

**2013 ORGANIZATIONAL MEETING
TOWN OF ROSEBOOM
January 10, 2013**

The 2013 Organizational Meeting for the Town of Roseboom was held on January 10th, 2013. The meeting was called to order at __6:30__ PM by Supervisor Prill.

Present: Councilpersons Robert Norton, Barry Webster, Curtis VanDewerker, and Timothy Hotaling. Supervisor Larry Prill. Highway Superintendent Michael Mabie, Town Clerk Jeremy Seeley.

Absent:

Visitors See Attachment #1

WHEREAS: At a regular meeting of the Town Board of Roseboom, County of Otsego, State of New York, held at the Town Office on Winnie Hollow Road, in said Town of Roseboom on the 10th Day of January, 2013.

WHEREAS: With the approval of the Town Board, the listed items enclosed for the year 2013.

WHEREAS: Official undertakings have been executed and filed, oaths of office filed with the Town Clerk.

WHEREAS: This first meeting of the New Town Board of Roseboom 2013, shall constitute official rules and guidelines for the year 2013.

A. **DEPUTIES/VACANCIES:**

Deputy Town Supervisor _____
(Appointed by Supervisor)

Deputy Town Clerk Craig Levy
(Appointed by Town Clerk)

Deputy Highway Superintendent _____
(Appointed by Highway Superintendent)

Deputy Vital Statistics _____
(Appointed by Registrar of Statistics)

Town Financial Assistant _____

B. Town Board may open a discussion concerning any of the following positions/appointments for the year 2013:

Historian	Patricia Mabie
Deputy Historian	N/A
Voting Custodian	County
Sole Assessor	Douglas Gohde
Dog Warden	Robert Jorgensen
Assessment Review Board	Richard Hansen
	Norma VanBuren
	Patricia Mabie
	Debra Anderson
Planning Board Chairman	Dr. DeLong
Health Officer	
Town Financial Assistant	_____
Code Enforcement Officer	Lloyd Stannard
Environmental Representative	N/A
County Youth Representative	N/A
Town Attorney	Marvin Parshall
Registrar of Vital Statistics	Jeremy Seeley
Records Management Officer	Jeremy Seeley
Road Committee Chairman	Robert Norton
Road Committee Members	Curtis VanDewerker
	Barry Webster
	Timothy Hotaling
Machinery Committee Chairman	Timothy Hotaling
Machinery Committee Members	Curtis VanDewerker
	Barry Webster
	Robert Norton
Highway Garage Committee Chairman	Barry Webster
Hwy Garage Committee Members	Curtis VanDewerker
	Robert Norton
	Timothy Hotaling

The Road, Machinery, & Highway Garage Committees consists of all Councilpersons. These committees are to assist and meet with the Highway Superintendent, as necessary, to review all town roads, machinery and highway garage issues. The review will include degree of maintenance, status, liability, condition of roads and machinery, etc.

C. **NOTIFICATION:**

Before January 20, 2013, the Town Clerk shall file with the County Clerk's Office and the State Department of Audit and Control the names and addresses of all town elected and appointed officials.

During the year 2013, the Town Clerk will notify the State Board of Elections of any resignations of any elected officers and the date of resignation.

D.

SALARIES:

Health Officer	\$ 125.00
Highway Superintendent	\$37,080.00
Councilpersons (four) - \$2,000 each	\$ 8,000.00 (total)
Justice	\$ 2,400.00
Town Clerk	\$ 3,700.00
Town Supervisor	\$ 4,800.00
Registrar Vital Statistics	\$ 120.00
Dog Warden	\$ 1,500.00
Financial Assistant	\$ 1,600.00
Sole Assessor	\$ 7,100.00
Tax Collector	\$ 1,800.00
Voting Machine Custodian	\$ 0.00
Codes Enforcement Officer	\$ 4,000.00
Deputy Highway Superintendent	\$ N/A Hourly Rate
Highway Employees	\$ Hourly Rate
Highway Employees (overtime rate)	Time and a half = 1.5
Temporary Backup Driver	\$ 13.00 Hourly Rate
Backup Drivers	Steve Gridley Dan Kesoe Lloyd Stannard
Records Management help	\$ 8.00 Hourly Rate
Election Board	\$ 0.00 Hourly Rate
Assessment Review Board	\$ 8.00 Hourly Rate

Employees will be paid their rate for Training Classes and mileage expenses only. Travel time and lunches will NOT be paid.

E.

