**VILLAGE BOARD OF TRUSTEES**

**MEETING**

**June 21, 2021**

Mayor Michael VandeVelde presiding

MEMBERS: Mike Catalano, Dennis Lutes, Judy Einach, Josh Freifeld

OTHERS: Becky Jackson, Becki Betts-Paternosh, Rob Genthner, Ed LeBarron, Andrew Thompson, Andrew Webster, Chris Reese, Marybelle Beigh, Sandra Brown, David Haskin, Neil Haskin, Bruce Diamond, Mark Dougherty

**MAYOR/BOARD**

MINUTES APPROVAL

**The board made a motion by Trustee Catalano, seconded by Trustee Einach and was carried unanimously to approve the minutes of 5/17 and 5/27/21**

RESOLUTION #15-2021

New York State Consolidated Funding Application,

Wastewater Infrastructure Engineering Planning Grant Application

**The board made a motion by Trustee Einach, seconded by Trustee Lutes and was carried unanimously to approve the following Resolution:**

WHEREAS, Village of Westfield, Chautauqua County, supports the submission of a 2021 Consolidated Funding Application (CFA) on behalf of the Village, for the Wastewater Infrastructure Engineering Planning Grant (EPG) program to conduct a study of the sanitary sewer collection system for Inflow and Infiltration and improvements to the Wastewater Treatment Plant (WWTP); and

WHEREAS, the New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), provides a competitive statewide reimbursement grant program to assist in the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, Village of Westfield meets the GIGP eligibility and is considered a funding priority for upgrades to the WWTP and for improvements required in the sewer collection system that will reduce excessive Inflow & Infiltration; and

WHEREAS, if funding is received it will allow the Village of Westfield to prepare an engineering planning report to further investigate and identify solutions for improvements to the WWTP and for Inflow & Infiltration improvements, enabling the Village to seek further financing for construction through the CWSRF program to advance the required water quality improvements;

NOW THEREFORE BE IT RESOLVED,the Village Board, on behalf of the Village, identifies the Village Mayor as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED,the Village Board does hereby authorize and obligates local matching funds of the minimum 20% of the total of any grant funding awarded in the form of in-kind services or cash contribution hereby appropriated from the sewer fund; and

BE IT FURTHER RESOLVED that the Village of Westfield, recognizes and fully supports the submission of the 2021 CFA for an EPG for investigation into the WWTP and sanitary sewer collection system for Inflow and Infiltration.

LEGION BANNER DISCUSSION

Discussion was tabled until a later date.

NOTIFICATION OF ALUMNI DANCE, BOOK & PAPER SHOW AND ANTIQUE SHOW

The Annual Alumni Dance will be July 10th, Annual Book & Paper Show will be August 6th & 7th, Arts & Crafts Show will be July 30th & 31st and the Antiques Show will be August 13th – 15th.

REQUEST BY ANNEX 25

**The motion was made by Trustee Freifeld, seconded by Trustee Catalano and was carried unanimously to approve for the use by Annex 25 of the Parking Lot in the back alley for music and an outdoor art display along with an outdoor grill set away from the buildings to grill hotdogs, burgers etc. for July 11th,**

**from 2:00 – 5:00 p.m.**

PROCUREMENT POLICY REVISION BY CDBG

**The board made a motion by Trustee Catalano, seconded by Trustee Lutes; with Trustee Freifeld abstaining, the motion was carried to approve the Procurement Policy Revision by CDBG.**

SECTION I

GENERAL A.

PHILOSOPHY:

An effective purchasing policy should be based on a sound management policy. Purchasing is not just a matter of the allocation and spending of monies, it is related to the management and maintenance of the resources (commodities, equipment, goods, materials) that are the "stuff" of missions and tasks. It involves planning and prioritizing before procurement; it is need driven not want driven. Reasoned 1 cost-effective measures for all purchases help develop a sense of accountability and assure the taxpayers that their money is being handled in their best interest. There is a fine line between flexibility and control. It is the objective of these policies and procedures to affirm flexibility while maintaining control. It takes the support of everybody in the system to make a system work efficiently and effectively.

B. DEFINITIONS:

Purchase Contracts: purchases of commodities and equipment, but not the purchase of land;

Public Works Contracts: for services labor, construction and may also include materials needed;

Aggregate Amounts: when it can be determined or reasonably expected that the accumulated amount to be spent on a given item or a group of related items will exceed the bid limits for a fiscal year;

Bid or Bidding: formal, detailed reply to a request for a bid to supply certain services, commodities, equipment or to construct certain projects, etc.;

Request for Proposal (RFP): written or oral request for price quotes from vendors for purchase contracts under *$20,000* and public works contracts under *$35,000*;

Emergency: an emergency exists when the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality, or more important, the individual taxpayer, then the procurement of goods and services will be at the discretion of the proper authority with documentation as to the nature of the emergency.

