

**TOWN OF LAFAYETTE  
OFFICIAL UNDERTAKING  
2024**

WHEREAS, William D. McConnell, of the Town of LaFayette, Onondaga County, New York, has been elected to the to the Office of Supervisor of the Town of LaFayette, and

WHEREAS, Mark Distler, of the Town of LaFayette, Onondaga County, New York, has been appointed to the to the Office of Deputy Supervisor of the Town of LaFayette, and

WHEREAS, Katherine Rienhardt, of the Town of LaFayette, County of Onondaga, New York, has been appointed to the Office of Tax Collector of the Town of LaFayette, and

WHEREAS, Kristin M. Colburn, of the Town of LaFayette, County of Onondaga, New York, has been elected to the Office of Town Clerk of the Town of LaFayette, and

WHEREAS, Tonya Farewell, of the Town of LaFayette, County of Onondaga, New York, has been appointed to the Office of First Deputy Town Clerk of the Town of LaFayette, and

WHEREAS, Steve Robson, of the Town of LaFayette, County of Onondaga, New York, has been elected to the Office of Highway Superintendent of the Town of LaFayette, and

WHEREAS, Marty Knapp, of the Town of LaFayette, County of Onondaga, New York has been appointed to the Office of Budget Officer and Bookkeeper of the LaFayette, and

WHEREAS, Adrian Shute, of the Town of LaFayette, County of Onondaga, New York, has been elected as Town Justice of the Town of LaFayette, and

WHEREAS, Maureen A. Perrin, of the Town of LaFayette, County of Onondaga, New York, has been elected as Town Justice of the Town of LaFayette, and

NOW THEREFORE, we as respective elected and appointed officials do hereby undertake with the Town of LaFayette that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Deputy Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Deputy Town Supervisor; and

This undertaking of the Town Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Tax Collector; and

This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk; and

This undertaking of the First Deputy Town Clerk is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Deputy Town Clerk; and

This undertaking of the Highway Superintendent is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Highway Superintendent; and

This undertaking of the Budget Officer and Bookkeeper is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Budget Officer; and

This undertaking of the Town Justices is further conditioned that they will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justices; and

The Town does and shall maintain insurance coverage, presently with Travelers Insurance Company in the amount of \$500,000.00 for the Town Supervisor, Deputy Supervisor and Tax Collector, \$250,000.00 for the Justices and \$50.000 for all others to indemnify against losses through the failure of the officers, clerks and employees covered thereunder to faithfully perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

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#### CERTIFICATION

I hereby certify that at a meeting of the Town Board of the Town of LaFayette, LaFayette New York on January 10, 2024, the foregoing Official Undertaking to its form and manner and was duly moved by Councilor \_\_\_\_\_ and seconded by Councilor \_\_\_\_\_, a quorum of 5 members of the five-member Board being present, and each voted on the Resolution as follows:

Supervisor William D. McConnell	Yes/No
Councilor Melanie Palmer	Yes/No
Councilor Carole Dwyer	Yes/No
Councilor Gerald Marzo	Yes/No
Councilor Nate Loughlin	Yes/No

The Resolution was, therefore, duly adopted.

Dated: January 9, 2024

\_\_\_\_\_  
Kristin M. Colburn  
LaFayette Town Clerk

\_\_\_\_\_  
William D. McConnell, Supervisor

\_\_\_\_\_  
Mark Distler, Deputy Supervisor

\_\_\_\_\_  
Katherine Rienhardt, Tax Collector

\_\_\_\_\_  
Kristin M. Colburn, Town Clerk

\_\_\_\_\_  
Tonya Farewell, Deputy Town Clerk

\_\_\_\_\_  
Steve Robson, Highway Superintendent

\_\_\_\_\_  
Marty Knapp, Bookkeeper to the Supervisor

\_\_\_\_\_  
Adrian Shute, Town Justice

\_\_\_\_\_  
Maureen A. Perrin, Town Justice

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On this 9<sup>th</sup> day of **January, 2024**, before me, the undersigned, a Notary Public in and for said State, personally appeared **William D. McConnell**, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of **January, 2024**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Mark Distler**, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Katherine Rienhardt, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Kristin M. Colburn, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Tonya Farewell, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Steve Robson, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Marty Knapp, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Adrian Shute, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF ONONDAGA

