

ORGANIZATION MEETING
OF THE
TOWN OF WESTERLO
TOWN BOARD
TUESDAY, JANUARY 7, 2020

The Town of Westerlo Town Board Organization meeting was held on Wednesday, January 7, 2020 at the Westerlo Town Hall located at 933 CR 401, Westerlo, NY. The meeting was opened at 7:00 PM by Supervisor William F. Bichteman, Jr. with the Pledge of Allegiance to the Flag.

PRESENT WERE: Supervisor William F. Bichteman Jr.
 Councilman Matthew Kryzak
 Councilman Joseph J. Boone
 Councilwoman Amie L. Burnside
 Councilman Richard Filkins

Also present were: Highway Superintendent Jody Ostrander and Highway Employees Carl Anderson Jr. and Justin Case, Zoning Board of Appeals Chairman John Sefcik and member Guy Weidman, Planning Board Chairperson Dorothy Verch and member Jerry Boone, Town Historian Dennis Fancher, Clerk to the Assessor Claire Marshall, Deputy Town Clerk Gertrude Smith, Deputy Town Clerk II Karla Weaver, Town Clerk/Tax Collector Kathleen Spinnato and approximately twenty residents.

Councilman Boone made a motion to accept the Town Clerk 2019 annual report as submitted. Seconded by Councilman Filkins, all in favor motion carried.

Councilman Kryzak made a motion to accept the Code Enforcement 2019 annual report as submitted by Jeffrey Pine. Seconded by Councilman Filkins, all in favor motion carried.

The following resolutions were read by the Town Board with the voting as indicated:

RESOLVED: that the Altamont Enterprise, being the newspaper of general circulation in the Town of Westerlo, is hereby designated as the official newspaper for the Town of Westerlo and all notices required by law are published in said newspaper. The Greenville Mountain View Pioneer may also be used when necessary.

Motion for adoption was made by Councilwoman Burnside. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the National Bank of Coxsackie be and is hereby designated as a depository for any or all Town funds, the maximum amount on deposit at any one time not to exceed \$250,000.00 per account; and in association with Wilmington Trust, pledges all securities in excess of \$100,000.00. It is further RESOLVED: that NYCLASS (New York Cooperative assets Security System) be designated as a depository of discretionary funds not exceeding 50% of the available fund balances at any one time.

Motion for adoption was made by Councilman Filkins. Seconded by Councilwoman Burnside, all in favor motion carried.

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to purchase equipment, materials and tools for Highway Dept. use in an amount not to exceed \$10,000 for each purchase, to purchase Bituminous Road Oils at the State Contract Price.

Motion for adoption was made by Councilwoman Burnside. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the Town Superintendent of Highways be and is hereby authorized to enter into contracts for public works related to the Highway Dept. in an amount not to exceed \$20,000 without prior approval of the Town Board however at no time shall he cause any appropriation account to be overdrawn.

Motion for adoption was made by Councilman Boone. Seconded by Councilwoman Burnside, all in favor motion carried.

RESOLVED: that any elected or appointed official of the Town of Westerlo shall be reimbursed monthly an amount per mile, matching the current IRS approved rate when using their own vehicle for OFFICIAL Town business.

Motion for adoption was made by Councilman Boone. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the regular meetings of the Town Board shall be held on the third Tuesday of each month at 7:00 PM at the Westerlo Town Hall. The Town Board Workshop meetings shall be held on the first Tuesday of each month at 7:00 PM, except for the November meeting, which shall be held on the first Wednesday following the General Election. In the event of inclement weather, the meeting is automatically rescheduled for the following Wednesday. The Town Planning Board shall meet on the fourth Tuesday of each month at 7:00 PM, and the Zoning Board of Appeals shall meet on the fourth Monday of each month at 7:00 PM.

Motion for adoption was made by Councilwoman Burnside. Seconded by Councilman Boone, all in favor motion carried.

RESOLVED: that the Supervisor shall submit to the Town Clerk within 60 days after the close of the last fiscal year, a copy of the report to the State Comptroller, pursuant to Section 30 of the General Municipal Law and the Town Clerk shall thereafter cause summary of said report be published within ten days after receipt thereof on a form approved by the State Comptroller. This report shall be in lieu of the report required by Section 10 of Town Law.

Motion for adoption was made by Councilman Boone. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the Town of Westerlo does hereby adopt the INVESTMENT POLICY (see attached).

