purchasing Department to assist you in making the purchase.

Purchase Orders

The purchase order provides a formal document authorizing the purchase of goods and services as well as the necessary authority to pay vendor claims and proof of tax-exempt sales. Purchase orders are prepared by the Purchasing Department upon receipt of a **complete** purchase requisition with all the necessary documentation such as contracts, quote, funding, etc.

The Purchasing Department verifies the following before issuing a purchase order:

1. Type of purchase requested
2. Requisitioning department/ship to location
3. Vendor information
4. Contract/Bid/quotation information
5. Comments/special instructions
6. Description of goods and services being ordered
7. Quantity/unit of measure
8. Unit price/extension and total cost
9. Fund Number(s)

The Purchasing Department will confirm the best method of procurement upon receipt of a requisition. If available, a current Town bid, NYS contract or available piggybacking options will be used.

With very few exceptions, a purchase orders must be completed before a purchase is made.

If at any time a department finds they will require a competitive bid for a particular product or service, they should notify the Purchasing Department to allow time for specifications to be developed and the formal bid process to be completed, to meet their anticipated needs.

Open Purchase Orders

An open purchase order is created for products or services that are purchased on an “as needed” basis from a vendor throughout the year where the dollar value will vary for each purchase and an established contract is in place. These are issued monthly as needed and the dollar amounts are limited to \$200.00 per department. The money for an Open Purchase Order is not encumbered until a receipt transaction is entered into the order

Departments are responsible for providing the open purchase order number to the vendor and verify that the number also appears on the documentation sent to Purchasing for payment processing.

Emergency Purchase Order

The Purchasing Department will **not approve** an emergency purchase order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is a lack of proper planning.

Receipt and Payment of Goods and Services

Upon receipt of goods and services, the department confirms quantity or completion of the service. As standard business procedure, all Town vendors are entitled to prompt payment; therefore receipts should be processed on a day-to-day basis.

Delayed Deliveries and Inferior Material Received

Purchasing endeavors to get departments the right material and on time. There will be occasions when inferior goods or services are received or they are not received in a reasonable amount of time. If this should occur you should report the problem to Purchasing as soon as possible. This can be done via email or phone, remember to include the vendor name, PO Number, the problem you have with the order and what you have done thus far to attempt to correct the situation.

Purchasing will contact the vendor after the receiving department has tried to resolve the issue and try to come to a resolution of the problem; if necessary the Town Attorney’s Office will be contacted for assistance.

Department of Labor- Notice to Withhold Payment

On occasion the New York State Department of Labor, Bureau of Public Works upon receiving complaints for non-payment of prevailing wages shall direct the Town to withhold monies due to a vendor. The original notice is forwarded to the Comptroller's Office; a copy is kept in Purchasing and a copy forwarded to the Town Attorney's Office. These monies are held until notification is received from the Department of Labor on how they are to be disbursed.

Competitive Bidding

1. AGGREGATE PURCHASES OF LIKE ITEMS IN A 12 MONTH PERIOD WHICH ARE IN EXCESS OF \$20,000 USED BY THE TOWN
2. PUBLIC WORKS CONTRACTS EXCEEDING \$35,000 EACH

General Municipal Law Sections 103 and 104-b require annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive/responsible bidder, or bidder offering the "Best Value" bid meeting the intent of the specifications after public advertising requesting submission of sealed bids.

In determining the necessity for competitive bidding, the **aggregate cost** of like items or commodities estimated to be purchased Town wide in a 12- month period are considered. (The 12 months beginning with the date of the first purchase)

The using department(s) in conjunction with the Purchasing Department shall prepare bidding specifications; all bids shall include a non-collusion certification and indemnification agreement and all other documents required by General Municipal Law.

Formal bids/quotes containing a renewal clause shall clearly state the original term and any possible renewals terms if mutually agreeable by the vendor and the Town of Colonie.

The advertisement for bids shall at a minimum contain a description of the goods and/or services being solicited, a statement of the time and place where all bids will be publicly opened and read, the time and place of any pre-bid meetings and a description of where and how bid documents may be obtained. All bid openings will be conducted at a public meeting and all interested parties may attend.

Plan holders lists shall not be released prior to a bid opening as this may adversely affect the bids received and/or encourage collusion. Any requests received by a Town

department for this information are to be directed to Purchasing. No exceptions are made to this policy.

After the public opening of a sealed bid a tabulation sheet shall be prepared recording all pricing as submitted by the responding vendors. Purchasing shall review the bid responses and prepare a bid tabulation. This along with the copies of the bid responses and all supporting documentation needed to evaluate the bid responses shall be forwarded to the using department for review and award recommendation. Once the using department and the Purchasing Department are in agreement as to the responsive/responsible or best value vendor, the using department will create a Town Board Agenda Request Form for the Town Board to make the award.

If during the evaluation of the bid results it is determined not to proceed with a bid award, the using department shall prepare a Town Board Agenda Request form to reject all bids. New York State Comptrollers opinion 297 requires an acceptance or rejection of formal sealed bids as they are a legal binding offer and some action must be taken by the authorizing Board

All renewals shall be coordinated through Purchasing and must be submitted to the Town Board for final approval.

Agreements and Contracts for multi-department use are handled by Purchasing and are submitted to the Town Board for approval.

Bid Approval Process

Bids for goods and services will be awarded by Town Board resolution after the following conditions are met:

1. Sufficient appropriations are contained within the departments' current budget (or budget transfer has been completed)
2. The department head or their designated representative and the Purchasing Director have certified in writing that the bids were received and meet the intent of the specifications
3. The award is made to the bidder submitting the lowest responsive and responsible bid per specifications or the bidder offering the "Best Value" bid that meets the bid specifications.
4. The using department shall document the rejection of any low bid deemed non-responsive or non-responsible. The using department shall attach a copy of said documentation to the Town Board Agenda Request Form and a copy shall be supplied to Purchasing. Said documentation shall be included in the bid file.