On the 9<sup>th</sup> day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Maureen Perrin, personally known to me or provided me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

## **LAFAYETTE TOWN BOARD MEETING**

### **RULES OF CONDUCT AND DECORUM**

Whereas, the New York State Open Meeting Law (Article 7, Public Officers Law) gives Members of the public the right to attend meetings of public bodies but does not give the public the right to speak or otherwise participate at those meetings, except at public hearings and under other limited circumstances, and

Whereas, New York State Town Law authorizes a town board to enact rules and regulations regarding the conduct of public meetings and public hearings conducted by the town board, and the New York State Committee on Open Government has agreed that a public body can adopt reasonable rules that treat Members of the public equally, and

Whereas, the Town Board has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a town board could regulated actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process, and

Whereas, a town board has a responsibility to ensure that everyone has the right to participate in a public hearing and therefore can reasonably limit the length and general nature of public comments to the subject of the public hearing so that a town board can consider various points of view, and

Whereas, a town board can limit other comments from the public at town board meetings to a specific time set in the agenda for public participation and comment.

Now, therefore, be it resolved by the Town Board of the Town of LaFayette that the Town hereby adopts the following rules for the conduct of Town Board Meetings and for Public Participation at meetings and public hearings of the Town Board:

1. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Town Board shall be limited to the public participation segment of the agenda of Town Board meetings and not at Town Board Work Sessions.
2. Public comment, whether during the public participation segment of the Town Board meeting or during a duly designated public hearing, shall be limited to three minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign in upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet will be used by the Supervisor or the presiding officer to recognize speakers.
4. Any individual wishing to speak during the public participation segment or during a public hearing when a sign-in sheet is not available shall raise his or her hand. When recognized by the Supervisor or the Chair, the individual must stand and state his or her name and, if appropriate, group affiliation, and address within Town of LaFayette, and must state the subject he or she will address.
5. Comments must relate to the purpose of the public hearing or to legitimate town business.
6. The Supervisor or the Chair shall act as timekeeper or shall designate another elected official as timekeeper.

7. Members of the Town Board, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Supervisor, Members of the Town Board, town officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee, or a member of the general public.

8. The Supervisor or Chair shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Supervisor, Members of the Town Board, town officials or employees and Members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.

9. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.

10. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Supervisor or the Chair.

11. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board.

12. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.

13. If the Supervisor or the Chair fails to enforce the rules set forth above, any Member of the Town Board may move to require him or her to do so, and an affirmative vote of a majority of the Town Board shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of the Town Board Members.

14. Any person who disregards the directives of the Supervisor or the Chair in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.

15. If a speaker or member of the general public who has violated these rules refuses to step down or cease their conduct in violation of these rules, the Supervisor or the Chair may ask for the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal Law.

16. Members of the news media may have up to (10) ten minutes at the conclusion of the meeting to ask questions that may arise

17. Any and all matters discussed in Executive Session are of a confidential nature. Breach of confidentiality is considered unethical behavior and a gross misconduct

16. The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

**Adopted by LaFayette Town Board:** \_\_\_\_\_

**RESOLUTION RE: APPOINTMENT OF LAFAYETTE TOWN ATTORNEY**

**Resolution #** \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to wit:

**WHEREAS**, the Town of LaFayette Town Board has created the office of Town Attorney in order enhance the efficiency and cost effectiveness of the delivery of legal services to the Town; and

**WHEREAS**, the general responsibilities of the Town Attorney are to negotiate, prepare, approve and audit written contracts, leases and other legal instruments; attend meetings of the Town Board, Planning Board and Zoning Board of Appeals; draft local laws and resolutions for consideration by the Town Board; create or extend special districts; provide legal advice and counsel to the Town Board, Planning Board and Zoning Board of Appeals; and provide litigation services to the Town on an as-needed basis; and

**WHEREAS**, the accomplishment of the above duties involves the exercise of discretion by the Town Attorney on behalf of the Town of LaFayette.

**NOW, THEREFORE, BE IT RESOLVED**, that Jeffrey D. Brown, Esq. is hereby appointed to the position of LaFayette Town Attorney to perform the above-mentioned responsibilities for a term beginning January 10, 2024 and ending on January 13, 2024, at an annual salary established by the Town Board, plus any actual out of pocket expenses incurred in providing such services; and

**BE IT FURTHER RESOLVED**, that the Town Attorney is considered a public officer and as such the Town Attorney shall sign and file an oath of office with the Town Clerk.

