



Organizational Meeting
Lake View Fire District
Board of Fire Commissioners
Saturday January 4, 2020

ROLL CALL:

PRESENT: Commissioners: Wicka
Black
Russell (Absent)
Jewett

Meeting called to order 11:00 am with Attorney Paul Notaro presiding.
Pledge to the flag.

Presiding officer read the procedure:

1. This is a public meeting of the Board of Fire Commissioners of the Lake View Fire District.
2. The Chair will entertain a motion to approve the prepared agenda subject to additional items deemed appropriate by the chair. A motion was made by Commissioner Wicka, seconded by Commissioner Black with the following vote:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

Reading of Notice to Media and Legal Notice:

The acting Secretary read the notice that was sent to The Hamburg Sun regarding the required notice posting of the date and time of the 2020 Organizational Meeting.

Nominations for Chairman of the Board:

The chair entertained a motion for nominations of Chairman of the Board. Motion by Commissioner Wicka, seconded by Commissioner Jewett, that Commissioner Roger Black is appointed Chairman of the Board for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

Nominations for Deputy Chairman:

The chair entertained a motion for nominations of Deputy Chairman of the Board. Motion by Commissioner Black, seconded by Commissioner Wicka, that Commissioner Russell is appointed Deputy Chairman of the Board for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

The meeting at this time is turned over to the 2020 appointed Chairman of the Board of Fire Commissioners,

Appointment of Secretary:

Motion by Commissioner Jewett, seconded by Commissioner Black, that Commissioner Wicka is appointed Secretary of the Board of Fire Commissioners for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

Letter of Resignation

The letter from Commissioner Michael F. Lewis, dated December 31, 2019, advising that he resigned his position of Commissioner effective January 1, 2020 was read into the record. A motion was made by Commissioner Wicka, seconded by Commissioner Black, that the board accepts Commissioner Lewis' resignation, with great regret. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

Appointment to the Vacant Position of Commissioner

A letter from Joseph T. Nero who resides at 6424 Center Street in Lake View advising his interest in filling the vacant position of Commissioner was read and entered into the record. In accordance with Town Law, Section 176(3), a motion was made by Commissioner Wicka, seconded by Commissioner Jewett that Joseph T. Nero be appointed to fill the vacant position for the period ending December 31, 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes

The motion carried.

The Secretary had Joseph Nero complete his Oath of Office, which was entered into the minutes of this proceeding and a copy filed with the Town Clerk of the Town of Hamburg, New York.

Commissioner Joseph T. Nero assumed the duties of Fire Commissioner of the Lake View Fire District.

Appointment of Attorney and Fee Schedule:

Motion by Commissioner Black, seconded by Commissioner Wicka, that Attorney Paul Notaro is appointed Attorney for the Lake View Fire District, retained on a per time (or retainer) basis, for the year 2020.

The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Appointment of Treasurer:

Motion by Commissioner Wicka, seconded by Commissioner Black that Jill Jewett is appointed Treasurer of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Abstained
Nero	Yes

The motion carried.

Appointment of Director of Purchasing:

Motion by Commissioner Black, seconded by Commissioner Jewett, that Mary Wicka is appointed Director of Purchasing of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Abstained
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Appointment of Chief's Clerk:

Motion by Commissioner Wicka, seconded by Commissioner Nero, that Laura Masullo is appointed Chief's Clerk of the Lake View Fire District for the year 2020 with an IRS1099 provided at the conclusion of the year. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

The Secretary, Treasurer, Director of Purchasing signed the oaths of office which were witnessed by the Chairman and placed in the minutes.