Conflict of Interest

Any Town employee who has, will have, or acquires an interest in, any actual or proposed contract with the Town of which he/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing as part of the Town Of Colonie Ethics disclosure as soon as he/she has knowledge of an actual or prospective interest. **If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the Town Attorney should be contacted immediately.**

Public Works Contracts

How do you define a “Public Works Contract”? Any time an item or project involves labor or both materials and labor (other than simple delivery of goods) it qualifies, such as contracts for construction, demolition, remodeling, maintenance, painting, paving and repair contracts.

When do I need prevailing wages? Whenever you employ laborers, workmen or mechanics you need to pay prevailing rates according to Article 8 and 9 of the New York State Labor Law, no matter what the dollar amount. Certified payrolls are required before payment is authorized and copies are to be kept on file by the Town Attorney’s Office.

Certificates of Insurance

Town of Colonie is “self-insured” and for that reason we maintain evidence of vendor insurance, with ACORD forms on file for vendors who provide services to the Town. Depending on the work performed there are various categories of coverage and dollar levels required.

Before the Town can enter into a contract with a vendor, valid insurance forms must be on file; this includes proof of workers compensation and disability forms as required by New York State Workers Compensation and Disability Laws.

Standardization

General Municipal Law Section 103 makes it possible for the Town to standardize on a particular type of material or equipment. A resolution approved by at least three-fifths majority of the Town Board, shall state that for reasons of efficiency or economy there is a need for standardization.

The resolution shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, restricts the purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

Standardization should be used very sparingly and only after careful consideration of the ramifications to future purchases and maintenance costs as this tends to reduce or in some cases eliminate completely competition thus costing the Town more than it may save by standardizing.

Fixed Asset Management System

The purpose of the fixed asset management system is to establish proper procedures for monitoring the movement of fixed assets to maintain accurate reporting of asset values as required by NYS Audit and Control.

General Town Property

The Town Board gives the Purchasing Director the responsibility not only to purchase, but also to dispose of and/or transfer supplies, materials and equipment.

Each department head has the ultimate responsibility to conduct and maintain the individual inventory pertaining to that department. It is also the responsibility of the department head to evaluate on a continuing basis the suitability and need for materials, supplies and equipment. If they should become obsolete by reason of age, wear or technical advancement or should become surplus, unnecessary for the operation of his/her department, the department should follow the process outlined in the Disposal of Surplus policy. Purchasing will evaluate the request and determine if the item will sold, put up for claim by a Town department or trashed.

Fixed Assets

Fixed assets are defined as those properties the Town of Colonie retains more or less permanently, not for sale, but for utilization in the normal course of operations

Fixed assets will always imply tangible fixed assets, the general accepted practice, as in Town of Colonie, is to record a report fixed assets at their historical acquisition cost. The cost of a fixed asset should include all expenses of transporting the asset to the proper location and placing it in the condition necessary for its intended use. Only items costing five thousand dollars (\$5,000.00) or more will be inventoried. This limit has been established as assets under five thousand dollars cost, due to time, effort and paperwork cost involved, do not warrant being inventoried. This will be Town policy and all items under the five thousand dollar cost shall be considered supplies and inventory control managed within the department.

The Comptroller's Office staff will conduct periodic fixed asset exams as they see fit to assure Town departments are properly tracking Town assets and are prepared for New York State Auditors'.

Receiving

The majority of purchase orders are for delivery to the requisitioning department.

Upon receipt of an asset valued over \$5,000, Purchasing will complete the Fixed Asset Card for the new asset as part of the invoice receipting process.

The only exception to this procedure will be for computer equipment that will be maintained and tagged by the Management Information Services Department. MIS will record transfers of equipment and obsolete computer equipment shall be disposed of upon approval by the MIS Director using the Town's Surplus Disposal Policy. MIS will track all computer related items regardless of dollar value and maintain a database for all items including those awaiting assignment and disposal.

Disposal of large equipment and vehicles shall be done by way of on-line auction or open competitive bid depending on the condition and remaining value of the asset.

Procedures for Federal Grant Administration Requirements

Procurement Standards

The Town of Colonie does not have a centralized grants department, therefore it is the responsibility of each department obtaining a grant to administer, and be familiar with, all grant documents and requirements. If it is a Federal Grant, the department should immediately notify the Town of Colonie Comptroller's Office and Purchasing for guidance and assistance. For purposes of this policy Department Head applies to the individual within a given department who will be responsible for the grant.

Uniform Guidance Compliance Supplement – General Information

The following financial policies have been separately reviewed and approved by the Colonie Town Board. These policies are incorporated into this document by reference. All of the policies below are applicable to Federal grants where appropriate:

Town of Colonie Procurement Policies and Procedures

Code of Ethics of the Town of Colonie (Local Law No. 13 of 1990, Chapter 17 of the Town Code)

Affirmative Action Policy

Uniform Guidance Compliance – Procurement Standards

The type of purchase procedures required depends on the cost of the item(s) being purchased.

Note, the Town's procurement policy is more restrictive than the federal purchase methods below, departments must always follow the most restrictive policy.

Sealed Bids (Formal Advertising): For purchases over \$20,000 bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

A complete, adequate, and realistic specification or purchase description is available;

- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the

bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;

- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- A firm fixed price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- Proposals must be solicited from an adequate number of qualified sources; and
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Town may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby proposers' qualifications are evaluated and the most qualified proposer is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Contract/Price Analysis: The Town performs a cost or price analysis in connection with every procurement action in excess of \$20,000, including contract

modifications. 2 C.F.R. § 200.323(a). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Department Head must come to an independent estimate prior to receiving bids or proposals. 2 C.F.R. § 200.323(a).

When performing a cost analysis, the Department Head negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. 2 C.F.R. § 200.323(b).

