

TOWN OF CAMBRIA TOWN BOARD

APRIL 9, 2009

The regular meeting of the Town of Cambria Town Board was held at 8:00 pm on the 9th day of April 2009 at the Town Hall, 4160 Upper Mountain Road, Town of Cambria, NY

BOARD MEMBERS PRESENT:

Wright H. Ellis, Supervisor
Robert E. Blackman, Councilman
George J. Bush, Councilman
Debra L. Kroening, Councilwoman
Joseph Ohol, Councilman

Jon T. MacSwan, Highway Superintendent
Lou Ann Murawski, Town Clerk
Robert Roberson, Attorney
Rob Klavoon, Wendel Duchscherer
One interested individual

Following salute to the flag, Supervisor Ellis called the meeting to order. Board members took action upon the following matters:

PUBLIC HEARING – RESTORE NEW YORK GRANT PROGRAM

Supervisor Ellis stated that, following the March meeting, it was brought to his attention that in order to meet the time requirements for submission of the Restore New York grant, the Town Board was required to hold a public hearing at their April meeting. After consulting with the Attorney, he called the public hearing; however, the Attorney indicated the Town Board should adopt a resolution ratifying his decision to call the public hearing.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to affirm and ratify the action of the Town Supervisor in calling a Public Hearing for 8:00 pm on Thursday, April 9, 2009 concerning the inclusion of certain properties in the application to the Empire State Development Corporation for funding under the Restore New York Program.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to recess the Town Board meeting.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Supervisor Ellis opened the public hearing. The Town Clerk read the following Public Hearing notice:

Please take notice that the Town Board of the Town Cambria will meet on April 9, 2009 at 8:00 PM at the Town Hall, 4160 Upper Mountain Road, Sanborn, NY 14132, to hear and consider comments on the Property Assessment List attached hereto and required for inclusion in the application to the Empire State Development Corporation for funding under Restore New York Program. Said funding to be made available to demolish certain buildings, perform asbestos abatement and refurbish other abandoned buildings owned by the Cambria Housing Authority located on the former military base property in the Unicorn Drive and Eagle Drive area. The list of properties proposed for inclusion is as follows and is available for inspection at the offices of the Town Assessor located at the Town of Cambria Town Hall.

Building ID	Building Assessed Value	Tax Map
Bowling Alley/Gym Barrack Building (Rehabilitate Building)	\$27,200	120.17-2-1.5
Barrack building (Demolish)		120.17-2-1.5
Bomb Shelter/Generator House (Rehabilitate Building)	\$28,900	120.17-2-1.3
Water Tank (Demolish)	N/A	N/A
Small Out Building (Demolish)	N/A	N/A
Guest House (currently demolished)	N/A	120.17-2-1.3
Garage (Demolish)	N/A	N/A

All parties in interest and citizens will be heard at the Public Hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD TOWN OF CAMBRIA

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Supervisor Ellis explained the grant would be to rehabilitate/demolish seven structures (owned by the Cambria Housing Authority). This is the third time the Town has applied for this grant; the last application was in 2007.

As there was no one present desiring to be heard, Supervisor Ellis closed the public hearing.

MEETING RE-CONVENED

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to reconvene the April meeting of the Town of Cambria Town Board.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

RESTORE NEW YORK – SEQRA

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to designate the Town Board as lead agent under SEQRA.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to authorize the Supervisor to sign the short Environmental Assessment Form.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to declare a negative determination for the SEQRA review, as the proposed action will not result in any significant adverse environmental impacts.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO NEW YORK STATE EMPIRE STATE DEVELOPMENT CORPORATION FOR THE 2009 RESTORE NEW YORK GRANT PROGRAM FOR THE DEMOLITION OF AND/OR REFURBISHING OF ABANDONED BUILDINGS ON THE FORMER MILITARY BASE LOCATED IN THE TOWN OF CAMBRIA, NEW YORK