Appointment of Custodian:

Motion by Commissioner Nero, seconded by Commissioner Wicka, that Jill Jewett is appointed Custodian of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Abstained
Nero	Yes

The motion carried

Appointment of Mechanic:

Motion by Commissioner Black, seconded by Commissioner Wicka, that no appointment be made at this time for the position of Mechanic for the Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Appointment of Chief Fiscal Officer:

Motion by Commissioner Jewett, seconded by Commissioner Black, that the Treasurer be appointed Chief Fiscal Officer of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Appointment of Records Access Officer:

Motion by Commissioner Black, seconded by Commissioner Jewett, the Secretary of the Fire District be designated the Records Access Officer of the Lake View Fire District. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Appointment of Delegate to Erie County Fire District Officers Association:

Motion by Commissioner Nero, seconded by Commissioner Black, that Commissioner Wicka be designated as delegate to the Erie County Fire District Officers Association and all other Commissioners be considered alternates. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Salaries for Secretary, Treasurer, Director of Purchasing Custodian & Deputy Treasurer:

Motion by Commissioner Black, seconded by Commissioner Black, the salaries for the positions of Secretary, Treasurer, Director of Purchasing, Custodian and Chief's Clerk are accepted as presented in the budget prepared for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Treasurer's Surety Bond:

Motion by Commissioner Wicka, seconded by Commissioner Jewett, that the Surety Bond for the Treasurer be increased to the amount of moneys being held by the Treasurer of the Fire District. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Designation of Banking Concern:

Motion by Commissioner Jewett, seconded by Commissioner Nero, that Key Bank be designated the banking concerns for the Lake View Fire District for the year 2020 with the option of designating other banking concerns later in the year in the event the need arises. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Designation of Investment Policy of the District:

Motion by Commissioner Wicka, seconded by Commissioner Black, that the Investment Policy of the Lake View Fire District will consist only of certificates of deposits, with the highest rate of interest available at the Key Bank and with regard to the Service Awards Program, follow the adopted investment policy with The LOSAP Group of RBC Wealth Management for a diversified portfolio as defined in the policy statement of August 18, 1999, modified July 16, 2003 and again modified June 8, 2008. The Treasurer will give a full monthly disclosure to the Board of Fire Commissioners. The following vote was taken:

Wicka Yes
Black Yes
Jewett Yes
Nero Yes

The motion carried.

Designation of monies and legal notices

Motion by Commissioner Nero, seconded by Commissioner Black, all moneys for the Fire District are to be sent to the Treasurer and all legal notices, papers and correspondence are to be sent to the Secretary. The following vote was taken:

Wicka Yes
Black Yes
Jewett Yes
Nero Yes

The motion carried.

Designation of Official Newspaper:

Motion by Commissioner Black, seconded by Commissioner Jewett, the Hamburg Sun be designated the official newspapers for the Lake View Fire District. The following vote was taken:

Wicka Yes
Black Yes
Jewett Yes
Nero Yes

The motion carried.

Designation of date, time and place of Regular Meetings:

Motion by Commissioner Wicka seconded by Commissioner Black, that the Regular 2020 meetings of the Board of Fire Commissioners, Lake View Fire District, will be held the 2nd Wednesday of each month at 7:00 P.M. in the Charles A. Spittler, Sr. Meeting Room, Lake View Fire Station #1, subject to change upon notification. The following vote was taken:

Wicka Yes
Black Yes
Jewett Yes
Nero Yes

The motion carried.

Designation Member Association Dues:

Motion by Commissioner Jewett, seconded by Commissioner Wicka, that the 2020 annual dues be paid to the following:

- Association of Fire Districts of the State of N.Y.
- Erie County Fire District Association
- International Fire Chiefs Association
- Fire Association of the State of New York
- Erie County Fire Chiefs Mutual Aid Organization
- J-Fire Program of Erie County
- All other member Associations

Under question was whether J-Fire is still in existence and if we continue to participate. After

deciding that we do not participate, it was removed from the approval.

The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Designation of mileage for 2020:

Motion by Commissioner Wicka, seconded by Commissioner Jewett, that the mileage rate for the Lake View Fire District will be 57.5 cents per mile for the year 2020. And in the event the mileage rate a new standard is set by the Government Service Administration (GSA) at a later date the new standard will be recognized.

