

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
April 10, 2012
6:00 pm
Port Dickinson Elementary School

PUBLIC HEARINGS:

- Proposed Local Law 3-2012 A LOCAL LAW AMENDING VARIOUS CHAPTERS OF THE CODE OF THE VILLAGE OF PORT DICKINSON

- Proposed 2012-2013 Budget

APPROVAL OF MINUTES: March 13, 2012

PUBLIC PARTICIPATION:

TREASURER'S REPORT:

AUDIT & PAYMENT OF CLAIMS:

1. No. through No. as listed on the Abstract of Unaudited vouchers for the General Fund for \$
2. No. through No. as listed on the Abstract of Unaudited vouchers for the Water Fund for \$
3. No. through No. as listed on the Abstract of Unaudited vouchers for the Sewer Fund for \$

COMMUNICATIONS:

- Certificate of Insurance received from Keystone Associates Architects
- Certificate of Insurance received from Popli Architecture & Engineering & LS, PC

COMMITTEE REPORTS:

Administration/Code Enforcement/Community Association – James L. DeGennaro, Trustee
Parks/Water/Sewer – Robert J. Aagre, Trustee
Planning Board – none
Public Safety – Richard T. Felo, Trustee
Public Works – Michael Cashman, Trustee
Zoning Board of Appeals – none

OLD BUSINESS:

- Resolution, as follows, vs. Ronda Chapman

RESOLUTIONS FOR APPROVAL:

- Resolution approving the Amendments/Additions/Deletions to the Village of Port Dickinson Police Department Rules & Regulations

- Resolution approving Local Law 3-2012 A LOCAL LAW AMENDING VARIOUS CHAPTERS OF THE CODE OF THE VILLAGE OF PORT DICKINSON

- Resolution approving the 2012-2013 Budget for the Village of Port Dickinson adopting the Implementation Plan of the Village of Port Dickinson Municipal Building Accessibility Upgrade, CDBG #936PF142-11

- Resolution to Appoint a Labor Compliance Officer for the Village of Port Dickinson Municipal Building Accessibility Upgrade, CDBG #936PF142-11

- RESOLUTION TO ADOPT CONFLICT OF INTEREST POLICY for the Village of Port Dickinson Municipal Building Accessibility Upgrade, CDBG #936PF142-11

NEW BUSINESS:

Proposed Amendment to the Village of Port Dickinson Employee Personnel Policy.

Current policy as follows:

ARTICLE 14 - VACATIONS

- 1.) All employees, covered by this document shall be entitled to vacations as follows:
 - Five (5), days during the first year after six (6) months of service.
 - Ten (10) days after completion of two (2) through four (4) years of service
 - Fifteen (15) days after five (5) years of service
 - Twenty (20) days after ten (10) years of service
- 2.) Employees may carry over a maximum of five (5) days of vacation time during the first five (5) years of service; maximum of ten (10) days after five (5) years of service.
- 3.) Vacations Accruals for Police Officers:
 - One (1) week vacation equates to two (2) days off.
 - Two (2) weeks vacation equates to four (4) days off.
 - Three (3) weeks vacation equates to six (6) days off.
 - Four (4) weeks vacation equates to eight (8) days off.

ADJOURNMENT

**A LOCAL LAW AMENDING VARIOUS CHAPTERS OF
THE CODE OF THE VILLAGE OF PORT DICKINSON**

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1.

Chapter 22 of the Village Code entitled “Animals”, as amended, be and hereby is amended by this Local Law as follows:

§ 22-6 (**Penalties for offenses**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 2.

Chapter 24 of the Village Code entitled “Brush, Grass and Weeds”, as amended, be and hereby is amended by this Local Law as follows:

§ 24-5 (**Removal by village**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 3.