The cost plus a percentage of cost and percentage of construction cost methods of contracting must NOT be used.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Town; or
- After solicitation of a number of sources, competition is determined inadequate.

Full and Open Competition

All procurement transactions shall be conducted in a manner providing full and open competition consistent with 2 C.F.R § 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

Solicitation Language

The Town shall ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R § 200.319(c).

Geographical Preferences Prohibited

The Town shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Prequalified Lists

The Town shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the Town must not preclude potential bidders from qualifying during the solicitation period.

Avoiding Acquisition of Unnecessary or Duplicative Items

The Town shall avoid the acquisition of unnecessary or duplicative items. Additionally, consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis must be made of leases versus purchase alternatives, and another other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allow ability of each purchase made with federal funds.

Use of Intergovernmental Agreements

To foster greater economy and efficiency, the Town enters into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Use of Federal Excess and Surplus Property

The Town considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Debarment and Suspension

The Town awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The Town may not subcontract with or award sub grants to any person or company who is debarred or suspended. For all contracts over \$20,000 for commodities, and \$35,000 for public works the Town verifies that the vendor with whom the Town intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II (1) and 2 C.F.R. §§ 180.220 and 180.300. This is done by the Department Head by checking on Sam.gov and by completing the Vendor Responsibility Questionnaire.

Maintenance of Procurement Records

The Town shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred (to be supplied by the Department Head, as described above).

Settlements of Issues Arising Out of Procurements

The Town alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Town of any contractual responsibilities under its contracts. Violations

of law will be referred to the local, state, or federal authority having proper jurisdiction.

Protest Procedures to Resolve Dispute

The Town maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

Standards of Conduct

In accordance with 2 C.F.R. §200.18(c)(1), the Town maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the Town may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

Bonding requirements §200.325

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Town shall require:

1. A bid guarantee from each bidder equivalent to five percent of the bid price.
2. A performance bond on the part of the contractor for 100 percent of the contract price.
3. A payment bond on the part of the contractor for 100 percent of the contract price.

Contract provisions §200.326

The Town's contracts will contain the applicable provisions described in Appendix II to Part 200.

BID PROTEST POLICY

Policy: It is the policy of the Town of Colonie General Services Department, Division of Purchasing (Purchasing) to provide vendors with an opportunity to administratively resolve "Bid Protests" or inquiries related to bid solicitations or contract awards. Bidders are encouraged to seek resolution of disputes through consultation with designated contacts. All such matters will be accorded full, impartial and timely consideration.

Interested parties may also file a formal written dispute according to the following procedures.

Formal Protests:

A. Definitions

1. "Filed" means the complete receipt of any document by Purchasing before its close of business.
2. "Interested Party" for the purpose of filing a dispute relating to a solicitation, as used in this section, means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.
3. "Interested Party" for the purpose of filing a dispute relating to a contract award, as used in this section, means an actual bidder or offeror for the subject contract.
4. "Issuance of Award" means the date of the Colonie Town Board Resolution awarding the Contract.
5. "Dispute" means a written objection by an interested party to any of the following:
 - a. A solicitation or other request by Purchasing for offers for a contract for the procurement of commodities, services and all construction services.
 - b. The cancellation of the solicitation or other request by Purchasing.
 - c. An award by the Town Board or proposed award of the contract by Purchasing.

- d. A termination or cancellation of and award of the contract by Purchasing.

B. Submission of Protests

1. A formal dispute by an interested party as defined in A. 2 or 3 must be in writing to Purchasing by certified mail or facsimile.
2. The dispute must include:
 - a. Name, address, e-mail address, fax and telephone numbers of the filer.
 - b. Solicitation Name and Opening Date.
 - c. Detailed statement of the legal and factual grounds for the dispute, including a description of resulting prejudice to the filer.
 - d. Copies of relevant documents.
 - e. Request for a ruling by the agency.
 - f. Statement as to the form of relief requested.
 - g. All information establishing that the filer is an interested party for the purpose of filing a dispute.
 - h. All information establishing the timeliness of the dispute.
3. Disputes should be filed with the Director of General Services at the following address:

Town of Colonie
General Services Department, Division of Purchasing
534 New Loudon Road
Latham, NY 12110
Facsimile: (518) 786-7329
4. Disputes concerning a solicitation shall be filed by an Interested Party (see A.2) with Purchasing no later than 4:00 PM one day prior to the date set in the solicitation for receipt of bids.
5. Disputes concerning a pending or awarded contract must be filed within ten (10) business days by and Interested Party (see A.3) after the disputing party knows or should have known of the facts which form the basis of the dispute: however, a dispute may not be filed later than ten (10) days after Issuance of the Award.
6. Purchasing may consider the merits of any dispute.

C. Submission of Protests

1. The General Services Director will consider all information relevant to the dispute, and may, at his/her discretion, suspend, modify, or cancel the disputed procurement action prior to issuance of a formal dispute decision.
2. The General Services Director reserves the right to wave or extend the time requirements for decisions and final determination on appeals herein prescribed when, in his/her sole judgment, circumstances so warrant.
3. Notice of Decision: A copy of the decision, stating the reason(s) upon which it is based and informing the filer of the right to appeal an unfavorable decision to the Town Attorney shall be sent to the filer or its agent by certified mail within thirty (30) business days of receipt of the dispute.

D. Appeals

1. Should the filer be dissatisfied with the dispute determination, a written appeal may be directed to:
Town of Colonie
Town Attorney
534 New Loudon Road
Latham, NY 12110
Facsimile: (518) 786-7324
2. Written notice of appeal of a determination regarding a dispute of the Town's bid solicitations, a pending contract award and/or contract award must be received at the above address no more than (3) three business days after the date the decision is received by the filer. The decision of the General Services Director shall be a final and conclusive determination unless appealed to the Town Attorney within such time period.
3. The Town Attorney shall hear and make a final determination on all appeals or may designate a person or persons to act on his/her behalf. The final determination on the appeal shall be issued within twenty (20) business days of receipt of the appeal.
4. An appeal of the decision of the General Services Director shall not include new facts and information unless requested in writing by the Town Attorney.