SECTION II PURCHASE AND PUBLIC WORKS CONTRACTS

**Purchase Contracts:** Dollar Limits and Authorization:

Dollar Limit Authorization

$2,500.00-$9,999.00 Shall be authorized by Dept. Head or authorized

representative or delegate after an oral request for the goods

and receiving written/fax or pdf electronic mail quotes from

three (3) vendors.

No RFP is required.

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| $10,000.00 - $19,999.99 |  | Shall be authorized by the Village Board |
|  |  | and will require a written RFP and |
|  |  | written/fax or scanned electronic mail quotation estimate from four (4) or more vendors. |
| $20,000 and up |  | Shall be authorized by the Village Board |
|  |  | sealed bid will be required in conformance with |
|  |  | General Municipal Law §103. |

B. **Public Works Contracts:** Dollar Limits and Authorization:

|  |  |  |  |
| --- | --- | --- | --- |
| Dollar Limit |  |  | Authorization |
| $2,500.00 - $9,999.99 |  |  | Shall be authorized by Dept. Head or |
|  |  |  | delegate after making an oral request |
|  |  |  | for the goods and receiving written/fax |
|  |  |  | quotes from three (3) vendors. No RFP is |
|  |  |  | required. |
| $10,000.00 - $34,999.99 |  |  | Shall be authorized by Village Board and |
|  |  |  | will require a written/fax quote or estimate from four (4) or more vendors. |
| $35,000.00 and up |  |  | Authorized by Village Board(s); sealed |
|  |  | | bid will be required in conformance with GML §103; |

1. All potential providers shall be given identical information so that all quotes are given on identical items. Copies of the RFP shall be attached to each response. The RFP shall describe the desired goods, services, quantities, particulars of delivery and completion with delivery/completion dates.
2. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchase is unable to do so, the attempts made and the reasons or circumstances contributing to the failure to do so must be documented. In no event, however, shall the inability to obtain the required number be a bar to procurement.
3. This procurement policy is subject to all limitations found in any other law, including, but not limited to, the General Municipal Law and Chapter 45, Public Utilities, Board of, of the Code of the Village and Westfield.

SECTION III COMPETITIVE BIDDING

All purchases of supplies or equipment (purchase contracts), which will *exceed twenty thousand dollars ($20,000)* in the fiscal year or public works contracts over *thirty-five thousand dollars ($35,000)* shall be formally bid pursuant to General Municipal Law §103.

SECTION IV AWARD OF PURCHASE

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

SECTION V EXCEPTIONS

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

1. Acquisition of professional services.

1. Emergencies. An emergency will be documented by the department head authorizing said emergency purchases with a letter of clarification for action taken/purchase authorized and attached to that voucher of payment.

1. Sole-source situations, where documented.

1. Goods purchased from agencies for the blind or severely handicapped.

1. Goods purchased from correctional facilities.

1. Goods purchased from another governmental agency.

1. Goods purchased at auction not exceeding *$1000.00.*

1. Goods purchased for less than two thousand five hundred dollars ($2,500) for all Departments and Divisions.

SECTION VI M/WBE

When purchasing on behalf of the Village, all department heads are required to take affirmative steps to assure that minority firms, women’s business enterprises, and labor surplus are firms are used when possible. Purchasers shall take all the following steps to further this goal: Ensure that small businesses, minority-owned firms, and women’s business enterprises are used to the fullest extent practicable. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises. Encourage contracting with consortiums of small businesses, minority-owned firms and women’s business enterprises when a contract is too large for one of these firms to handle individually. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises.

SECTION VII SECTION 3

Recipients shall ensure that employment and other economic opportunities generated by the expenditure of any state or federal funds available to the Village shall, to the greatest extent feasible, be directed to low-and very-low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-and very low-income persons.

SECTION VIII BONDING

Information related to when bonding is required and procedures involved will be supplied by the Department Head and be made a part of this document.

SECTION IX ANNUAL REVIEW

This policy shall be reviewed annually by the Board of Trustees.

Adopted by the Village Board 1/3/96

Amended by the Village Board 10/04/99

Amended by the Village Board 12/18/2000

Amended by the Village Board 7/6/2010

Amended by the Village Board 12/19/11

Amended by the BOFC 8/6/13

Amended by the Village Board 1/28/2016

Amended by the Village Board 6/21/2021

GRIEVANCE PROCEDURE UNDER ADA FOR CDBG

**The board made a motion by Trustee Einach, seconded by Trustee Lutes; with Trustee Freifeld abstaining, the motion was carried to approve the following Grievance Procedure under ADA for CDBG**.