Chapter 26 of the Village Code entitled “Building Construction”, as amended, be and hereby is amended by this Local Law as follows:

§ 26-15 (**Violations**) is amended to add a new paragraph F entitled “Restitution” as follows:

F. Restitution. In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 4.

Chapter 37 of the Village Code entitled “Prohibiting Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems”, as amended, be and hereby is amended by this Local Law as follows:

§ 37-13 (**Enforcement**) is amended to add a new paragraph C entitled “Restitution” as follows:

C. Restitution: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 5.

Chapter 45 of the Village Code entitled “Property Maintenance”, as amended, be and hereby is amended by this Local Law as follows:

§ 45-5 (**Penalties for offenses**), subparagraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 6.

Chapter 46 of the Village Code entitled “Property Numbering System”, as amended, be and hereby is amended by this Local Law as follows:

§ 46-5 (**Penalties**) is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney’s fees.

Section 7.

Chapter 49 of the Village Code entitled “Sewers”, as amended, be and hereby is amended by this Local Law as follows:

§ 49-37 (**Enforcement by Joint Sewage Board**), paragraph F, is amended to add the following sentence at the end thereof: In addition to the above prescribed penalties, the Village may also seek

restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 8.

Chapter 50 of the Village Code entitled "Stormwater Management and Erosion & Sediment Control", as amended, be and hereby is amended by this Local Law as follows:

§ 50-12 (Enforcement and Penalties) is amended to add a new paragraph G entitled "Restitution" as follows:

G. Restitution:

In addition to the above prescribed penalties, the Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 9.

Chapter 51 of the Village Code entitled "Street Construction", as amended, be and hereby is amended by this Local Law as follows:

§ 51-27 (Penalties for offenses), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 10.

Chapter 54 of the Village Code entitled "Swimming Pools, Private", as amended, be and hereby is amended by this Local Law as follows:

§ 54-10 (Penalties for offenses), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 11.

Chapter 59 of the Village Code entitled "Vehicles, Abandoned", as amended, be and hereby is

amended by this Local Law as follows:

§ 59-8 (Penalties for offenses), paragraph B, is amended to add the following sentence at the end thereof: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 12.

Chapter 62 of the Village Code entitled "Water", as amended, be and hereby is amended by this Local Law as follows:

§ 62-13 (Penalties for offenses), paragraph B, is amended to add the following sentence thereto: The Village may also seek restitution for costs incurred by the Village in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

Section 13. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 14. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed. **Section 15. Effective Date**

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Adopted Implementation Plan

Village of Port Dickinson Municipal Building Accessibility Upgrades

CDBG #936PF142-11

I. OVERALL ADMINISTRATION PLAN

The Village of Port Dickinson has adopted by resolution and will follow the Implementation Plan detailed below to insure integration of grant management with the Village's existing organizational structure.

A. Role of Chief Elected Official and Governing Body

The Village has contracted with Thoma Development Consultants (Thoma) to provide project management services for the Village's Municipal Building Accessibility Upgrades Project (the 'project') to be undertaken with fiscal year 2011 Community Development Block Grant funds (CDBG) awarded the Village. Thoma has experience in CDBG management and was selected and hired pursuant to a competitive Request for Proposal (RFP) process as required by the New York State Office of Community Renewal (OCR), the administrator of the CDBG Program in New York State. Thoma will be known as the Project Manager. Thoma will work with the Mayor and Village Board to manage the Village's fiscal year 2011 CDBG program in keeping with the Draft Implementation Plan submitted with the fiscal year 2011 CDBG application and the regulations that govern the State's CDBG Program

It will be the role of the Mayor to develop an informal system of contact and coordination with Thoma during the project period that will include, but not be limited to phone contact, email, conference calls as needed, and meetings at the request of the Mayor. The formal duties of the Mayor and the Village Board with respect to the CDBG Program will be conducted at regularly scheduled Board meetings that are open to the public. These meetings are held the second Tuesday of each month, unless a special meeting is required to deal with important issues of the project. The need for a special meeting(s) will be determined by the Mayor. The duties of the municipality include, but are not limited to: maintaining and coordinating contact with the Project Manager, hiring an engineer to design and oversee the project, approving final specifications for the subject project, approving all project bills and the expenditure of funds, maintaining a financial record keeping system in keeping with OCR standards, and maintaining a file management system for all project-related records. The Mayor will also be responsible for approving the required environmental review, status and annual reports, and other project related reports as required by the OCR.