The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Acceptance of Chief:

Motion by Commissioner Jewett, with a unanimous second, that the Board of Fire Commissioners accepts Brittany Jewett as Chief of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Acceptance of Junior Slate of Officers:

The notice from Chief Jewett advising of the members elected as line officers for the year 2020 was read by the secretary into the record. A motion by Commissioner Black, seconded by Commissioner Jewett, that the Board of Fire Commissioners accepts the Junior Slate of Officers for the year 2020 and as approved by the Chief. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Acceptance of First Assistant Chief:

Motion by Commissioner Wicka, with a unanimous second, that the Board of Fire Commissioners accepts Keith Hauser as First Assistant Chief of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Acceptance of Second Assistant Chief:

Motion by Commissioner Black, with a unanimous second, that the Board of Fire Commissioners accepts Christopher Schmidt as Second Assistant Chief of the Lake View Fire District for the year 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Swearing in of Chiefs

The Secretary administered the Oath of Office to the Chief and Assistant Chiefs for the year 2020.

The Chairman advises the Responsibilities of Office for all officers will be explained at a future meeting with all the commissioners and line officers.

Purchase Authorization:

Motion by Commissioner Jewett, seconded by Commissioner Wicka, that the only persons authorized to charge material and/or equipment for the Lake View Fire District, for the year 2020, shall be a Fire Commissioner, a Chief, Treasurer, Director of Purchasing, EMS Captain, EMS Junior Captain and custodian The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Credit Card Authorization Resolution:

Motion by Commissioner Wicka, seconded by Commissioner Black, that the Board re-adopts the Credit Card Policy for the Lake View Fire District (see separate attachment). The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Review and Adoption of Code of Ethics:

Motion by Commissioner Nero, seconded by Commissioner Wicka, that the Board adopts the Code of Ethics for the Lake View Fire District (see separate attachment). The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Review and Adoption of Fraud Prevention & Detection Policy:

Motion by Commissioner Wicka, seconded by Commissioner Jewett, that the Board adopts the Fraud Prevention & Detection Policy for the Lake View Fire District (see separate attachment). The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Review of Purchasing Policy of Materials and Equipment:

Motion by Commissioner Wicka, seconded by Commissioner Black, that the Board adopts the Resolution prepared regarding the Procurement Policy for the Lake View Fire District (see separate attachment) and a roll call vote was requested. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Review of the Record Books of the Treasurer:

Motion by Commissioner Black seconded by Commissioner Nero, that a review of the record books of the Treasurer be conducted at the regular board meeting to be held February 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Chairman’s Appointments:

The Chairman appointed Commissioner Russell as the responsible contact for the mechanical operations of both fire stations for the year 2020

The Chairman appointed Commissioner Nero as the responsible contact for the fire station #2 for the year 2020.

The Chairman appointed Commissioner himself as the responsible contact for the motor vehicles belonging to the fire district for the year 2020.

The Chairman appointed Commissioner Jewett as the responsible contact for fire station #1 for the year 2020

The Chairman appointed Commissioner Wicka, as secretary responsible for monthly reconciliation of the credit card account statements and reconciliation of the gasoline credit card use for fire district for the year 2020.

The Chairman appointed all Commissioners, on a rotating basis starting with the senior commissioner in January, as the person responsible for reviewing and auditing the bank accounts and statements for the year 2020.

ADJOURNMENT:

With no further business to conduct, Commissioner Black made a motion to adjourn, seconded by Commissioner Wicka, with the next meeting scheduled for January 8, 2020. The following vote was taken:

Wicka	Yes
Black	Yes
Jewett	Yes
Nero	Yes

The motion carried.