The question of adoption of the foregoing resolution was put to a vote at the Town of LaFayette Town Board organizational meeting held on January 9, 2024, which resulted as follows:

William D. McConnell	Supervisor	Yes / No
Melanie Palmer	Councilor	Yes / No
Jerry Marzo	Councilor	Yes / No
Carole Dwyer	Councilor	Yes / No
Nate Loughlin	Councilor	Yes / No

The resolution was declared adopted.

Kristin Shute Colburn  
Town Clerk



**TOWN OF LAFAYETTE  
LOCAL LAW NO.1 OF 1992**

**A LOCAL LAW RELATING TO A CODE OF ETHICS  
AND A BOARD OF ETHICS FOR THE  
TOWN OF LAFAYETTE**

Be it enacted by the Town Board of the Town of LaFayette as follows:

**ARTICLE 1  
Intent of Town Board**

**SECTION 1. Statement of Legislative Intent.**

The Town Board of the Town of LaFayette recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this Local Law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the Town's officers and employees as provided for herein.

**SECTION 2.** The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this Local law.

**ARTICLE II  
Code of Ethics**

**SECTION 1. Definitions.**

As used in this Local Law, the term "Town" shall mean any board, commission, district, councilor other agency, department or unit of the government of the Town of LaFayette.

The term "Town employee" shall mean any officer or employee of the Town of LaFayette whether paid or unpaid, whether serving in a full-time, part- time or advisory capacity.

## SECTION 2. Rule with respect to conflicts of interest.

No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

## SECTION 3. Standards.

- a. No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- c. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- d. No Town employee shall engage in any transaction as representative or agent of the Town with; any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- e. A Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
- f. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- g. Each Town employee shall endeavor to Pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- h. No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.
- i. Each Town employee shall, to the extent that he is cognizant thereof, disclose any interest he may have in legislation before the Town Board.

- j. No Town employee within 2 years after the termination of his service or employment with the town shall accept employment which will involve contact with the Town which can work to his special advantage by virtue of his prior contact and relationship with the Town.

#### SECTION 4. Violations.

In addition to any penalty contained in any provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this Local Law may be fined, suspended or removed from office or employment in the manner provided by law.

### **ARTICLE III Board of Ethics**

SECTION 1. There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board. All members of the Board of Ethics shall reside in the Town of LaFayette and shall serve without compensation and at the pleasure of the Town Board of the Town of LaFayette. A majority of such members shall be persons other than Town Employees but shall include at least one member who is an elected or appointed Town employee of the Town of LaFayette. The Town Board may increase the membership of the Board of Ethics by two members who shall be appointed by the Town Board, but in no event shall the Board of Ethics consist of less than three members or an even number of members.

SECTION 2. The Board of Ethics established thereunder shall render advisory opinions to Town Employees on written request and upon request of the Town Board make recommendations to such Town Board as to any amendments of this Local Law. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the Town Employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or if none, of the Town Attorney.

SECTION 3. Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

### **ARTICLE IV Administration**

SECTION 1. Upon the adoption of this Local Law, the Town Supervisor shall cause a copy thereof to be distributed to every Town Employee of this Town. Failure to distribute any such copy or failure of any Town Employee to receive

such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this Local Law to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this Local Law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

SECTION 2. Within twenty days of the adoption of this Local Law, the Town Clerk shall file a copy thereof in the Office of the Secretary of State.

SECTION 3. The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

#### **ARTICLE V Severability Clause**

SECTION 1. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **ARTICLE VI Effective Date**

SECTION 1. This Local Law shall take effect immediately.

## Procurement Policy

Whereas, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law; and

Whereas, comments have been solicited from those officers of the town involved with procurement;  
NOW, THEREFORE, be it

RESOLVED: That the Town of LaFayette does hereby adopt the following procurement policies and procedures:

### GUIDELINE 1

Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the unlikely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

### GUIDELINE 2

All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML, Section 103

### GUIDELINE 3

All Estimated purchases of:

- \* Less than \$35,000 but greater than \$10,000 require a written RFP and fax/ proposals from not less than 3 contractors.