Thoma will work with the Village to prepare and advertise for a consulting engineer to prepare specifications, bid the project and oversee construction of the project from beginning to completion. The request for engineering services (RFQ) will be prepared in accordance with State CDBG requirements and will be submitted to the State for their approval by Thoma. The Village will advertise for engineering services after which Thoma will solicit directly potential responders to the RFQ, including Minority and Women-owned Business Enterprises (M/WBEs). The Mayor and the Village Board will provide final approval of a consulting engineer, will negotiate and approve the fee for services and the contract with the consulting engineer. Thoma will provide assistance with the consulting engineer's contract to insure it meets State CDBG requirements and will submit it to the State for their approval prior to execution with the Village, pursuant to OCR requirements.

Thoma will provide the consulting engineer certain federal documents for incorporation into the project specifications, and will forward the proposed specifications to the State for their approval. After State approval, the engineer will let the bid and Thoma will solicit directly M/WBE contractor participation. After the completion of the contractor bidding process, the consulting engineer will provide a recommendation to the Village Board for approval. The Village Board will either approve or deny at a Board meeting. Only after approval will construction-related project costs be incurred.

As construction costs become due for payment, Thoma will prepare all payment documentation including Request for Funds Forms 1-4 and 1-4a (the "drawdown forms"), as well as Village vouchers. All payment

documentation prepared by Thoma will be sent to the Village for signature and processing. Payment documentation will be presented at a Village Board meeting to the Village Board who will approve all expenditures and submission of the request for funds to the OCR. Once the Board has approved the bills for payment, the drawdown forms, or request for funds will be faxed to the OCR for processing. Checks will be prepared by the Village based on Board approval and held until funds are available. The Village's Chief Fiscal Officer is the Village Treasurer. This official will review all documentation prior to submission to the Village Board.

Thoma staff will act as the required Labor Compliance Officer for CDBG funded infrastructure projects upon approval by the Village Board.

B. Role of the Village Attorney

The Village attorney will prepare and/or review all proposed agreements for the CDBG project, including but not limited to contracts with the Project Manager, consulting engineer and successful bidder(s). The Village Attorney will provide any other legal guidance as requested by the Mayor and/or Village Board as it relates to the subject project.

C. Role Project Manager (Thoma Development Consultants)

- ◆ Assist Village with request for engineering services/engineering contract and submission to the OCR

- ◆ Preparation of Environmental Review Record (ERR) including the SEQRA NEPA requirements for the ERR, required advertising and submission of entire ERR to the OCR
- ◆ Direct solicitation of MWBEs for engineering services
- ◆ Provide federal documents to engineer needed for bid documents
- ◆ Obtain, update and verify federal wage rate schedules as needed
- ◆ Direct solicitation of MWBEs to bid on public project
- ◆ Attend and participate in preconstruction conference
- ◆ Insure successful bidder is not debarred from federal or state public work and review for conflicts of interest
- ◆ Site visits for employee interviews
- ◆ Review and approve certified payrolls; insure compliance with prevailing wage rate requirements (State and federal)
- ◆ Investigate labor standards violations, if necessary, and work with contractors to resolve same
- ◆ Prepare paperwork required to draw CDBG funds for payment of bills
- ◆ Prepare reports required by State CDBG administrator including status reports, annual reports, labor compliance reports, and the close-out report
- ◆ Interface with State Office for Community Renewal on behalf of the Village
- ◆ Provide services as Labor Compliance Officer and insure, to the greatest extent possible, Village's compliance with CDBG regulations as they pertain to infrastructure project

D. Identification of key CDBG Program Administrators

Chief Elected Official:

Name: Kevin Burke

Telephone: 607-771-8277

Title: Mayor

Fax: 607-771-8235

E-mail address: kburke7@stny.rr.com

Duties: Oversee CDBG project including approval of environmental review, approval of all reports, approval of all expenditures, oversight of Thoma Development Consultants, and any other duties as noted above.