MILEAGE:

If any Town Officer (appointed or elected) or hourly employee use their vehicle in the performance of their official duties, they will be reimbursed for mileage at a rate of \$.40 (40 cents) per mile for the year 2013.

F.

EMPLOYEE BENEFITS:

1. Holidays for the year 2012:

New Years Day	Good Friday (weather permitting)
Memorial Day	July 4 th
Labor Day	Columbus Day
Election Day	Veterans Day
Thanksgiving Day	Christmas Day

Permanent full-time employees are required to work the day before and day after scheduled holiday and may receive over-time pay for the hours worked or with the Highway Superintendent's approval may take equal time off at a future date with pay.

2. Vacation:

One week paid vacation after one year of service. Two weeks paid vacation after three years of service. Three weeks paid vacation after ten years of service. Four weeks paid vacation after fifteen years of service. All vacations must be approved by the Highway Superintendent.

3. Personal Days:

Hourly employees receive three personal days per year which must be used before year end. All personal days must be approved by Highway Superintendent.

4. Sick Days:

Highway employees receive one sick day per month throughout the year. Sick days may be accumulated and carried over to the following year but must not exceed a total of 24 days.

5. Funeral Allowance:

Permanent full-time employees shall be permitted up to three days with pay for death in an employee's immediate family (immediate family includes: husband, wife, children, parents, brothers, sisters, grandparents, grandchildren, father-in-law and mother-in-law).

6. Jury Duty:

Permanent full-time employees will receive regular pay for days served on Jury Duty. In turn, the employee is required to give the Town all monies received from the courts.

7. Compensation Time and Over-Time Pay:

Permanent full-time employees that request future time off in lieu of overtime must have prior approval from the Highway Superintendent. This time off will be calculated at a rate of time and a half over a 40 hour work week. Not to exceed 40 hours.

G. **MEETINGS:**

The Town Board will meet periodically to accomplish certain duties. The Regular monthly meeting for Town of Roseboom will be held on the Second Thursday of every month at 6:30 P.M. at the Town Office on Winnie Hollow Road.

H OFFICIAL NEWSPAPER:

The Daily Star

(The Pennysaver will also be used for notices as needed).

I. OFFICIAL DEPOSITORY:

National Bank & Trust (NBT)
Main Street
Cherry Valley, New York 13320

J. PETTY CASH:

Petty cash will be held by the Town Clerk – not to exceed \$150.00.

K. The Town Board may authorize the Highway Superintendent to purchase tools, parts and implements without prior Town Board approval during the year 2013. Individual purchases must not exceed \$4500.00 dollars. Excluded from this pre-set figure is the purchase of fuel oil, motor fuel, and heating fuel.

L. The Town Board and the Highway Superintendent should enter into an agreement relative to the expenditures of the Highway funds for the repairs and improvements for the year 2013. This agreement should be entered into the minute book when reached.

M. The Town Clerk may purchase office supplies not to exceed \$275.00 dollars per year without prior Board approval. Other town employees may act in his/her behalf in the receipt of these goods.

N. The Town Board shall secure full and adequate insurance to protect the property of the Town. Insurance will include liability, tort claims, and all

other that exists today. Whereas certain employees, elected officials and appointed officials may be exposed to liability for the acts performed in conjunction with their duties performed for the Town of Roseboom. The Town of Roseboom shall indemnify and hold harmless hourly employees, elected and appointed officials as provided under a resolution signed March 11, 1987. A Town law has not been written and adopted making this necessary to be covered at the new Town Board meeting.

O. Prior written notice of defective conditions resolution adopted by the Town Board 1997 – see attached copy.

P. TOWN CLERK ASSIGNMENTS:

Town Clerk Hours – Working out of Home - every Monday and Tuesday from 6:00 PM – 8:00 PM or other days by appointment.

Audit Town Clerk Checkbook with Town Supervisor - \$44.02

Audit Petty Cash \$53.48

Deputy Registrar Vital Statistics – N/A

Deputy Town Clerk – N/A

When the Deputy Town Clerk covers regular office hours, or board meetings that the Town Clerk is unable to attend, compensation will be paid at a rate of \$8.00 per hour not to exceed 12 hours per year.

A motion was made by Councilperson Robert Norton and 2nded by Councilperson Curtis VanDewerker to accept the 2013 Wage Resolution, the 2013 Prior Written Notice of Defective Conditions Resolution and the 2013 Organizational Meeting minutes as read.