Respectfully submitted,
John R. Wicka
Commissioner/Secretary

RESOLUTION
LAKE VIEW FIRE DISTRICT
FIRE DISTRICT CREDIT CARD POLICY

WHEREAS the Lake View Fire District Board of Fire Commissioners adopted a Credit Card Policy in May 2014 and January 2015 for the purpose of defining the use of the rules regarding Fire District issued credit cards, therefore

BE IT RESOLVED, that by resolution the Board of Fire Commissioners hereby re-adopts the policy on credit card use to include the following:

The program limit for the Lake View Fire District is \$35,000.00 and the individual card limits will be as follows:

- Fire District Secretary/Commissioner; \$5,000
- Fire District Commissioner (4); \$3,000
- Fire District Treasurer; \$3,000
- Fire District Purchasing Director; \$3,000
- District Chief; \$3,000
- 1st Asst. Chief; \$3,000
- 2nd Ass6. Chief; \$3,000
- Fire District Custodian; \$3,000

AND BE IT FURTHER RESOLVED that the one (1) Fire District Fire Commissioner shall be appointed by the Chairman of the Board of Fire Commissioners, at the designated Annual Organization Meeting, to be the Credit Card Administrator of the Lake View Fire District with the responsibility and authority of reviewing all credit card purchases and statements and preparing a monthly accounting of said purchases for the purpose of determining the appropriateness of the purchase and further, determining the proper accounting budget assignment

AND BE IT FURTHER RESOLVED that the following program requirements are hereby adopted and this policy will be reviewed and adopted annually at the Annual Organizational meeting of the Board of Fire Commissioners.

APPLICATION

1. The District shall maintain ONE ACCOUNT with Key Bank for credit cards.
2. District issued credit cards are to be used ONLY for official Fire District business.
3. Fire district credit cards are issued in the name of a fire district official and the Lake View Fire District. No approval of such payment will be made unless the actual or copy of the receipt of the purchase is presented, attached to the Credit Card Record of Use form, to the fire district secretary, who has the responsibility to review the records and statements of all fire district credit card purchases. With regard to credit card transactions made during the course of approved fire district travel, the original receipt or copy of the credit card transaction must be attached to the travel voucher of the traveler. The failure to follow this policy will result in the individual cardholder being responsible for the payment of charges on the credit card until appropriate record of or the actual (or copy) of the receipt is provided to the secretary of the fire district.
4. Credit card purchases by card holders other than a Fire Commissioner, Purchasing Director or Treasurer must have prior approval from a Commissioner, Purchasing Director or Treasurer.
5. District issued credit cards are NOT to be used for the purchase of alcoholic beverages.
6. Personal Responsibility—the individual incurring the costs who fails to comply with District procedures will be personally responsible for all sums charged. Any charges made on District credit cards that do not have proper supporting documentation and detail will be paid by the individual, not the district.
7. If a charge is determined to be an inappropriate or unauthorized Fire District charge, or if adequate documentation of the charge is not submitted to show it to be an authorized District charge, the individual responsible for the charge will be expected to pay said charge within thirty (30) days of the District's receipt of invoice from the credit card company.

- 8 (If individual is a paid employee.) In the event payment is not received, the District reserves the right to recover unauthorized or personal charges from the individual via payroll deduction. The employee will be notified in advance that a deduction will be made from his or her next payroll check.
- 9 All credit card users have the responsibility to notify both the Credit Card Company and the District Treasurer immediately, in the event the that the card is lost or stolen. The First Niagara Bank customer service number is 1-800-626-0900.
- 10 Expenditures in excess of \$500.00 on the District credit card must be pre-approved by the Board of Fire Commissioners.

This resolution is set to motion by Commissioner Wicka, seconded by Commissioner Lewis with the following roll call vote:

Commissioner Wicka	Yes
Commissioner Black	Yes
Commissioner Jewett	Yes
Commissioner Nero	Yes

This motion was approved.

John R. Wicka
Commissioner/Secretary
January 4,2020



THE LAKE VIEW FIRE DISTRICT CODE OF ETHICS

The Lake View Fire District of the Town of Hamburg, County of Erie, hereby adopts the following Code of Ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.