A resident made suggestions regarding the language of the Investment Policy as written. The Town Board tabled this until the Town Board meeting on Tues., Jan. 21st.

RESOLVED: that the Town of Westerlo does hereby adopt the PROCUREMENT POLICIES AND PROCEDURES (see attached).

The Procurement Policies and Procedures were read by Councilman Kryzak. The Town Board suggested several changes be made. (see changes in red)

Motion for adoption to include changes was made by Councilwoman Burnside. Seconded by Councilman Kryzak, all in favor motion carried.

Motion for adoption was made by Councilwoman Burnside. Seconded by Councilman Kryzak, all in favor motion carried.

AND

WHEREAS: the Westerlo Town Board wishes to continue its efforts to comply with New York State Statutory and Regulatory requirement, be it hereby

RESOLVED: that the town will retain the firm Marvin & Company as consultant to the Town on financial matters involving accounting, reporting and management systems.

WHEREAS: the firm Marvin & Company will audit the records of the following: Town Clerk & Tax Collector and Town Justices.

RESOLVED: that the Supervisor shall file a copy of the Annual Financial Report with the Town Clerk upon completion and it shall be presented to the Town Board at that time.

RESOLVED: that the town retain the law firm of Bond, Schoeneck & King, Attorneys, Mr. Javid Afzali, Esq. Senior Counsel, to represent the Town in legal affairs and provide counsel and legal advice at an hourly rate of \$190.00 per hour.

RESOLVED: that the Supervisor be hereby authorized to pay Utility bills, and Freight bills and bills with discounts all without prior approval of the Town Board.

Discussion ensued regarding accounting and payroll.

Motion for adoption was made by Councilman Boone. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the following are appointed to the respective offices for the terms indicated:

TITLE	NAME	TERM EXP.
Registrar of Vital Statistics	Kathleen J. Spinnato	12/31/2014
Deputy Registrar	Karla Weaver	12/31/2020
Deputy Town Clerk/Dep. Tax Coll.	Gertrude A. Smith	12/31/2020
Deputy Town Clerk II/Dep. Tax Coll. II	Karla Weaver	12/31/2020

Motion for adoption was made by Councilman Kryzak. Seconded by Councilwoman Burnside, all in favor motion carried.

RESOLVED: that the following are appointed to the respective offices for the terms indicated:

TITLE	NAME	TERM EXP.
Clerk to the Justices	Jamie Motchmann	12/31/2020
Deputy Supervisor	Joseph Boone	12/31/2020
Town Prosecutor	Aline D. Galgay	12/31/2020
Town Historian	Dennis Fancher	12/31/2020
Dog Warden	Justin Case	12/31/2020
Deputy Dog Warden	Konrad May	12/31/2020
Zoning Board Clerk	Jennifer Bungay	12/31/2020
Planning Board Clerk	Jennifer Bungay	12/31/2020
Sole Assessor	Garth Slocum	08/31/2025
Assessor's Clerk	Claire Marshall	12/31/2020
Deputy Highway Superintendent	Justin Case	12/31/2020
Grant Writer	Nicole Ambrosio	12/31/2020

Motion for adoption was made by Councilman Kryzak. Seconded by Councilwoman Burnside, all in favor motion carried.

RESOLVED: that the salaries of the following Town Officers and frequency of payment thereof are hereby established as follows:

TITLE	SALARY	PAYABLE
Town Supervisor	\$15,000.00 Annual	Monthly
Deputy Supervisor	\$ 0	N/A
Superintendent of Highways	\$60,030.04 Annual	Weekly
Town Justices (2)	\$11,000.00 Annual each	Quarterly
Council Members	\$ 3,625.00 Annual each	Quarterly
Town Prosecutor	\$600.00	Monthly
Assessor's Clerk	\$20.33 / Hour	Bi-Weekly
Code Enforcement Officer	\$20,500.00 Annual	Quarterly
Town Clerk/Tax Collector	\$44,340.00 Annual	Weekly
Deputy Town Clerk/Dep Tax Coll.	\$19.08 Hour	Weekly
Deputy Town Clerk II/Dep. Tax Coll. II	\$19.08 Hour	Weekly
Clerk to the Justices	\$18.00 Hour	Bi-Weekly
Dog Warden	\$ 4,200.00 Annual	Monthly
Deputy Dog Warden	\$ 3,000.00 Annual	Monthly
Planning Board Clerk	\$ 19.08 Hour	Quarterly
Zoning Board Clerk	\$ 19.08 Hour	Quarterly
Assessor	\$20,000.00 Annual	Weekly
Town Historian	\$ 1,500.00 Annual	Annually
Cleaning Person	\$ 15.00 Hour	Monthly
Grant Writer	\$ 10,000 Annual	Monthly