WHEREAS the New York State Empire State Development Corporation (ESDC) is soliciting applications from local governments under the Restore New York Communities Initiative Grant Program; and

WHEREAS, the Town of Cambria is interested in securing grant funding for the demolition of certain buildings, perform asbestos abatement and refurbishing other abandoned buildings owned by the Cambria Housing Authority located on the former military base property in the Unicorn Drive and Eagle Drive areas located within the Town of Cambria;

NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cambria is hereby authorized and directed to file an application with the New York State Empire State Development Corporation (ESDC) for grant funding of the projects as herein described and specifically identified in Public Hearing notice of Town Board, which public hearing was on the 9th day of April 2009.

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to adopt the foregoing resolution authorizing the filing of the 2009 Restore New York grant.

The question of the adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

Ayes: Wright H. Ellis, Robert E. Blackman, George J. Bush, Debra L. Kroening, Joseph Ohol

The resolution was thereupon declared duly adopted.

APPROVAL OF MINUTES

Councilman Ohol noted a correction to the March 12th Minutes: His meeting with employees of the Highway Department was on March 25th; the Minutes indicate March 18th.

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Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to approve the Minutes of the March 12, 2009 Town Board meeting with the correction as noted.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

APPROVAL OF VOUCHERS

Having been reviewed by the Town Board, the following claims were presented for payment:

Drainage Fund	Claims 4 - 8	\$ 1,775.01
General Fund	Claims 145 - 189	\$ 51,889.25
Highway Fund	Claims 60 - 83	\$ 37,704.38
Refuse Fund	Claim 4	\$ 29,756.80
Sewer Operating	Claims 18 - 21	\$ 136.86
Trust Agency Fund	Claims 15 - 22	\$ 1,761.98
Water Operating	Claims 63 - 83	\$ 38,356.66

Upon a motion duly made by Councilman Blackman and seconded by Councilwoman Kroening, it was resolved to approve the abstract of audited vouchers as presented.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

The Highway Superintendent indicated he would contact Wendt's Propane relative to their delivery charge.

AWARD OF BID - EMERGENCY GENERATORS

Supervisor Ellis indicated that bids were opened on March 31, 2009 and Cummins Northeast was the low bidder on the generators. Their bids are as follows: (1) 2009 100KW Dual Fuel Generator and Transfer Switch for \$25,997.00 and (1) 2009 150KW Dual Fuel Generator and Transfer Switch for \$31,000.00.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Bush, it was resolved to accept the bid of \$25,997.00 from Cummins Northeast for the purchase of (1) 2009 100KW dual fuel generator and transfer switch.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilman Ohol and seconded by Councilman Blackman, it was resolved to accept the bid of \$31,000.00 from Cummins Northeast for the purchase of (1) 2009 150 KW dual fuel generator and transfer switch.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to accept the bid of \$22,714.00 from M. H. Thilk for the installation of the generators.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

FEMA FLOOD INSURANCE MAP UPDATE

Robert Klavoon, Wendel Duchscherer, addressed the Town Board relative to the draft of a proposed letter of protest to be submitted to FEMA, a copy of which has been provided to the Town Board. He recommended the Board wait until the first week of May to submit the letter to ensure that any supplemental information from the affected residents could be included in the letter.

Upon a motion duly made by Councilman Bush and seconded by Councilwoman Kroening, it was resolved to authorize the Town Supervisor to submit the letter of protest to FEMA on the preliminary floodplain maps, as drafted by Wendel Duchscherer.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

PROCUREMENT POLICY

Supervisor Ellis recommended amendments to the current Procurement Policy which include changes in the authorized dollar amounts for purchases and also changes to the Procurement Policy Form. The amended Policy is as follows:

RESOLUTION ESTABLISHING PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law (hereinafter known as GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not required to be procured by competitive bidding; and

WHEREAS, this policy has been reviewed and comments solicited from those officers of the town involved with procurement; NOW, THEREFORE, BE IT

RESOLVED that the Town of Cambria 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, Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter known as Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall take into consideration requirements of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The Highway Superintendent shall be the designated procurement officer for all Highway, Water and Sewer purchases and the Town Supervisor shall be the designated procurement officer for the remaining Town departments.