PART I DEFINITIONS

1. "Contract" means any claim, amount or demand against or agreement with the Fire District, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice or resolution or other proceeding where such publication is required or authorized by law.
2. "Interest" means a direct or indirect pecuniary or material benefit accruing to a Fire District officer or employee as the result of a contract with the Fire District which such officer or employee serves. For the purpose of this Code of Ethics, a Fire District officer or employee shall be deemed to have an interest in the contract of (A) a spouse, minor child or dependent, except a contract of employment with the Fire District which such officer or employee serves, (B) a firm partnership or association of which such officer or employee is a member or employee, (C) a corporation of which such officer or employee is an officer, director or employee, and (D) a corporation of which any stock is owned or controlled directly or indirectly by such officer or employee.
3. "Officer or Employee" means a Fire District Commissioner, Fire District Secretary, Fire District Treasurer, Fire District Deputy Treasurer, Fire District Director of Purchasing, Fire District Chief, Fire District Assistant Chief and employees of the Fire District. No person shall be deemed to be a Fire District Officer or Employee solely by reason of being a volunteer firefighter, except a Fire Chief or Assistant Fire Chief.

PART II CONFLICTS OF INTEREST

1. No officer or employee of the Fire District shall have any interest in any contract with the Fire District of which he or she is an officer or employee, when such officer or employee, individually or as a member of the Board of Fire Commissioners, has the power or duty to negotiate, prepare, authorize or approve the contract or authorize or approve payment there under.
2. No officer or employee of the Fire District shall audit bills or claims under a contract in which such officer or employee has an interest.
3. No officer or employee of the Fire District who has an interest in a contract shall appoint an officer or employee who shall have the power to negotiate, prepare, authorize or approve such contract or authorize or approve payment there under or audit bills or claims under such contract.
4. No Fire District Treasurer or Deputy Treasurer shall have an interest greater than 5% of the outstanding stock in a bank or trust company designated as a depository, paying agent, registered agent or for investment of funds of the Fire District of which he or she is Treasurer or Deputy Treasurer.

PART III DISCLOSURE OF INTEREST

Any Fire District officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Fire District of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Board of Fire Commissioners as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of the Fire District minutes. Once disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made with respect to additional contracts with the same party during the remainder of the year.

**PART IV
PROHIBITED ACTIONS**

1. No Fire District officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift in the performance of his or her official duties that was intended as a reward for any official action on his or her part.
2. No Fire District officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further his or her personal interest.
3. No Fire District officer or employee shall receive or agree to receive compensation from others for services to be rendered in relation to any matter pending before the Board of Fire Commissioners.

**PART V
MISCELLANEOUS**

1. A copy of this code, as adopted by resolution of the Fire District, shall be distributed to every officer and employee of the Fire District.
2. A copy of this code, as adopted by resolution of the Fire District, shall be filed in the Office of the State Comptroller.

Adopted by Board of Fire Commissioners of the Lake View Fire District on January 4, 2020.

Attest:

John R. Wicka, Secretary
Lake View Fire District

LAKE VIEW Fire District
FRAUD PREVENTION AND DETECTION POLICY

POLICY STATEMENT

The LAKE VIEW Fire District recognizes that prevention and detection of dishonest behavior, fraud or misconduct in the activities of the LAKE VIEW Fire District and within the LAKE VIEW Fire Department, Inc. are the responsibility of the Board of Fire Commissioners and the Board of Directors of the LAKE VIEW Vol. Fire Association.

APPLICABILITY

This policy applies to all officials, employees, officers and members (personnel) of both the LAKE VIEW Fire District (District) and the LAKE VIEW Fire Department, Inc. (Department and/or Association). This policy is to be used in conjunction with the numerous other policies of the LAKE VIEW Fire District, including but not limited to the Whistleblowers policy, Harassment policy, and Ethics Policy.

DEFINITIONS

DISHONEST BEHAVIOR, FRAUD OR MISCONDUCT

Dishonest behavior is an individual saying or likely to say things that are untrue, or presenting information containing information that is untrue, which is used to deceive someone.

Misconduct is behavior not conforming to prevailing standards or laws. Misconduct is also impropriety.