RESOLVED: that the compensation of Highway employees and the Clerks to the Supervisor be established as follows:

Deputy Highway Superintendent	\$22.80 Hour
Sub Forman	\$22.80 Hour
Solid Waste Recycling Coordinator	\$22.28 Hour
Recreation Maintenance Person/s	\$22.28 Hour
Utility Laborer	\$21.03 Hour
Laborer A (CDL required)	\$19.23 Hour - None at this time
Laborer B (CDL not required)	\$18.23 Hour - None at this time
Supervisor Clerk (part time)	\$19.08 Hour
Supervisor Admin Assistant	\$ 19.75 Hour
Seasonal/part Time	\$15.00 Hour
Buildings/Maintenance Part Time	\$26.00 Hour
Grant Writer	\$10,000 Annual

All new employees are hired on a six-month probation and raises are awarded at the discretion of the Highway Superintendent or Supervisor, whichever is applicable.

Residents questioned if the Clerk to the Supervisor and Supervisor’s Administrative Assistant positions were advertised. Supervisor Bichteman indicated, no they were not.

Motion for adoption was made by Councilman Boone for the Highway Employees and Clerks to the Supervisor. Seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries

PLANNING
BOARD

Edwin C. Stevens	12/31/2022	\$1,875.00
Doyle Shaver	12/31/2020	\$1,875.00
Dorothy Verch	12/31/2023	\$3,375.00
Gerald Boone	12/31/2024	\$1,875.00
Richard Kurylo	12/31/2021	\$1,875.00

Motion for adoption was made by Councilman Filkins, seconded by Councilman Kryzak. Councilmen Filkins, Boone and Kryzak voted AYE, Councilwoman Burnside ABSTAINED, Supervisor Bichteman voted NAYE. Motion carried.

RESOLVED: that the following are hereby appointed to the designated positions, at the designated salaries and terms of office:

NAME	TERM ENDING	SALARY BOARD OF ASSESSMENT REVIEW
Dawn Belarge	09/30/2022	\$200.00
Sara Statham	09/30/2021	\$200.00

Susan Cunningham 09/30/2023 \$200.00

Motion for adoption was made by Councilman Filkins, seconded by Councilman Boone, all in favor motion carried.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions, at the designated salaries and terms of office:

ZONING BOARD OF APPEALS

Jillian Hensch	12/31/2023	\$1,875.00
Guy Weidman	12/31/2024	\$1,875.00
Pam Schreiber	12/31/2020	\$1,875.00
James Gallogly	12/31/2021	\$1,875.00
John Sefcik, Chairman	12/31/2022	\$3,375.00

Motion for adoption was made by Councilman Filkins, seconded by Councilman Kryzak, all in favor motion carried.

RESOLVED: that the following Library Trustees are appointed as follows:

Laura Tenney	term exp. 8/23/2021	Susan Keitel	term exp. 8/23/2020
Roberta Nunn	term exp. 8/23/2021	Maureen Sikule	term exp. 8/23/2020
Lila Smith	term exp. 8/23/2020	Robert Wilcox	term exp. 8/23/2021
Miranda Drumm	term exp. 8/23/2022	(1) Vacancy exists	

Motion for adoption was made by Councilman Filkins, seconded by Councilman Boone, all in favor motion carried.

RESOLVED: that the following Library workers be compensated as follows:

Library Director	\$23.00 Hour
Clerk 1	\$14.25 Hour
Clerk 2	\$13.50 Hour
Clerk 3	\$13.50 Hour

Motion for adoption was made by Councilwoman Burnside. Seconded by Councilman Filkins, all in favor motion carried.

RESOLVED: that the following are hereby appointed/reappointed to the designated positions.

HOMETOWN HERO'S COMMITTEE

Amie Burnside, Chairperson	Exp. 12/31/2020
Lisa DeGross	Exp. 12/31/2020
Rick Haley	Exp. 12/31/2020
Betty Filkins	Exp. 12/31/2020
Rebecca Kryzak	Exp. 12/31/2020
June Sherman	Exp. 12/31/2020
(1 vacancy)	

Councilwoman Burnside requested to increase the amount of committee members to seven to include Rebecca Kryzak and June Sherman. The Town Board agreed. Motion for adoption was made by Councilman Kryzak. Seconded by Councilman Filkins, all in favor motion carried.