E. Legal Appeals

Nothing contained in these provisions is intended to limit or impair the rights of any vendor or contractor to seek and pursue remedies of law through the judicial process.

TOWN OF COLONIE CHANGE ORDER POLICY

Alterations to construction contracts or other service contracts are called Change Orders. Change Orders authorize additional or altered work to be performed that is either necessary to complete the work in the original contract as intended or to add work that would not result in a material change to the scope of the contract.

Change Orders may occur due to:

1. The need to add work related to the original scope, to delete work, or to otherwise modify the original work scope;
2. Price overruns or underruns (on a unit price item);
3. Design errors or omissions;
4. Unanticipated field conditions; or
5. Non-material scope of work changes.

A Change Order may not be used to circumvent the competitive bidding requirements under General Municipal Law section 103 and 104-b where the supplemental work so varied from the original plan, was of such importance, or so altered the essential identity or main purpose of the contract, that it constitutes a new undertaking. Change Orders are not subject to competitive bidding requirements because they are not viewed as new procurements. The Town is allowed to modify contracts without competition so long as such modification does not alter the essential identity or main purpose of the contract.

While it is not unusual to have deductive Change Orders, Change Orders usually increase the cost of the contract. All Change Orders that increase the cost of the contract must be approved by the Town Board. Accordingly, the work that is the subject of the Change Order may not be started prior to receipt of such Town Board approval. The relevant department head must provide supporting documentation for any Change Order which must be submitted as an attachment to the proposed resolution for Town Board consideration. This supporting documentation may take any form, a memorandum for example, but must include a description of the project as originally constructed, the change in work as compared to the work that was originally contemplated in the contract as well as

supporting information describing why the Change Order does not constitute a change to the essential identity or main purpose of the original contract.

All proposed Town Board resolutions must be submitted by twelve o'clock noon (12:00 PM) on the Thursday prior to the date of the Town Board meeting for which the proposed resolution is to be considered. All Change Orders will be reviewed by the Town Attorney's Office as well as the Director of General Services prior to being scheduled for Town Board consideration. The Town Attorney's Office and Director of General Services will make the final determination as to whether any proposed Change Order constitutes a new project for which competitive bidding is required.

URGENT CHANGE ORDERS: The Town recognizes that certain Change Orders may arise which are so essential and of such urgency that a commitment of public funds must be made prior to the next Town Board Meeting. A Change Order may be considered Urgent for any number of reasons including but not limited to a likelihood of the public safety being put at risk or irreparable damage being done to the overall project if additional work is not immediately approved. If a department head deems a Change Order to be Urgent for any reason, the department head must submit all of the above mentioned materials along with a justification for the need to have the work immediately approved to the Director of General Services and the Town Attorney's Office. The Director of General Services and Town Attorney's Office will make the final determination as to whether any proposed Urgent Change Order is so essential as to warrant approval prior to being considered by the Town Board

APPENDIX

Purchase order Terms and Conditions

Public Works General Contracting Agreement

CONDITIONS GOVERNING ALL TOWN OF COLONIE PURCHASE ORDERS

- 1) The Town of Colonie is not responsible for materials, supplies or equipment delivered without authority of its purchase order.
- 2) All materials shipped by freight, express or parcel post must have all charges fully prepaid to point of delivery unless otherwise arranged for and expressly stated on the purchase order.
- 3) Include itemized packing slips with all shipments or deliveries. Show name of department for whom delivery is intended and purchase order number on the packing slip.
- 4) Invoices must be rendered on the date of complete shipment of all materials on Town orders. Separate invoices for partial shipments are not allowed unless otherwise arranged for and expressly stated on the purchase order.
- 5) Individual invoices are required for each order. Invoice must be itemized in detail.
- 6) Cash discount terms must be indicated on purchase order. Discount offered will be computed from the time of final inspection and acceptance at delivery or from date of vendor/contractor certified corrected billing on Town purchase order, whichever is later.
- 7) All materials, supplies and equipment received are subject to inspection and acceptance by the Town of Colonie.
- 8) If unable to fill a Town order exactly in accordance with description, unit and price thereon, communicate at once with the General Services Department, Purchasing Division at (518) 783-2726. The Town reserves the right to reject

and return at shipper's expense any or all materials or supplies delivered which do not conform to our description or specifications.

- 9) If there is any part of a Town order you cannot fill promptly or within the time specified, notify the General Services Department, Purchasing Division (518) 783-2726 at once. We reserve the option to cancel the order or any part thereof if not filled promptly.
- 10) Where items are tax paid by the manufacturer, the tax should be deducted as a separate item and an exemption certificate will be executed by the Town on any such items to enable the vendor to recover the tax from the manufacturer.
- 11) Invoices must contain the Town of Colonie Purchase Order Number.

For question concerning these terms, please contact the Town of Colonie, General Services Department, Purchasing Division at (518) 783-2726 or at purchasing@colonie.org

Effective 1/2/2020

RESOLUTION NO. 35 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Change Order No. 2 to the contract with Anjo Construction, Ltd. in connection with the Rt. 9 Water Main Replacement (Maxwell Road to 640 Loudon Road).

WHEREAS, Change Order No. 2 is being made to increase the quantity of materials needed above those included in the original bid in the amount of \$15,565.71 for a total project amount of \$904,452.71; and

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Change Order No. 2 to the contract with Anjo Construction, Ltd. in connection with the Rt. 9 Water Main Replacement (Maxwell Road to 640 Loudon Road); and

BE IT FURTHER RESOLVED that the above change order is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 36 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Shufelt Group, LLC in connection with web updates and maintenance.