Fraud is the representation of an existing fact that is material and that is false. The individual making the representation to the District or the Department of a certain factual matter must have knowledge of its falsity and at the same time the individual must intend that the facts represented are to be relied and acted upon by the District or the Department. In addition, the District or the Department must be ignorant or unaware of the falsity and the District or Department is to have relied upon the truth of the representation and the District and/or Department has the right to have relied upon the represented fact. As a consequence, the District or Department has suffered damage or a loss. Fraud is also defined as the intentional deception made by an individual for personal gain or deception to the detriment of the District or Department. To establish a claim of fraud, each factor set forth herein must be alleged with particularity and must be proven by clear and convincing evidence. The measure of damages in fraud cases is the difference between the value of the property had it been as represented and its actual value.

PURPOSE AND OBJECTIVE

The goals of this policy are:

- 1) To protect the assets of the District from loss or damage as a result of incidents of fraud, dishonest behavior and /or misconduct, or to minimize the result of such fraud, dishonestly and/or misconduct.
- 2) To make all personnel aware of the incidents of fraud, dishonesty and/or misconduct in the fire service.
- 3) To provide guidance to all personnel (including_ third parties) on reporting any suspicious activity and/or the handling of critical information and evidence.
- 4) To protect the reputation of the District and the Department.
- 5) To emphasize the Board of Fire Commission has no tolerance for fraud, dishonestly or misconduct in the fire service.
- 6) To encourage all personnel to report fraudulent incidents, dishonest conduct and/or misconduct.
- 7) To inform all personnel of the District's responsibility in matters of fraud, dishonesty and misconduct.

MATTERS COVERED BY THIS POLICY

Fraud, dishonesty and misconduct as used in this policy, include. but are not limited to:

Theft, willful destruction, loss or misuse of any assets of the District including cash, equipment vehicles, apparatus, including unauthorized personal use of district assets.

- 1) Matters when personnel are influenced by payment or benefit in kind, or to unreasonably use his/her position to give some advantage to another:
- 2) Falsification or alteration of financial statements. other records or documents:

- 3) Omitting pertinent and essential facts from records or documents;
- 4) Disclosure of private or confidential information without authorization; and
- 5) Violation of any policy of the Fire District.

COMPLAINT PROCEDURE

Written Notice

All complaints of fraud must commence with a written notice to a member or members of the Board of Fire Commissioners or to the district chief or deputy district chief.

The Board or the chief, upon receipt of the written notice, will cause or conduct an investigation to be made regarding the allegation. The Board of Fire Commissioners may appoint an investigator who has the responsibility for review, investigation and reporting to the Board of Fire Commissioners on all written complaints of suspected fraud or the chief may conduct an investigation upon notice to the board.

The Board of Fire Commissioners in carrying out its responsibilities to prevent or detect fraud is authorized to appoint an investigator, who will have the responsibility of investigating all complaints of dishonest behavior, fraud or misconduct. The investigator may be the Fire Chief, his designee or an investigatory source or individual outside the personnel roster of the Fire District or Fire Department.

The investigator may consult with the fire district attorney or any district personnel they deem appropriate

REPORTING RESPONSIBILITY

Any person with knowledge of suspected or confirmed incident of fraud/misconduct or who is personally being placed in a position by another person to participate in a fraudulent activity must report the case immediately. The district requires an email, telephone or letter for the effective and efficient handling of reports of incidents, with the exception that all complaints must be written and signed by the complainant.

District officials will ensure the confidentiality of a complainant's identity and no person will experience discrimination or unfair treatment as a result of a genuinely held concern, even if the concern proves to be mistaken. Anonymity of the person is absolutely guaranteed unless the complaint is malicious.

All members will be responsible for reporting suspected or confirmed cases of fraud/misconduct and extend full cooperation during internal checks, reviews or investigations to safeguard the district's reputation and assessment.

Furthermore, members will:

- Adhere to and comply with the district's policies and procedures.
- Act with highest standards of ethics and integrity.
- Avoid accepting gifts, hospitality or benefits of any kind that compromise integrity and standards of conduct, in keeping with the LAKE VIEW Fire District Code of Ethics and the LAKE VIEW Volunteer Firefighter Department Code of Ethics.