GRIEVANCE PROCEDURE UNDER

THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village of Westfield. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the Administrator/Clerk of the Village of Westfield.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Vincent Luce, ADA Coordinator, Village Administrator/Clerk Eason Hall, 23 Elm Street, Westfield, NY 14787

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Village of Westfield and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Village Mayor or his/her designee.

Within 15 calendar days after receipt of the appeal, the Village Mayor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the Village Mayor’s final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Village Mayor or his/her designee, and responses from these two offices will be retained by the Village of Westfield for at least three (3) years.

GRIEVANCE NOTIFICATION LETTER/CDBG HOUSING GRANT AWARD

**The board made a motion** **by Trustee Einach, seconded by Trustee Lutes; with Trustee Freifeld abstaining, the motion was carried to approve the following notification letter/CDBG (ADA) Housing Grant Award.**

To whom it may concern:

The Village of Westfield has considered all of our services, such as construction and maintenance activities for the Village’s streets, roads and sidewalks; operation and maintenance of the Village’s parks; operation and maintenance of the water and sanitary/storm sewer distribution system(s); collection of garbage, recyclables, and periodic brush, large trash, and debris collection; provision of electric service; recreation programs for residents from infancy through senior citizens; home repair assistance through the CDBG program; and activities such as hiring employees and purchases made by procurement policy.

Every effort has been made to assure that all of these services and the locations at which they are offered are as accessible as possible to people of all ages and abilities. The Village has adopted a Grievance Procedure to allow those who feel that any of the services offered by the Village are not providing reasonable accommodations to people with disabilities can have their voice heard in a fair and equitable manner and that a reasonable solution can be reached to address the grievance.

DISCUSS COMMUNITY ENGAGEMENT FUNDING

**The board made a motion to approve for Community Engagement Funding in the amount of $1,000 by Trustee Catalano, seconded by Trustee** **Freifeld and was carried unanimously.**

**POLICE DEPARTMENT**

REPORT

**The motion was made to approve the Police Report by Trustee Lutes, seconded by Trustee Einach and was carried unanimously.**

REQUEST FOR EXECUTIVE SESSION/PERSONNEL

**FIRE DEPARTMENT**

REPORT

**Chief Reese gave the Fire Department report which was approved on a motion made by Trustee Catalano, seconded by Trustee Einach and was carried unanimously.**

**RECREATION DEPARTMENT**

REPORT

**The board made a motion by Trustee Freifeld, seconded by Trustee Lutes and was carried unanimously to approve the Recreation Department Report as submitted.**

APPROVE SEASONAL EMPLOYEES

**The motion was made by Trustee Lutes, seconded by Trustee Freifeld and was carried unanimously to approve hiring the additional Seasonal Employees to the Recreation Department**.

DISC GOLF COURSE

The board discussed the use of Ottaway Park for a 9-hole course to be installed which there is a $5,500 Grant available for its construction.

WELCH FIELD BASKETBALL ISSUES

Problems up at the Welch Field were discussed and probable solutions to be attempted for some sort of control for prevention of disruptive and/or damaging behaviors. Removal of the of the hoops was discussed and that it would be a shame to punish everyone just to prevent those certain few troublemakers, some of which are not even from our own Village/Town.

SUMMER PROGRAMS & HEALTH RESTRICTIONS

Andrew discussed face coverings guidelines and procedure for up at Welch Field and will require them to be worn inside the building until specific directions are set forth to modify that requirement.

**CODE ENFORCEMENT**

REPORT

**The Mayor read the Code Enforcement Office Report which was approved on a motion made by Trustee Einach, seconded by Trustee Lutes and was carried unanimously.**

**HISTORIAN**

REPORT

**The board made a motion by Trustee Einach, seconded by Trustee Catalano and was carried unanimously to approve the Historian’s Report as it was given.**

Marybelle noted that she does need a phone, a Historian email address and a place to post the Beelines and Historian Report.

**PUBLIC WORKS**

RTE 20 PROJECT UPDATE

Ed gave a brief report on the Route 20 project stating that tomorrow they will be doing a test strip out by Prospect Road. They will pave a lane at least one truck length, then take core samples, the State has to approve that core sample and then they can proceed to pave the rest of the Village. Paving will be done downtown and out to prospect Wednesday and Thursday so Main St will be closed to parking. On Friday, Main St. will be closed to parking; they will be doing the striping and painting.

Starting tomorrow they might be milling W. Main St. from Munson to the bridge which will be under a different contractor. Ed will be sending out a schedule for the Parking Lot tomorrow. The Village will mill Market St. Section next Monday; Clinton St. section on Tuesday.

The question was asked regarding the dumpsters in the Parking Lot. Ed noted that as soon as the dumpster corral is completed; all those other dumpsters will be gone. There is an issue with getting the steel, prices have doubled and tripled. He expressed the difficulty in getting chain link fence etc. and prices change every day.