WHEREAS, Shufelt Group, LLC will maintain the Town of Colonie's web updates and maintenance; and

WHEREAS, the agreement will be from January 1, 2020 until December 31, 2020; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Shufelt Group, LLC in connection with web updates and maintenance; and

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 37 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with State33, Inc. d/b/a Manage My Market in connection with the Farmer's Market.

WHEREAS, State33, Inc. d/b/a Manage My Market will assist the Farmer's Market vendors and help establish operational procedures for the Farmer's Market at a cost of \$15.00 per accepted vendor;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with State33, Inc. d/b/a Manage My Market in connection with the Farmer's Market; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 38 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute an agreement with
Colonie Senior Service Centers, Inc. to provide services for the Senior
Citizens of the Town of Colonie for the year 2020.**

WHEREAS, the Town of Colonie wishes to support the mission of the Colonie Senior Service Centers, Inc. to provide comprehensive services for the senior citizens of the Town of Colonie;

NOW, THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to execute an agreement for the same; and

BE IT FURTHER RESOLVED that the agreement with Colonie Senior Service Centers, Inc. to provide services for the Senior Citizens of the Town of Colonie shall be for the period of January 1, 2020 to December 31, 2020 in the amount of \$285,000; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 39 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into agreements with various senior citizens clubs for 2020.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into agreements with the following Senior Citizens clubs:

- | | |
|---|----------|
| 1. Christ Our Light Seniors | \$ 7,120 |
| 2. Colonie Senior Citizens Club, Inc. | \$16,585 |
| 4. Lisha Kill Senior Citizens Club, Inc. | \$ 3,437 |
| 5. Menands Senior Citizens Club, Inc. | \$ 5,783 |
| 6. Towers of Colonie Silver Streakers, Inc. | \$ 4,173 |
| 7. Thunder Road Seniors | \$11,157 |

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 40 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute business associate agreements with persons who perform functions, activities or services on behalf of, or for, the Town of Colonie that involve the use or disclosure of individually identifiable health information.

WHEREAS, the Town of Colonie is a covered hybrid entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. No. 104-191), the Health Information Technology for Economic and Clinical Health (HITECH) Act, Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111-5), and regulations promulgated under HIPAA and the HITECH Act; and

WHEREAS, generally, a business associate is a person who, on behalf of a covered entity, performs or assists in the performance of a service, function or activity that involves the use or disclosure of individually identifiable health information or information that is regulated under the HIPAA regulations; and

WHEREAS, the Town of Colonie regularly enters into service agreements, professional service agreements and other agreements with persons who are considered business associates under the HIPAA regulations; and

WHEREAS, covered entities are required to enter into business associate agreements to comply with HIPAA regulations and insure compliance with HIPAA, the HITECH Act, and regulations promulgated under HIPAA and the HITECH Act;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute business associate agreements with service providers and other persons who, on behalf the Town of Colonie, perform or assist in the performance of a service, function or activity that involves the use or disclosure of individually identifiable health information or that is regulated under the HIPAA regulations; and

BE IT FURTHER RESOLVED that each such business associate agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 41 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to issue Self-Insurance and Indemnification letters throughout the calendar year 2020.

WHEREAS, the Town Board of the Town of Colonie has previously determined the Town will be self-insured for general liability risks; and

WHEREAS, the Town of Colonie has established a self-insurance reserve fund for these matters and has developed a program to address general liability incidents when they do occur; and

WHEREAS, the Town of Colonie as part of its day to day business operations is required to provide proof of general liability insurance or must declare its self-insured status and agree to hold harmless those individuals, partnerships or corporations with which the Town is transacting business;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to issue declarations of the Town of Colonie's self-insured status and to agree on behalf of the Town of Colonie to indemnify, defend and hold harmless individuals and entities as required by contract and/or to conduct the day to day business of the Town.

RESOLUTION NO. 42 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to accept gifts or donations to the Town of Colonie with a value of \$1,000.00 or less.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to accept gifts or donations to the Town of Colonie with a value of \$1,000.00 or less.

RESOLUTION NO. 43 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor, in consultation with the appropriate department heads, to enter into agreements with the other municipalities for the performance of municipal functions pursuant to General Municipal Law § 119-o for 2020.

WHEREAS, General Municipal Law § 119-o (1) authorizes municipal corporations to enter into agreements for the performance among themselves or the performance by one for the other of their respective functions, powers and duties; and

WHEREAS, there may be occasions on which the Town of Colonie, the Village of Colonie, the Village of Menands or other local municipalities require assistance or cooperation in performing their duties or functions; and

WHEREAS, the Town of Colonie desires to enter into agreements with the Village of Colonie, the Village of Menands or other local municipalities to provide and request assistance or cooperation when necessary with the exception of any agreements concerning the Town of Colonie Landfill;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor, in consultation with the appropriate Town Department Head(s), is authorized to enter into agreements with the Village of Colonie, the Village of Menands, or other local municipalities for the performance of municipal duties or functions, pursuant to General Municipal Law § 119-o; and

BE IT FURTHER RESOLVED that the terms and conditions of such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 44 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor, in consultation with the appropriate department heads, to execute agreements, applications, permits, certifications, Orders on Consent and other documents as required by various federal, state and county agencies.

WHEREAS, it is necessary for Town department heads to submit applications or other required documents or to enter into agreements with various federal, state and county agencies throughout the year;

BE IT RESOLVED that the Supervisor be, and hereby is, in consultation with the appropriate department heads, authorized to execute all agreements, applications, permits, certifications, Orders on Consent and other documents as required by various federal, state and county agencies for the period of January 1, 2020 to December 31, 2020.

RESOLUTION NO. 45 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor, in consultation with the appropriate department heads, to execute any and all documents in connection with grant applications.

WHEREAS, it is necessary for Town department heads to submit applications or other required documents in connection with grant applications throughout the year;

BE IT RESOLVED that the Supervisor be, and hereby is, in consultation with the appropriate department heads, authorized to execute any and all documents in connection with grant applications for the period of January 1, 2020 to December 31, 2020.