BROADBAND RESEARCH COMMITTEE

Dorothy Verch, Chairperson	Exp. 12/31/2020
Bob Wilcox	Exp. 12/31/2020
Eric Markson	Exp. 12/31/2020
Leonard Laub	Exp. 12/31/2020
(1 Vacancy)	

Motion for adoption was made by Councilman Kryzak. Seconded by Councilman Filkins, all in favor motion carried.

WATER BOARD, WATER District #1
(3 year term)

Jim Loux, Chairman	Exp. 12/31/2021
Bill Slaver, member	Exp. 12/31/2021
Kelly Keefe, member	Exp. 12/31/2020

Motion for adoption was made by Councilman Boone. Seconded by Councilwoman Burnside, all in favor motion carried.

OPEN TO THE PUBLIC

Previous Town Board member Anthony Sherman indicated he was not in favor of the Altamont Enterprise being the official newspaper for the Town of Westerlo as they seem to have an issue with publishing notices. Another resident indicated the Town of Berne is using the Times Union. Discussion ensued. Councilman Kryzak suggested reaching out to Altamont Enterprise to discuss past issues.

Kelley Keefe, president of the Westerlo Vol. Fire Co. mentioned there is a breakfast Saturday the 11th from 8am-11am and is by donation.

A resident thanked the Town Board for openness and transparency.

With there being no further comments or questions, Councilman Filkins made a motion to adjourn the organizational meeting. Seconded by Councilman Boone, all in favor motion carried. Meeting adjourned at 8:40pm.

Respectfully Submitted,

Kathleen Spinnato
Town Clerk

TOWN OF WESTERLO

Procurement Policy

AUTHORITY

The Town of Westerlo (“Town”) Procurement Policy is adopted pursuant to General Municipal Law § 104-B.

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public funds.

In addition, this Procurement Policy seeks to ensure cost effective and efficient procedures for disposition of Town personal property and/or assets deemed no longer of public use to the Town.

GUIDELINES

Guideline 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein.

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.

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 supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein.

In addition, New York State Finance Law 139-L, effective January 1, 2019, requires that all competitive bids for goods sold or services to be performed contain a statement subscribed by the bidder and affirmed by such bidder that the “bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees”... and “[s]uch policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law” (New York State Finance Law 139-L(a)).

Guideline 3: (1) All estimated purchases of less than \$20,000 but greater than \$3,000 shall require a written request for a proposal (“RFP”) and written/fax quotes from at least three comparative vendors; less than \$3,000 but greater than \$1,000 require an oral request for proposal for the goods, equipment or supplies and ~~oral~~ **email/fax quotes from at least two vendors and purchaser shall maintain a record of responses whether they are received by phone or in writing detailing date/time, name of individual offering quote, and remarks detailing quote; less than \$1,000 are left to the discretion of the purchaser.**

(2) All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least three comparable contractors; less than \$10,000 but greater than \$1,000 require a written request for proposal and fax/proposals from at least two contractors and purchaser shall maintain a record of responses ~~whether they are received by phone or~~ in writing detailing date/time, name of individual offering quote, and remarks detailing quote; less than \$1,000 are left to the discretion of the purchaser.

(3) All written RFP shall describe the desired goods, quantity and details regarding delivery, including mode of delivery and time parameters for 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.

(4) 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. All responses to the RFP shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

(5) Purchaser has discretion to require certification under New York State Finance Law 139-L (b).

(6) All quotes will be confirmed in writing.

Guideline 4: All purchasers shall make a good-faith effort 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 5: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares 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 judgment shall also be documented and filed with the record supporting the procurement.

Guideline 6: A request for proposal and/or quotation shall not be required under the following circumstances:

(1) Contract for professional services subject to resolution of the Town Board.

(2)(a) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by other New York State political subdivisions provided that:

- (i) the contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein;**
- (ii) the contract must have been made available for use by other governmental entities, i.e. inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities; and**
- (iii) the contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with General Municipal Law § 103 and related case law.**

(*Note: This provision is intended to include all future statutory amendments of General Municipal Law (16) and same are deemed to be incorporated by reference, as if recited in its entirety herein).

(2)(b) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by the County of Albany or through any county within the State of New York subject to County Law 408(a).

(3) Public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Town. Unless exigent circumstances exist such that time is of the essence, Purchaser shall seek to obtain approval of the Town Board prior to purchase or contract.