**WATER & SEWER DEPARTMENT**

PRE-CONSTRUCTION MEETING

Andrew reported there had been a pre-construction meeting on the Minton Pump Station Project. They will start that in early August beginning with the building. The lead time for the pumps is 12 weeks so that is a delay. On the 8th and 9th flow and pressure testing is scheduled and they will notify the public when that begins.

ELECTRICAL OUTAGE ISSUE

As a result of the power outage last Saturday there was some water discoloration due somewhat to the cast iron watermains still in the Village. The PRVs on Portage and Chestnut; when the power goes out, they default to totally open or totally closed which causes a reverse flow in places which will be looked at when a study is performed.

**ELECTRIC DEPARTMENT**

REQUEST EXECUTIVE SESSION/PERSONNEL

REQUEST TO GO TO BID FOR REPEATER TAP SWITCH

**The board made a motion by Trustee Catalano, seconded by Trustee Lutes to approve going to bid for the repeater tap switch on Finley Road. The Engineering and Design is completed, we will put bid documents together to send out for the contractor to do the work.**

**TREASURER**

APPROVAL OF REVENUE & EXPENSE REPORTS

**The board made a motion to approve the Revenue and Expense Reports by Trustee Lutes, seconded by Trustee Einach and was carried unanimously.**

**CLERK**

WARRANTS

**The following warrants were approved on a motion made by Trustee Freifeld, seconded by Trustee Lutes, and was carried unanimously.**

Electric W#5 $29,002.04

Electric W#6 224,789.02

Capt’l Proj. Pk.Lot W#4 4,019.75

General W#4 48,807.11

General W#5 83,847.77

Sewer W#5 52,198.05

Sewer W#6 47,936.84

Water W#6 28,971.90

Water W#5 28,883.62

Capt’l. Proj. Pk.Lot W#2 4,880.00

Capt’l. Reserve W#3 135,000.00

St. Dept. Equip.

Electric W#2 160,501.95

Capt’l. Proj. W#1 12,339.60

WPCF

Electric Dist. W#3 2,000.00

Sewer W#2 31,718.92

General W#2 93,662.58

Water W#2 28,981.10

AWARD TRASH BAG BID

**The board made a motion by Trustee Catalano, seconded by Trustee Einach and was carried unanimously to award the low bid of 0./189 per bag for Trash Bags to Creative Sales Company and to select the color blue at no extra cost to the Village.**

The other bid submitted was from Central Poly Bag Corp. at 0.317 per bag.

PERMISSION TO GO TO BID FOR TIMBER SALE

**The motion was made by Trustee Freifeld, seconded by Trustee Lutes and was carried unanimously to go to bid for the Timber Sale on our Martin-Wright Road property.**

**VISITORS**

MCCLURG FOUNTAIN ISSUE

An inquiry was made as to who will be maintaining the fountain area at the McClurg. Ed replied that the Mansion has always taken care of it.

The Mansion is under the impression now, that the Village is going to take care of it and noted that care should be taken when the Village is mowing so as not to shoot the grass and flowers towards the fountain area which clogs up the filter and causes major issues and then needs to be cleaned out.

Andrew noted that when the fountain had first been put in, a Water Department employee had met them there for the filling of it and that he would be doing the turning on and off the water every year for them. Maintenance had not been discussed at that time but now the Village will attend to it.

WATER ISSUE QUESTION

Another inquiry was made as to water damage to property from a resident. It was felt the Village had originally caused the water running down a driveway issue. The original incident happened in 1997 when there was a watermain break and a hydrant was opened to flush the area. A letter will be forthcoming from the Attorney regarding this matter.

VANDALISM PROBLEM

There is an ongoing problem on Washington Street with disruptive vandalism. The Police Chief noted it is in the Court’s hands now.

**The board made a motion to enter Executive Session to discuss personnel by Trustee Freifeld, seconded by Trustee Einach and was carried unanimously.**

EXECUTIVE SESSION/PERSONNEL

**Following discussion, the Executive Session was ended on a motion made by Trustee Lutes, seconded by Trustee Freifeld and was carried unanimously.**

ACTION

Action taken resulting from the Executive Session is as follows:

**The board made a motion by Trustee Einach, seconded by Trustee Catalano and was carried unanimously to approve hiring Henry Williams as P.T. Police Officer.**

EXECUTIVE SESSION/LITIGATION

**The board re-entered Executive Session to discuss Litigation on a motion made by Trustee Freifeld, seconded by Trustee Lutes and was carried unanimously.**

**There being no further business to come before the board the meeting was adjourned on a motion made by Trustee Catalano, seconded by Trustee Einach, and was carried unanimously.**