RESOLUTION NO. 46 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Arthur J. Gallagher Risk Management Services, Inc. in connection with Excess Workers Compensation Insurance coverage through Travelers Indemnity Company for the Town.

WHEREAS, the policy period runs from January 1, 2020 through January 1, 2021; and

WHEREAS, the total cost of the renewal premium is \$508,663;

BE IT RESOLVED that the proposal from Arthur J. Gallagher Risk Management Services, Inc. in connection with Excess Workers Compensation Insurance coverage through Travelers Indemnity Company for the Town be, and hereby is, accepted; and

BE IT FURTHER RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement for same; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 47 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a professional service agreement with Bailey, Johnson, DeLeonardis & Peck, P.C. to provide legal services for the Pure Waters and Latham Water Districts and other legal services as needed for the year 2020.

WHEREAS, upon the recommendation of the Town Attorney, the proposal of Bailey, Johnson, DeLeonardis & Peck, P.C. to provide legal services for Pure Waters and the Latham Water District and other legal services as needed be, and hereby is, accepted;

BE IT RESOLVED, that the agreement shall be for the period of January 1, 2020 to December 31, 2020 and the fees for the services under this agreement shall be as follows

- Special District Legal Service assignments involving the expenditure of capital funds, fees shall be based on project costs as follows:
A minimum fee of \$1,000.00 for DPW/Division of Latham Water
A minimum fee of \$1,500.00 for DPW/Division of Pure Waters
3% of the first \$6,500 of project costs
1% of the second \$8,500 of project costs
0.5% of project costs in excess of \$15,000
- All other legal services which are not capital project accounts shall be billed on an hourly basis as follows:

Senior Partners	\$175.00
Partners	\$175.00
Associates	\$150.00
Paralegals	\$ 60.00

BE IT FURTHER RESOLVED that the Supervisor be, and hereby is, authorized to execute an agreement for the same; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 48 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into agreements in connection with the Town Attorney's Office operations for 2020.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into the following agreements for legal and expert services for litigation matters and special counsel services in connection with the Town Attorney's Office operations for 2020:

Bailey, Johnson, DeLeonardis & Peck, P.C.

Cooper Erving & Savage, LLP

Clough Harbour in the matter of Fusco v. Town of Colonie

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 49 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute agreements for 2020 to allow students from licensed, accredited institutes of higher learning, from local high schools or trade schools and/or programs acceptable to the Town to participate in internships with the Town.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute agreements for 2020 to allow students from licensed, accredited institutes of higher learning, from local high schools or trade schools and/or programs acceptable to the Town to participate in internships with the Town; and

BE IT FURTHER RESOLVED that where the school or college requires that the agreement be signed by the Town officer or employee who will be supervising the intern(s), the appropriate Department Head or his or her designee shall be authorized to sign the agreement; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 50 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution waiving any and all Town fees in connection with work being done for the Town of Colonie on Town projects for 2020.

WHEREAS, a contractor performing work for the Town of Colonie on Town property would need to charge the Town for permit fees; and

WHEREAS, it is in the Town's interest to waive these fees for the work being performed for the Town on Town projects; and

WHEREAS, for purposes of this resolution, the Town shall include the Latham Water District and Colonie Sewer Improvement area;

BE IT RESOLVED that any and all fees or charges of any kind or nature, including but not limited to, permit fees, application fees, inspection fee and/or similar charges in connection with work being performed for the Town of Colonie on Town projects be, and hereby are, waived for 2020.

RESOLUTION NO. 51 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution approving the appointment or reappointment of members
to the Accident Review Committee.**

BE IT RESOLVED that the appointment or reappointment of the following members of
the Accident Review Committee be, and they hereby are, approved:

Todd Martinovich – Police Dept.
Steven Cozzy – Maintenance, Unit B
Ryan Buff - DPW
Douglas Sippel – General Services
John MacDaniel - Unit C Member
John Baker - Unit C Alternate
Fred Roberts – Unit C Member
Michael Forst – Unit B Member
Robert Diamond - Unit B Alternate

RESOLUTION NO. 52 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Linda J. Murphy
 Danielle Futia
 Jill Penn
 Melissa Jeffers VonDollen
 Councilmen Rick Field, Sr.
 David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Animal Control Committee.

BE IT RESOLVED that the following people be appointed or reappointed to serve as members of the Animal Control Committee for a one year term expiring December 31, 2020:

David Green
Michael Woods
Michael Magguilli

RESOLUTION NO. 53 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members of the Board of Ethics.

BE IT RESOLVED that Nancy Garrett be reappointed to the Board of Ethics for a three year term expiring December 31, 2022; and

BE IT RESOLVED that Stacey B. Rowland be, and hereby is, reappointed as Chairman of the Board of Ethics for the 2020 calendar year.

RESOLUTION NO. 54 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Linda J. Murphy
 Danielle Futia
 Jill Penn
 Melissa Jeffers VonDollen
 Councilmen Rick Field, Sr.
 David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to the
Communications Review Committee.**

BE IT RESOLVED that the following members be, and they hereby are, appointed or reappointed to the Communications Review Committee for the calendar year 2020:

Chief Jon Teale
Michael Magguilli
David Green

RESOLUTION NO. 55 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members of the Community
Development Citizen Advisory Committee.**

BE IT RESOLVED that the following people be appointed or reappointed to serve as members of the Community Development Citizen Advisory Committee for a three (3) year term expiring December 31, 2022:

John Brockley	Matthew Cannon
Sharon DeSilva	JoAnne Hellijas
Timothy Lane	Francia McCashion
Martin J. Robinson	Helen Romano
Kyle Simmons	

RESOLUTION NO. 56 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to and designating the
Chairman of the Conservation Advisory Council.**

BE IT RESOLVED that Ellen Rosano, Laura Weed, Sudhir Kulkarni, Michael Brennan and Donald Allard be, and hereby are reappointed as members of the Conservation Advisory Council for a two (2) year term expiring December 31, 2021 at a salary set forth in the 2020 Budget; and

BE IT FURTHER RESOLVED that Ellen Rosano be, and hereby is, appointed as Chairman of the Conservation Advisory Council for the 2020 calendar year at a salary set forth in the 2020 Budget.