GUIDELINE 2. All purchases of (a) supplies of equipment which will exceed \$10,000.00 in the fiscal year or (b) public works contracts over \$20,000.00 shall be formally bid pursuant to GML, Section 103.

GUIDELINE 3.

- A. All estimated purchases of:
 - 1. Less than \$10,000.00 but greater than \$5,000.00 requires a written request for a proposal (hereinafter known as RFP) and written quotes from three (3) vendors. The Purchaser will present the quotations and a recommended course of action to the Town Board for its decision.
 - 2. Less than \$5,000.00 but greater than \$1,000.00 requires a verbal or written request for the goods and a verbal or written quote from three (3) vendors. The Purchaser will present the quotations and a recommended course of action to the Town Board for its decision. A written summary of any verbal RFP shall be filed in the non-bid procurement file.
 - 3. Less than \$1,000.00 are left to the discretion of the Purchaser.

- B. All estimated public works contracts of:
 - 1. Less than \$20,000.00 but greater than \$5,000.00 requires a written RFP and written proposal from three (3) contractors. The Purchaser will present the quotations and a recommended course of action to the Town Board for its decision.
 - 2. Less than \$5,000.00 but greater than \$2,000.00 requires a verbal or written RFP and verbal or written proposal from three (3) contractors. The Purchaser will present the quotations and a recommended course of action to the Town Board for its decision. A written summary of any verbal RFP shall be filed in the non-bid procurement file.
 - 3. Less than \$2,000.00 are left to the discretion of the Purchaser.

- C. All proposed purchases of computer and computer-related hardware, software, accessories and upgrades will be referred to the Computer Technology committee for review and subsequent recommendation to the Town Board. This review will address need, compatibility, and value for the price utilizing logical and practical methodology. As a minimum, two (2) quotes are required (written,

faxed, e-mailed). Depending upon the specific type and value of the prospective purchase, additional competitive quotes may be required.

- D. 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/ verbal quotes are offered.
- E. All information gathered in complying with the procedures of this Guideline shall be preserved and filed in a separate non-bid procurement file with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4. Purchase Contracts in excess of \$1,000.00 and Public Works contracts in excess of \$2,000.00 shall be approved by the Town Board. The Purchaser may accept a proposal in accordance with these guidelines prior to receipt of approval, but subject to approval. If no separate action by the Town Board has been taken, the approval of vouchered billings by the Town Board shall constitute approval.

GUIDELINE 5. It is the policy of the Town of Cambria to award contracts for the purchase of goods and services to the lowest bidder at the lowest quote. However, exceptions may be made in the event that the lowest bid is not the lowest responsible bidder; or if there is a compelling reason to award the contract to another, such as if there is a significant and measureable difference of quality between the lower bidder and the lowest acceptable bidder, or there is a need for standardization of parts, et cetera. In each such occasion, the person responsible for the procurement shall set forth, in writing, the reason why the lowest bidder is not recommended or not awarded the contract and such procurement shall be subject to the approval of the Cambria Town Board.

GUIDELINE 6. 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 7. 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 situations;
- 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 \$1,000.00;
- i. Public works contracts for less than \$2,000.00

GUIDELINE 8. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

GUIDELINE 9. Except where exempted by Guideline 7, a Procurement Policy Form shall be completed by the Purchaser and placed in the file relating to the purchase. All additional 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 10. Except as noted in Guideline 3. C., above, it is the determination of the board that for purchases of goods less than \$1,000.00, and for Public Works Contracts of less than \$2,000.00, the requirement of solicitation of alternative proposals and the paperwork necessary to document them are time consuming and counterproductive to the best interest of the Town. The small number of individuals with purchasing authority and their overall knowledge of available products and services in their respective areas are given weight by the Board in arriving at this finding. Purchasers shall, nevertheless, utilize good business judgment in obtaining products and services at the best overall value to the Town of Cambria.