(4) Sole-source situations (purchaser must obtain written verification from vendor).

(5) Surplus and second-hand supplies, material or equipment from federal government, State of New York, or other political subdivisions, districts, or public benefit corporation.

(6) Purchase of goods, equipment and supplies under State contracts through the Office of General Services and subject to rules promulgated by the Office of General Services.

Guideline 7: The purchase of goods or services must be accompanied by a duly signed and completed purchase order or contract except a purchase order shall not be required prior to purchase/procurement under those circumstances identified in Guideline 6 and purchases or public works project less than \$1000.00.

Guideline 8: The Town Supervisor may declare Town personal property and/or other asset(s) as surplus. The Supervisor or a designee shall evaluate Estimated Surplus Value of all assets and equipment to be disposed as surplus and make recommendations to the Town Board regarding disposal or sale, subject to all applicable laws and procedures regarding disposition of surplus asset/equipment, including but not limited to bid procedures set forth in General Municipal Law § 103, and receipt of an "As-Is" Statement and/or Liability Waiver.

The Town may transfer surplus assets and equipment provided that the Town Board has approved such disposal by resolution. This policy shall not in any way limit or prohibit the Town Board from donating an item of personal property and/or asset as permitted under the law.

For Purposes of Guideline 8: Surplus shall be defined as any Town personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the Town and Estimated Surplus Value shall be defined as the estimated amount of money an interested party will be willing to pay the Town for the property. This can be determined through an estimate, an appraisal, or other sources available.

Guideline 9: This policy shall be reviewed annually by the Town Board.

EFFECTIVE DATE

This Procurement Policy is effective as of _____, 2020 by resolution of the Town Board.

Kathleen Spinnato, Town Clerk

TOWN OF WESTERLO

Investment Policy

1. AUTHORITY AND SCOPE

The Town of Westerlo (“Town”) Investment Policy is adopted pursuant to General Municipal Law § 39.

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

2. OBJECTIVES

The primary objectives of the Town’s investment activities are:

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

3. DELEGATION OF AUTHORITY

The Town Board’s responsibility for administration of the investment program is delegated to the Town Supervisor, as Chief Financial 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 amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized.

4. 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 Board 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.

5. DIVERSIFICATION

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

The Town 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.

6. INTERNAL CONTROLS

It is the policy of the Town Board for all moneys collected by any officer or employee of the government to transfer those funds to the the Town Supervisor or designee within 3 days of deposit, or within the time period specified in law, whichever is shorter.

Notwithstanding the above, the following Town officers may transfer collected funds within 3 days of a month's completion:

- a. Town Justices;
- b. Town Clerk; and
- c. Tax Collector.

The Town Supervisor or designee 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. The Town Board designated the Town supervisor as the Investment Officer to manage the Town's investments in accordance with these policies.

7. 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 set forth in Town Board Resolutions adopted in the annual organizational meetings and as amended from time to time.

8. SECURING DEPOSITS AND INVESTMENTS

In accordance with General Municipal Law § 10, all deposits and investments of the Town of Westerlo 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 Westerlo 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."
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.
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) that is rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

9. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by Town officers shall be held by the depository 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 collection of such deposits upon a 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 the custodial bank or trust company.

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 also include all other provisions necessary to provide the Town 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.

10. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the Town Board 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;

Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law Section 9-r;

Certificates of deposit;

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;

Cooperative investment programs in accordance with General Municipal Law §§ -g and 3-A;

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 moneys in a reserve fund established pursuant to General Municipal Law Section 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 VIII 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.

11. 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 other factors that make the financial institution or the dealer capable and qualified to transact business with the Town.

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 (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.

The Town 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.

12. 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 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 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 with a perfected interest in the securities.

13. 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.

14. 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.

15. EFFECTIVE DATE

This Investment Policy is effective as of _____, 2020 by resolution of the Town Board.

Kathleen Spinnato, Town Clerk

SCHEDULE OF ELIGIBLE SECURITIES

- _YES_ (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.
- _NO_ (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.
- _YES_ (iii) Obligations partially insured or guaranteed by an 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.
- _YES_ (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 such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of Public monies.
- _NO_ (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.
- _NO_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York 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.
- _NO_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- _NO_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- _NO_ (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, 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.
- _NO_ (xi) Zero coupon obligations of the United States government marketed as "Treasury STRIPS"

Investment Policy Adopted at Town Board Meeting: _____, 2020