- \* Less than \$10,000 but greater than \$3,000 require a written RFP and fax/ proposals from not less than 2 contractors.

- \* Less than \$3,000 are left to discretion of the Purchaser when included in the Purchasing Budget or by approval of the Town Board.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written / fax/ oral quotes have been requested and the written / fax / oral quotes offered

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

## PROCUREMENT POLICY

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written / fax/ oral quotes have been requested and the written / fax/ oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

## GUIDELINE 4

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement.

## GUIDELINE 5

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

## GUIDELINE 6

Attach a voucher with a completed Claimants Certification signed and dated to the Town Board for audit and payment upon receipt of goods or services.

## GUIDELINE 7

Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auction;
- h) Goods purchased under State Contract;
- i) Goods purchased under County Contract

## GUIDELINE 8

This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

ADOPTED: \_\_\_\_\_

RSOLUTION: # \_\_\_\_\_

# Investment Policy - 2024

## TOWN OF LAFAYETTE

### I. SCOPE

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

### II. OBJECTIVES

The primary objectives of the local government'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)
- 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 Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the funds for which they are held, the places 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.

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

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

### V. DIVERSIFICATION

It is the policy of the Town to diversify 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 Supervisor within 3 days of deposit, or within the time period specified in law, whichever is shorter.

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

## VII. DESIGNATION OF DEPOSITARIES

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

<b>Depository Name</b>	<b>Maximum Amount</b>	<b>Officer</b>
<b>NBT Bank</b>	<b>\$3,000,000</b>	<b>Town Supervisor</b>
<b>NYCLASS</b>	<b>\$3,000,000</b>	<b>Town Supervisor</b>
<b>NBT Bank</b>	<b>\$2,000,000</b>	<b>Tax Collector</b>
<b>NBT Bank</b>	<b>\$10,000</b>	<b>Town Clerk</b>
<b>M &amp; T Bank</b>	<b>\$30,000</b>	<b>Justice</b>
<b>M &amp; T Bank</b>	<b>\$30,000</b>	<b>Justice</b>

## 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 of LaFayette that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

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

## IX. COLLATERALIZATION AND SAFEKEEPING

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

The security agreement shall provide those eligible securities are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities may be sold,



presented for payment, substituted or released and the events which will enable the local government 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 of LaFayette, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of LaFayette or the 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 government in the securities as set forth in the security agreement.

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

#### X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the Town Board of The Town of LaFayette authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- 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 of LaFayette.

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

Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the Town of LaFayette 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 of LaFayette 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 adjustment 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 of LaFayette transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town of LaFayette. The Town Supervisor shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

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

## XII. PURCHASE OF INVESTMENTS

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

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

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of LaFayette 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 of LaFayette, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the

governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town of LaFayette with a perfected interest in the securities.

The Town Supervisor 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 their deposit 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 Town Supervisor 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 of LaFayette 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 of LaFayette 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 of LaFayette 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 banking department or other federal or State authority.

### XIV. ANNUAL REVIEW AND AMENDMENTS

The Town of LaFayette 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.

Resolution: R- 2024

Adopted: January 9, 2024

## Schedule A

### Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage

For purposes of determining aggregate "market value," eligible securities shall be valued at these percentages of "market value":

#### **"Eligible Securities" for Collateral**

(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.	100%
(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.	100%
(iii) 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.	100%
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of 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.	100%
(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.	80%
(ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by	70%

banks under the limitations established by federal bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

80%

(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS."