_Councilperson Webster-Y, Councilperson Hotaling-Y, Councilperson VanDewerker-Y, Councilperson Norton-Y, Supervisor Prill-Y

Respectfully Submitted

Jeremy Seeley
Roseboom Town Clerk

**TOWN OF ROSEBOOM
INVESTMENT POLICY**

A. **HISTORY AND PREVIOUS ACTION**

The Town Board of Roseboom considered solutions to the growing demand upon the taxpayer. Receiving maximum interest on all reserve and idle funds within each year and formulating into each new budget to help defray the growing demand upon the taxpayer.

B. **TITLE**

This statement develops as method for all reserve and idle funds within the Towns treasury, and is known as the Investment Policy.

C. **DEPOSITORY METHOD**

All funds received are to be deposited within 7 days of receipt into an interest bearing account. Biweekly and monthly transfers for payroll and expenses will be done. Funds that are not needed within 6 months may be credited to a higher interest bearing account, known as a Certificate of Deposit, until needed. At the close of the Certificate of Deposit, funds will be deposited into the saving account.

D. **AMENDMENTS**

This policy may be amended any time throughout the year with the approval of the Board Members by a resolution. This policy **MUST** be reviewed at each organizational meeting (once per year).

TOWN OF ROSEBOOM
126 CO. HWY 50
Cherry Valley, NY 13320

GRIEVANCE PROCEDURE

AUG. 1998
READAPTED JAN. 2013

(1) Such grievance by an employer or employee shall be presented in writing, within (10) working days of the act or omission giving rise to the grievance to the Town of Roseboom, Town Supervisor, whose jurisdiction lies within the Town of Roseboom.

(2) In the event such grievance is not resolved within (5) working days from such presentation, or no answer is forthcoming, it shall then be presented by the Town Supervisor to the Town Board in writing. A reply will be made within fifteen (15) business days.

(3) In the event the grievance is not satisfactorily adjusted or resolved at step 2, the Town Supervisor shall present the grievance to the employee and meet a satisfactory agreement.

(4) In the event that such grievance is not then disposed of, it may be referred by the Town Supervisor to arbitration, within (10) working days. The Town Board shall select the arbitrator by mutual agreement.

The ARBITRATOR shall have no power or authority to render any award which requires the commission of an act prohibited by law or which is violative of the term of this agreement. The ARBITRATOR decision will be in writing and will set forth his or her finding.

Nothing in the GRIEVANCE PROCEDURE shall prohibit the employer of the employee from meeting informally and directly to resolve a grievance.

Should informal meeting fail to resolve the grievance, then the grievance shall proceed according to the regular GRIEVANCE PROCEDURE.

**TOWN OF ROSEBOOM
126 Co. Hwy 50
Cherry Valley, New York 13320**

READAPTED JANUARY 2013

Whereas: The Town of Roseboom considers the issue of sexual harassment to be offensive to its employees, specifically, and the workplace in general. Therefore, be it RESOLVED, that by the adoption of the following policy the Town of Roseboom reaffirms its objection to sexual harassment in the workplace; and be it further

RESOLVED: that a copy of this policy will be sent to all department heads of the Town of Roseboom.

SEXUAL HARASSMENT POLICY STATEMENT

Sexual harassment which affects one's job is a form of employment discrimination prohibited by law. All Town of Roseboom employees should familiarize themselves with the guidelines in this policy statement so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who has experienced sexual harassment.

Guidelines issued by the Equal Employment Opportunity Commission states that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decision's affection such individual; or
3. Such conduct has the effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the work place, but they do prohibit those actions and behavior that are unwanted and unwelcome or which create an intimidating and hostile work environment. There is a broad range of conduct by supervisors and co-workers which can, in certain

circumstances, be considered sexual harassment, and this includes, but is not limited to, sexually suggestive remarks, sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching.

Any manager or supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of an individual's employment are based upon submission to sexual conduct should consult with the Town Supervisor immediately.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or for cooperating in the investigation of the complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

TOWN OF ROSEBOOM
126 Co. Hwy. 50
Cherry Valley, New York 13320

PROCUREMENT POLICY
Resolution 1998-6

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, S103 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 Roseboom 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, S103. 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 likely yearly value of the commodity to be acquired. The information gathered and conclusion 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 \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML, S103.

Guideline 3:

All estimated purchases of a) less than \$10,000 but greater than \$3,000 requires a written request for a proposal (RFP) and written/fax quotes from three vendors. b) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and fax quotes from two vendors. c) Less than \$1,000 but greater than \$250 is left to the discretion of the purchaser.