TOWN OF CAMBRIA
PROCUREMENT POLICY FORM

DESCRIPTION OF ITEM :

REASON FOR PURCHASE:

BUDGET LINE ITEM # _____ LESS _____ = _____
CURRENT BAL. THIS PURCHASE BALANCE AFTER URCHASE

FUND VERIFICATION: _____ AS OF _____
Administrative Assistant Date

Guidelines: (Circle one which applies)

- A.) Materials: More than **\$10,000.00** / Material & Labor: More than **\$20,000.00**
Written specifications, Advertising & Sealed Bids Required
- B.) Material: **\$5,000.00 to \$10,000.00** / Material & Labor: **\$5,000.00 to \$20,000.00**
Attach three (3) written quotations
- C.) Material: **\$1,000.00 to \$5,000.00** / Material & Labor: **\$2,000.00 to \$5,000.00**
Attach Three (3) verbal or written quotations: **LIST VENDOR, MODEL, PRICE**

BELOW

- 1. _____

- 2. _____

- 3. _____

- D.) Material: **\$0 to \$1,000.00** / Material & Labor: **\$0 to \$2,000.00**
Alternate price quotations not required; subject to Department Head Approval

If lowest quoted price is not awarded, please provide detailed reason:

Reasons for non-solicitation: (Circle one that applies)

- A.) Acquisition of professional services; B.) emergencies; C.) sole-source situations; 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 under New York State Contract; I.) original equipment replacement parts/service

Date: _____ Signature: _____

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved adopt the Procurement Policy with the proposed changes.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

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TOWN CLERK REPORTS

The Town Clerk reported receipt of the following:

- Niagara County SPCA Report-March 2009-Total Animal Contacts: 22
- Building Inspector's Report- March 2009 Total Receipts: \$2,095.00; Total estimated value of construction: \$879,890.00
- Request from West Street Parents Group (West Street School-Niagara Wheatfield School District) for a donation to be made for a basket auction. It was suggested a donation of Bicentennial merchandise be made.

Upon a motion duly made by Councilman Bush and seconded by Councilman Blackman, it was resolved to authorize the Town Clerk to prepare Bicentennial merchandise for a donation to the West Street Parents Group.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

HIGHWAY SUPERINTENDENT REPORTS

- Mr. MacSwan reported a Drainage meeting was held this week. Minutes of the meeting have been provided to the Town Board. The committee recommended an amendment to the Culvert Permit form, item number 3 to be changed as follows: ***If a driveway culvert is a replacement for an existing driveway, the Cambria Highway Department will cover the culvert pipe with stone to rough grade. If the driveway consists of blacktop and has to be cut to replace the culvert, the homeowner will incur the cost of repairing the driveway to its original state.***

Upon a motion duly made by Councilman Ohol and seconded by Councilman Bush, it was resolved to approve change to item number 3 of the Town of Cambria Driveway and/or Lawn Culvert Permit form as recommended.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

Mr. MacSwan also reported as follows:

- The treated lumber for the signs for the Town Park have been ordered.
- The storm windows for the Historical Society are being worked on.
- The Highway Department will be out chipping again this week, as well as making repairs to some lawns from the snowplows.
- Topsoil has been purchased to repair along Upper Mountain Road, which was damaged from snowplowing. He indicated the contractor still has some finishing work from the installation of the waterline along Upper Mountain Road. Robert Klavoon indicated the contractor has requested close out of the project - there is \$4,000 which has been retained which will not be released until all of the work has been completed.
- Mr. MacSwan expressed his appreciation to Councilman Ohol for meeting with his employees

WATER/SEWER REPORTS

- Mr. MacSwan reported the Water Tower is due to have the Robotic Observation performed (required to be done every five years). The proposal from Robotic Observation Ventures is \$1,784.00.