RESOLUTION NO. 57 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Emergency Management Committee.

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of the Emergency Management Committee, serving at the pleasure of the Town Board:

Christopher Kostyun (Chairman)
Paula Mahan, Supervisor's Office
Joseph Bisognano, Fire Prevention
Ed Sim, Acting Mayor, Village of Colonie
Mike Haller, Police Comms.
Megan Grenier, Mayor of Menands
Michael C. Magguilli, Town Attorney

Douglas Sippel, General Services
Michael Biance, MIS
Jon Teale, Police
John Cunningham, DPW
David Haller, Emergency Svcs
John VanAlstyne, Police
Richard Haack, Oper Car #1 or designee

RESOLUTION NO. 58 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Energy Conservation Committee.

BE IT RESOLVED that the following people be, and hereby are, appointed or reappointed as members of the Energy Conservation Committee, serving at the pleasure of the Town Board:

Christopher Kelsey	Andrew Clermont
Dan Seaver	John Cunningham
Dennis Woodsinger	Melissa Jeffers VonDollen
Jack Spath	Chretien Voerg
Douglas Sippel	

RESOLUTION NO. 59 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Executive Safety Committee.

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of the Executive Safety Committee for the calendar year 2020:

Glenn Roberts, Sr.	Fred Roberts
Chretien Voerg	John Cunningham
Frank Primo	

RESOLUTION NO. 60 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to the Facilities
Planning Committee.**

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of the Facilities Planning Committee, serving at the pleasure of the Town Board:

John Cunningham, Chair	Wayne Spenziero
Doug Sippel	Christopher Kelsey
Melissa Jeffers VonDollen	Paula Mahan
Frank Santoro	Michael Maggiulli
Linda Murphy	Julie Gansle

RESOLUTION NO. 61 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Freedom of Information Committee.

BE IT RESOLVED that the following persons be, and hereby are appointed as members of the Freedom of Information Committee for the calendar year 2020:

Paula Mahan David Green
Melissa Jeffers VonDollen Michael Maggiulli

RESOLUTION NO. 62 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to the Hazardous
Materials Response Plan Committee.**

BE IT RESOLVED that the following people be, and hereby are, appointed or reappointed as members of Hazardous Materials Response Plan Committee, serving at the pleasure of the Town Board:

Christopher Kostyun, Chair Edward Sim
Joseph Bisognano Randy Kunker
Chief Officer, West Albany Fire Dept.

RESOLUTION NO. 63 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Highway Safety Committee for the calendar year 2020.

BE IT RESOLVED that the following persons be, and they hereby are, appointed or reappointed to the Highway Safety Committee for the calendar year 2020:

Lt. Rob Donnelly, Chairman, Colonie PD
Sgt. Todd Martinovich, Police
Robert Sammons, Sign Shop Representative
Ryan Buff
Jack Fahey
Joseph Bisognano

RESOLUTION NO. 64 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members of the Industrial Development Agency.

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of the Industrial Development Agency to serve at the pleasure of the Town Board:

John Kearney, Chairman
Peter Gannon
Alison Blessing
Eric Phillips
Gary Rinaldi
Benjamin Syden
Carm Basile

RESOLUTION NO. 65 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Land Use Law Review Committee.

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of Land Use Law Review Committee, serving at the pleasure of the Town Board:

Rebekah Kennedy, Chair	Wayne Spenziero
Melissa Jeffers VonDollen	Joseph LaCivita

RESOLUTION NO. 66 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution reappointing Keith Volsky to the Library Board of Trustees.

BE IT RESOLVED that Keith Volsky be, and hereby is, reappointed as a member of the Library Board of Trustees for a five (5) year term, expiring December 31, 2024.

RESOLUTION NO. 67 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing and reappointing Marriage Officers pursuant to §11-c of the Domestic Relations Law.

WHEREAS, §11-c of the Domestic Relations Law permits the Town Board to appoint and reappoint marriage officers who shall have the authority to solemnize marriages within the Town of Colonie; and

WHEREAS, Rebekah Kennedy has expressed a desire to be reappointed as a marriage officer; and

WHEREAS, Susan Pellegrini has expressed a desire to be appointed as a marriage officer;

NOW, THEREFORE, BE IT RESOLVED that Rebekah Kennedy be, and hereby is, reappointed and Susan Pellegrini be, and hereby is, appointed as marriage officers pursuant to Domestic Relations Law §11-c to serve as Marriage Officers, without compensation from the Town of Colonie, for a four (4) year term commencing on January 1, 2020 and expiring January 1, 2024.

RESOLUTION NO. 68 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Merit Award Board.

BE IT RESOLVED that the following people be, and hereby are, appointed or reappointed as members of the Merit Award Board, serving at the pleasure of the Town Board:

Paula Mahan	Christopher Kelsey
Jack Spath	Jill Penn
Judy Ekstrom	Jan Notaro

RESOLUTION NO. 69 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Parks & Recreation Committee.

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed as members of Parks & Recreation Committee, serving at the pleasure of the Town Board:

Jack Spath
Christopher Kelsey
Linda Murphy
Laura Archambault
Noel Gebauer
John Cunningham

RESOLUTION NO. 70 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Planning Board.

BE IT RESOLVED that Brian Austin and Frederick Ashworth be, and hereby are, appointed or reappointed as members of the Planning Board for a three (3) year term to expire December 31, 2022 at a salary set by the 2020 Town budget.

RESOLUTION NO. 71 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members and the Chairman to the Sign Review Board.