All estimated public works contracts of a) less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors. B) Less than \$10,000 but greater than \$3,000 requires a written RFP and fax/proposals from two contractors. C) Less than \$3,000 but greater than \$500 is left to the discretion 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/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. (For example, the second low bidder is a business in town, paying town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier). If a bidder is not deemed responsible, facts supporting that judgment 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:

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 situation; 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 for less than \$250; i) public works contracts for less than \$500.

Guideline 7:

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

**PRIOR WRITTEN NOTICE OF DEFECTIVE CONDITIONS
TOWN OF ROSEBOOM**

SECTION 1:

Short Title and Application – This resolution shall be known as the Prior Written Notice of Defective Conditions of Property within the Town of Roseboom.

SECTION 2:

Policy Statement – Where claims for bodily injury or damage to property are asserted against the Town of Roseboom, arising out of alleged defective conditions of said property and roads owned by, or in the care, custody or control of the Town of Roseboom, adequate notice to the Town of Roseboom of any such conditions is of substantial importance to allow the Town of Roseboom the opportunity to investigate and correct any such conditions if found to exist. The Town Board considers it to be important that such prior notice be in writing. Whether the Town has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Town of Roseboom. It is the purpose of this resolution to require the notice of Defective Conditions of Town property be given to the Town before seeking damages.

SECTION 3:

Written Notice – No civil action shall be maintained against the Town of Roseboom, its officers or employees for personal injury, including death, or damages to property related to, caused by, resulting from or arising out of any property owned by the Town of Roseboom, or property in the care, custody or control of the Town of Roseboom being defective. The Town of Roseboom shall have been given written notice of the alleged condition complained of and shall have failed or neglected within a reasonable time to repair or remove the condition. This period is to be ten (10) days after the written notice is received.

SECTION 4:

Notice – The notice provided for this resolution shall be served by personnel service with the Town of Roseboom. (MAIL). The notice required by this resolution shall contain: a) full name and address of claimant; b) the particular property of the Town; c) the item claimed to be defective and/or damaged; d) the date the item was found defective; e) any statement that would help understand the location and item.

SECTION 5:

Record of Notice – Any Town Officer or employee who receives a notice of a defective or damaged condition shall hand deliver said notice to the Town Clerk, who will notify the Town Supervisor and the Highway Superintendent of receipt of such a notice.

TOWN OF ROSEBOOM CODE OF ETHICS

A resolution establishing standards of conduct for elected and appointed officers and employees of the Town of Roseboom. Be it enacted by the Town Board of the Town of Roseboom as follows:

Section 1 - Pursuant to the provisions of Section eight hundred six of the General Municipal Law, the Town Board of the Town of Roseboom recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this resolution to promulgate ethical conduct for the officers and employees of the Town of Roseboom. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Roseboom. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2 - Definitions (a) "Municipal officer or Employee" means an officer or employee of the Town of Roseboom whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer of the Town of Roseboom. (b) "Interest" means a pecuniary or material benefit given to a municipal officer or employee unless the context otherwise requires.

Section 3 - Standards of Conduct – Every officer or employee of the Town of Roseboom shall be subject to, and abide by, the following standards of conduct: (a) Gifts – He/she shall not solicit, directly or indirectly, any gift, or accept or receive any gift having a value of twenty-five dollars or more whether in the form of money, services, a loan, travel, entertainment, hospitality, thing of promise, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. (b) Confidential information – He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest. (c) Representation before one's own agency – He shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee of any municipal agency over which he has jurisdiction of that which he has the power to appoint any member, officer or employee. (d) Representation before any agency for a contingent fee – He shall not receive, or enter into, any agreement, expressed or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such

matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered. (e) Disclosure of interest in legislation – To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Roseboom, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation. (f) Investments in conflict with official duties – He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties. (g) Private employment – He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties. (h) Future employment – He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Roseboom in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

Section 4 - Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account demand or suit against the Town of Roseboom, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5 - Distribution of code of ethics – The supervisor of the Town of Roseboom shall cause a copy of this code of ethics to be distributed to every officer and employee of the town.

Section 6 - Penalties – In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 7 - Effective date – This resolution shall take effect immediately and will be reviewed once a year at the Organizational Meeting.

2013 TOWN LEGISLATIVE BODY

Larry Prill – Supervisor
Tim Hotaling – Councilman
Robert Norton – Councilman
Curtis VanDewerker – Councilman
Barry Webster – Councilman
Mary Ann Travis - Justice