Upon a motion duly made by Councilwoman Kroening and seconded by Councilman Blackman, it was resolved to accept the proposal from Robotic Observation Ventures to perform an internal inspection of the Water Tower at a cost of \$1,784.00, as submitted in their proposal.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ATTORNEY REPORTS

Mr. Roberson reported he is in receipt of a letter regarding the cell tower site easement offer. If the Town Board is interested in the offer of \$84,000, they would be willing to meet with the Board to discuss the matter further. Councilman Ohol indicated he felt the proposed offer is significantly less than what it should be. A brief discussion followed.

RECREATION MATTERS

Councilwoman Kroening reported that the baseball team age range of 13-16 years old needs to be reduced to 13-15 years old in order to play in other leagues. The Recreation Committee also gave approval to Rodney Hogg, Baseball Director, to purchase a pitching machine, which will be used during the games. The Midget B team still needs more players; advertising will be done. Mr. MacSwan indicated the Midget A team is all set with players. Councilwoman Kroening also reported that Mr. Hogg indicated registration is down slightly.

CONCERNS OF CITIZENS

Mr. Mark Printup, President of Cambria Fire Company, was present to update the Town Board on the status of the Fire Company and the equipment they have placed into service since the fire. He also indicated that the Cambria Fire Company received generous support from surrounding fire companies, which greatly assisted them in providing service in a timely manner.

HEALTH ASSOCIATION OF NIAGARA COUNTY – LETTER OF SUPPORT FOR GRANT PROGRAM

Councilman Bush reported he recently attended a meeting with regards to the Health Association of Niagara County (HANCI) applying for grants to service rural areas. They are requesting letters of support to include in the submission of their grant.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to authorize the Town Supervisor to send a letter of support to the Health Association of Niagara County regarding their application for the New York State Office for the Aging grant program entitled, "Community Empowerment Programs for Aging in the Community".

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ALARM SYSTEM – HISTORICAL BUILDING/RECORDS STORAGE FACILITY

Supervisor Ellis indicated he has obtained a proposal from Eastern States Sentinel Alarm Systems, Inc. for installation of security and fire alarm systems for the Cambria Historical Society Building and the Community Room and Records Storage Facility. The total cost for both buildings is \$3,575.00, which includes monitoring for the first year. A procurement form has been completed – sole source situation as Eastern States Sentinel Alarm Services, Inc. presently provides services for the Town Hall, Municipal Garage and Water Pump Station.

Upon a motion duly made by Councilman Bush and seconded by Councilman Ohol, it was resolved to accept the proposal from Eastern States Sentinel for installation of security and fire alarm systems for the Cambria Historical Society Building and the Community Room and Records Storage Facility at a total cost of \$3,575.00, which includes the first year of monitoring.

Ayes: Blackman, Bush, Ellis, Kroening, Ohol -Motion Carried-

ADDITIONAL MATTERS:

Supervisor Ellis gave a brief report of the conference of New York State Government Finance Officers' Association, which he recently attended. He indicated the meeting was very beneficial with emphasis placed on how the Town Board should closely monitor expenditures as they are responsible for final accountability. He indicated a session was held on bond ratings—we will have to have our investment rating looked at. The proper use of reserve accounts was also addressed—the Town appears to be using reserve funds properly.

Councilwoman Kroening reported on her attendance at the Association of Towns meeting, indicating she was able to attend various classes. She indicated she was made aware of the mandate for preservation of archival records.

ADJOURNMENT

As there was no further business, the meeting was adjourned by motion made by Councilman Blackman and seconded by Councilwoman Kroening. Time: 8:55 pm.

Respectfully submitted,

Lou Ann Murawski, Town Clerk

Paula N. Jones, Deputy Town Clerk