DISCIPLINARY ACTION

Upon completion of his investigation, the investigator will make his findings available to the Chief for possible charges being brought against the individual. The Investigator will work closely with district officials, line and civil officers of the Department to make such investigation, which will comprise but not be limited to the following:

1. Recording of all complaints received from employees on suspected incidents of fraud;
2. Conducting review, inspections and investigations to identify the facts and details about the reported incident and identify the perpetrator;
3. Reporting findings to the Fire Chief who will file a charge so appropriate disciplinary action may

be pursued against the perpetrator, and, when possible, take all necessary steps to recover losses and misappropriated assets. Disciplinary action to be taken against the perpetrator in the event of a confirmed incident of fraud, dishonest conduct or misconduct will be in accordance with General Municipal Law §209-I or Civil Service Law § 75.

Disciplinary action may involve suspension or termination, penalty, criminal or civil action. Nothing will prohibit the Fire District from reporting such incidents to the local, county, state or federal police authorities.

WARENESS

The fire chief will be responsible for advising the members on the importance of complying with this policy identifying/reporting of suspicious activity, should a situation arise.

REVIEW OF POLICY

The policy will be reviewed and revised (if deemed appropriate) by the Board of Fire Commissioners on an annual basis or more frequently in the discretion of the board of fire commissioners.

This policy is hereby adopted on this 4th day of January 2020.

Commissioner John R. Wicka
Commissioner Andrew D. Russell

Commissioner Roger Black
Commissioner Eugene Jewett
Commissioner Joseph T. Nero

PROCUREMENT POLICY FOR THE LAKE VIEW FIRE DISTRICT

At the Organizational Meeting of the Board of Fire Commissioners of the Lake View Fire District, held in the Charles A. Spittler, Sr. Conference room located at Fire Station #1, 2005 Lakeview Rd., Town of Hamburg, County of Erie, State of New York on 4th day of January, 2020, duly adopted the following resolution:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Lake View Fire District involved in the procurement process, now, therefore, be it

RESOLVED, that the Lake View Fire District does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE LAKE VIEW FIRE DISTRICT

1 Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second-hand purchases from another governmental entity. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2 All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000ⁱ and public works contracts over \$35,000ⁱⁱ; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

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

Estimated amount if purchase contract method

\$500 ¹ to \$2,999	2 Verbal Quotations
\$3,000 to \$19,999	2 Written/Fax/Email quotations or written requests for proposals (RFPs)

Estimated amount of Public Works Contract method

\$250 to \$2,999	2 Verbal Quotations
\$3,000 to \$9,999	2 Written/fax/Email quotations or written Request for Proposals (RFPs)
\$10,000 to \$34,999	3 Written/fax/Email quotations or written Request for Proposals (RFPs)

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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4 Documentation is required of each action taken in each procurement including completing a Purchase Requisition and or a Purchase Order

5 Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offer or. This documentation will include an explanation of how the award will achieve savings or how the offer or was not responsible. A determination that the offeror or is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

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

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

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

- (1) whether the services are subject to State licensing or testing requirements;
- (2) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (3) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but be limited to the following: services of an attorney;

¹ Became effective 1/9/2016

services of an physician; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; Computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

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

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

d) Goods or services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. In accordance with provisions enacted by New York State General Municipal Law, (Section 103, 1, 16) effective November 3,2013, the Lake View Fire District may make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies. may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder on the basis of best value and made available for use by other governmental entities exclusively therein, may make such purchases or contract for such services through the use of such a contract let on the basis of bests value in a manner consistent with this section. ⁱⁱⁱ

This policy shall go into effect on the 4th day of January 2020, and will be reviewed annually.

Roger Black, Commissioner	John R. Wicka, Commissioner
Andrew D. Russell, Commissioner	Eugene Jewett, Commissioner
Joseph T. Nero, Commissioner	

ⁱ Became effective 6/22/10

ⁱⁱ Became effective 11/12/2009

ⁱⁱⁱ. Became effective 1/4/2014