



## WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

### *3.8 Property Disposal Policy*

#### **OBJECTIVE:**

Under Section 176 of the Town Law, the Board of Fire Commissioners is permitted to sell or dispose of personal property owned by the fire district which it determines is no longer necessary for the uses and purposes of the district. The following policy and procedure shall apply when the Board determines to sell or dispose of personal property:

#### **POLICY:**

1. A district officer or employee will make a recommendation to the Board that a piece or pieces of personal property should be disposed of because it is no longer necessary for the uses and purposes of the Fire District.
2. The Board will then determine the estimated value of the personal property or that it is deemed to have no value.
3. The Board will resolve at a meeting that the property identified is no longer necessary for the uses and purposes of the district and direct its sale or disposal.
4. If the property has a value the Board will follow the authorization procedure required by Section 176 of the Town Law;
  - a. Valued at under \$10,000.00, simple resolution of Board,
  - b. Valued at over \$10,000.00 but less than \$50,000.00, by resolution of Board subject to permissive referendum, and
  - c. Valued at \$50,000.00 and over, by resolution of Board subject to mandatory referendum (election proposition).
5. A determination will be made as to whether to sell or discard each item.
6. If the item is to be sold the District Manager will select a method of sale with approval of the Board of Fire Commissioners that he or she determines will obtain maximum value for the item. Competitive sale will not be required, but should be considered by the District Manager. The needs of another municipal entity or not for profit entity may be considered by the District Manager in selecting a purchaser. The

District Manager may elect to use the services of a personal property sales broker provided that he or she obtains approval from the Board of Fire Commissioners and obtains an approved written contract from the broker. Final sales terms and the purchaser will be subject to Board approval.

7. In selecting a purchaser or donee, the Board may consider Homeland Security concerns. District staff shall make certain to remove all identifying markings from any equipment sold.

8. The Board may elect to donate personal property to another municipal entity or a not for profit corporation if it determines that the public interest, greater good and best interests of fire district will be served by such action.

9. The Board may determine that certain personal property has no value and should be discarded as trash.

10. District staff will follow the directions of the Board in disposing of personal property.

11. Personal property assigned to district officers, employees, department officers and members will be returned to the district upon completion of use, termination of the need to possess the equipment, completion of term of office, suspension, leave of absence, and/ or separation from service. Personal property may not be retained by such personnel.

12. Personal property may not be sold or given to district officers, and/ or employees. Personal property may not be sold or given to a department officer or member who was assigned the use of the property. Otherwise department officers or members may bid to purchase surplus personal property as outside purchasers may.

13. The Board reserves the right to give surplus personal property to district officers, employees, department officers and/ or members as part of a service award such as attaching a helmet to a plaque, permitting a member to retain a dress uniform in recognition of service, etc. The Board also reserves the right to permit district officers, employees, department officers and/ or members to retain a cellular phone which it determines to be no longer necessary for district uses and purposes and which it determines to have no value. The Board also reserves the right to assist with turning over a cellular telephone number for the personal use of an official, employee or member at such person's personal expense when the phone is removed from being a district charge.

14. Personal property assigned for disposal as trash by the Board must be disposed of by the assigned district employee into the proper trash receptacle. The Board and district will set no rules on who may recover trash from trash receptacles, but directs staff to dispose of surplus property trash that could create a danger to the public in manner so that it will be properly disposed of as trash in accordance with applicable laws. No person on learning of a decision to discard personal property as trash may take that property from its current storage location. It will not be considered trash until disposed of in the proper trash receptacle by the proper district employees. District employees may not turn over trash to others. Trash is to be placed in trash receptacles.

District staff will adjust district inventory records to remove personal property from district inventory records and record the method of disposal.

#### RELATED POLICIES

1.2 Whistle Blower Policy

1.12 Disciplinary Procedure Policy

Adopted by the Wading River Fire District Board of Fire Commissioners on Monday, 09/26/11.

Edward Frost, Chairman  
Timothy Deveny, Commissioner  
Michael Harrigan, Commissioner  
Thomas Lateulere, Commissioner  
James Meier, Commissioner