BE IT RESOLVED that Patricia Miller, Mary Magguilli, Bradley Roy and Daniel Pekrol be, and hereby are, appointed or reappointed as members of the Sign Review Board for a five (5) year term to expire December 31, 2024; and

BE IT FURTHER RESOLVED that Victoria Breen be, and hereby is reappointed as Chairman of the Sign Review Board for the year 2020.

RESOLUTION NO. 72 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members and Chairman to the Significant Environmental Areas Management Appeals Board (SEAMAB) and the Flood Plains Management Appeals Board for the calendar year 2020.

BE IT RESOLVED that following persons be, and hereby are, appointed or reappointed to the Significant Environmental Areas Management Appeals Board (SEAMAB) and the Flood Plains Management Appeals Board for the calendar year 2020 at salaries set forth in the 2020 Budget:

Suzanne Perry - Chairman
Kyle Simmons

Mandy Sheridan
Richard Gervais

RESOLUTION NO. 73 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to the Solid Waste
Alternative Planning Committee.**

BE IT RESOLVED that the following persons be, and hereby are, appointed or reappointed to the Solid Waste Alternative Planning Committee for a one (1) year term expiring December 31, 2020:

Matthew McGarry
Dennis Woodsinger
Jack Spath

RESOLUTION NO. 74 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing or reappointing members to the Youth Services
Division Youth Advisory Board.**

BE IT RESOLVED that the following members be, and they hereby are, appointed or reappointed as members of the Youth Advisory Board for terms expiring as shown below:

Laura Archambault	12/31/21
Nikki Caruso	12/31/21
Thomas Kachadurian	12/31/21
Richard Murphy	12/31/21
Owen O’Leary	12/31/21
Violet Palombo	12/31/21
Christopher Robilotti	12/31/21
James Schlegel	12/31/21
Patrick Germaine	12/31/21
Lisa Morgan	12/31/21
Lauren Sheeler	12/31/21

James Easton	12/31/21
Abby Fay	12/31/21
Bridget Felt	12/31/21
Eric Hennessey	12/31/21
Eva Hymes	12/31/21
Sarah Jacob	12/31/21
Shannon Lipscomb	12/31/21
Ella McCarthy	12/31/21
Reilly McCarthy	12/31/21
Varun Morishetty	12/31/21
Bridget Munro	12/31/21
Aidan Pelon	12/31/21
Anna Pustay	12/31/21
Jennie Samedy	12/31/21
Elisabeth Scheu	12/31/21
Jae Young Seo	12/31/21
Ciara Torrey	12/31/21
Ryan Stein	12/31/21
Jack Alexander	12/31/21
Tyler Cox	12/31/21
Anthony Clement	12/31/21
Kyle Ellenbogen	12/31/21
CJ Kuentzel	12/31/21
Jack Leach	12/31/21
Jake O'Connor	12/31/21
Ajit Saran	12/31/21
Isaiah Scarlett	12/31/21
Trevor Skumin	12/31/21
John Aidala	12/31/21
Morgan Bearup	12/31/21
Bella Boardman	12/31/21
Hailey Brooks	12/31/21
Ava Coogan	12/31/21
Sofia Falbo	12/31/21
Emma Gepfert	12/31/21
Sophie Haas	12/31/21
Paige Kenneally	12/31/21
Molly Lamendola	12/31/21
Will Lawlor	12/31/21
Gabrielle Lupe	12/31/21
Eric Morales	12/31/21
Sophie Norton	12/31/21
Emily Rennells	12/31/21
Jared Russell	12/31/21

Madelyn Terry	12/31/21
Caitlin Tizzone	12/31/21
Macie Trimarchi	12/31/21
Mia VanDyke	12/31/21
Treva Warzocha	12/31/21
Rachel Wyland	12/31/21

RESOLUTION NO. 75 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing or reappointing members to the Junior High School Youth Advisory Board.

BE IT RESOLVED that the following members be, and they hereby are, appointed or reappointed as members of the Junior High School Youth Advisory Board for terms expiring as shown below:

David Wetzel	12/31/21
Mike Marohn	12/31/21
Joan Rueckert	12/31/21
Owen O’Leary	12/31/21
Linda Murphy	12/31/21
Davis Chamberlain	12/31/21
Erin Mailloux	12/31/21
Laura Archambault	12/31/21
Dennis Mullahy	12/31/21
Emily AuClaire	12/31/21

Maggie Alderisio	12/31/21
Logan Lanier	12/31/21
Kate Boardman	12/31/21
Duncan Buff	12/31/21
Gabriela Castellanos	12/31/21
Mason Curran	12/31/21
Jojo Mohal	12/31/21
Kailani Baldeo- Perkins	12/31/21
Olivia Lovely	12/31/21
Katie Buffaline	12/31/21
Avery Connolly	12/31/21
Emma Lupe	12/31/21
Justin Baumann	12/31/21
Kendall Abraham	12/31/21
Naveah Haiston	12/31/21

RESOLUTION NO. 76 FOR 2020

ORGANIZATIONAL MEETING – JANUARY 2, 2020

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution appointing and reappointing members to and designating
the Chairman of the Zoning Board of Appeals.**

BE IT RESOLVED that Kirk Huang and Nicholas Viggiani be, and hereby are, reappointed as members of the Zoning Board of Appeals for a five (5) year term to expire on December 31, 2024 at a salary set forth in the 2020 Budget; and

BE IT RESOLVED that Tracy Swanson be, and hereby is, appointed as a member of the Zoning Board of Appeals, filling the vacancy created by David Vail's resignation, for the balance of the unexpired term ending December 31, 2020 at a salary set forth in the 2020 Budget;

BE IT FURTHER RESOLVED that James Campbell be, and hereby is reappointed as Chairman of the Zoning Board of Appeals for the 2020 calendar year at a salary set forth in the 2020 Budget.