80%

## **LaFayette Town Board Meetings Rules of Procedure**

1. The agenda for the Town Board meetings is prepared by the Town Supervisor.
2. "The Supervisor, when present, shall preside at the meeting of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall preside. In the event both are absent, the other members shall designate one of their members to act as temporary Chair. A majority of the Board (3) shall constitute a quorum for the transaction of business, but a less number may adjourn. The vote upon every question shall be taken by ayes and nays, and the names of the member present and their votes shall be entered into the Minutes. Every Action, Motion or Resolution shall require for its adoption the affirmative vote of a majority of all the members of the Town Board." (Adapted from NYS Town Law, Section 63).
3. A place is reserved during the meeting under Open Communications for residents to address the Town Board with their questions and/or concerns.
4. Any person recognized by the Town Supervisor shall give their name, address and the nature of their business briefly.
5. The Town Board normally conducts its meeting very informally. Robert's *Rules of Parliamentary Procedure* shall be applied, whenever possible, in resolving any procedural questions.
6. No attending member of the meeting shall engage in any demonstration, booing, clapping or otherwise disrupt the proper conduct of a Town Board meeting.
7. No member of the public shall be permitted to address the Town Board unless recognized by the Town Supervisor. In no event, may any person speak on one occasion for more than five minutes.
8. Any person speaking to the Town Board, with the consent of the Town Supervisor, shall address their remarks to the Town Board, not to members of the audience in the form of a debate.
9. No person has a right to demand an answer to a specific question from a Town Board member. All questions shall be directed to the Town Supervisor who may answer them, refer them or defer them until a later time.
10. Members of the news media may have up to ten minutes at the conclusion of the meeting to ask questions that may arise.
11. Any and all matters discussed in Executive Session are of a confidential nature. Breach of confidentiality is considered unethical behavior and gross misconduct.

Adopted by LaFayette Town Board: 1/9/2024

## **Sexual and Other Harassment Policy**

For purposes of the Town's Sexual and Other Harassment Policy, the term "employee" shall mean any officer or employee of the Town of Pompey, whether paid or unpaid, appointed or elected, or whether serving in a full-time, part-time, advisory, or voluntary capacity.

The Town is committed to maintaining a work environment that is free of discrimination and harassment based on a person's race, creed, color sex, religion, age, sexual orientation, national origin, marital status, disability or veteran's status.

Employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of race, creed, color, sex, religion, age, sexual orientation, national origin, marital status, disability, or veteran status is strictly prohibited, whether directed at an employee, vendor, or other member of the public.

1. **Sexual Harassment:** Sexual harassment is against the law. Aside from being illegal, sexual harassment undermines the integrity of individual work relations, and damages the morale of the entire work force. Any practice or activity by employees which constitutes sexual harassment is strictly forbidden.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a. Submission to such conduct by a person is made either explicitly or implicitly a term or condition of a person's employment; or
- b. Submission to, or rejection of, such conduct by a person is used as a basis for employment decisions affecting that person, including but not limited to evaluation, advancement, wages, assigned duties, or shifts; or
- c. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
- d. Such conduct creates an intimidating, hostile or offensive work environment.

2. **Other Harassment:** Just as sexual harassment is strictly prohibited, it is likewise strictly prohibited for an employee to harass any person because of that person's race, creed, color, sex, religion, age, sexual orientation, national origin, marital status, disability, or veteran's status. Examples of conduct violating this policy include, but are not limited to, using racial or ethnic slurs or offensive stereotypes.

Any employee who believes that he/she has been the subject of harassment should report the alleged harassment immediately in accordance with the following procedure. Every effort will be made to handle complaints in confidence. All information during the procedure will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

**3. Procedure:**

- a. Any employee who believes that he/she had been harassed should promptly file a sealed written complaint with his/her Department Head or directly with a member of the Board of Ethics. The Town Clerk or any member of the Ethics Board may accept the complaint on behalf of the Ethics Board. The Town Clerk shall not review the complaint but shall forward it to the Ethics Board as soon as possible. The Department Head shall promptly notify the Ethics Board of all complaints received by him/her.
- b. The Department Head or Ethics Board, as applicable, may choose to interview the complainant and in any event, will undertake an immediate investigation into the allegations. The Department Head or the Ethics Board shall notify the Town Supervisor and the Town Attorney of the receipt of the complaint.
- c. The results of the investigation and any recommended penalty/resolution shall be reported to the Town Board in executive session. The Town Board may then conduct a hearing, if warranted. The hearing shall include the investigative report of the Department Head/Ethics Board. The accused employee shall be entitled to attend the hearing and testify and present evidence on his or her own behalf.
- d. The Town Board shall make a determination, based upon the results of the investigation or the evidence presented at the hearing, if applicable, whether or not the accused employee committed acts of harassment. The Town Board shall then determine the penalty to be imposed. A copy of the Town Board's determination shall be sent to the complainant and the accused employee.

No person filing a complaint under this regulation in good faith or participating in an investigation shall be subject to any retaliation for doing this.