Chief Financial Officer:

Name: Cheryl Miller

Telephone: 607-771-8277

Title: Treasurer

Fax: 607-771-8235

E-mail address: cmiller909@aol.com

Duties: Review all requests for funds as well as other payment documentation and recommend approval to the Village Board. Insure that all financial transactions of the project are properly incorporated into the Village's accounting system and that the CDBG funds have been accounted for in the Village's budget.

Authorized Signatures:

Name and Title: Susan Fox, Village Clerk
James DeGennaro, Trustee
Michael Cashman, Trustee

Duties: Approve and/or sign requests for funds.

Project Manager:

Name: Thoma Development Consultants*
Staff Providing Oversight: Linda Armstrong
Title: Program Manager (*Labor Compliance Officer as designated by Village)
E-mail address: Linda@thomadevelopment.com
Phone: 607-753-1433 Fax: 607-753-6818

Village Attorney:

Name: Herbert Kline, Esq. Telephone: 607-723-9511
E-mail address: hkline@cglawoffices.com Fax: 607-723-1530

Duties: Preparation and/or review of agreements and program documentation as requested by Village Board and Mayor. Advise Mayor and Village Board in other legal matters relating to CDBG project. Render opinions with respect to real or perceived conflicts of interest as they relate to the project, if necessary.

E. Conflict of Interest Policy

The Village of Port Dickinson will follow federal regulations at 24 CFR 570.489(g) and (h) and the NYS OCR Administrative Manual Chapter 5, Part II to determine possible conflicts of interest as they relate to the project. All entities that (1) have or will have a contractual relationship with the Village, and/or (2) have or will have business or family ties to the Village government, and/or (3) are an appointed and/or elected official or associate of the Village as these relationship relate to the project, must complete a Conflict of Interest form (see attached). In some cases, the Village Board may decide to seek a waiver of conflict for participants or contractors if this conflict, real or perceived, does not violate State or local law and if the waiver will serve to further the interests of the CDBG project. This waiver request must be discussed openly at a Board meeting and the Village Attorney must conclude in a written Opinion of Counsel letter that the subject's participation does not violate State or local law. The request for a waiver must be submitted to the OCR for their determination.

II. PROJECT MANAGEMENT

As noted above, the Village of Port Dickinson has retained Thoma to provide project management services. It will be Thoma's responsibility to provide adequate input and guidance to the Mayor and the Village Board to assure the Village's compliance with all applicable laws, regulations, and contractual requirements that relate to the CDBG grant or project activities, especially labor compliance issues as they relate to infrastructure projects funded with CDBG funds. (The Village Board will be responsible for all applicable laws, regulations, and contractual requirements that relate directly to the CDBG grant or activities). Thoma will be responsible for the preparation of the environmental review and will guide the Village through the environmental review process. Thoma will also assist the Village with the RFQ for engineering services, provide assistance with the federal requirements of the specifications, solicit MWBEs for engineering and contracting opportunities, search to insure successful bidder(s) is/are not debarred at the State or federal levels, and will be responsible for the preparation of all payment documentation and program reports required by the State, including but not limited to the status reports, annual reports, labor compliance reports, and the closeout report. Last, Thoma will insure, to the greatest extent possible, the Village's compliance with labor related issues of an infrastructure project, including, but not limited to conducting/participating in the pre-construction conference; site visits for employee interviews, and the review and approval of certified payrolls. (See I.C. for further detail)

Marketing: Thoma will provide direct solicitation of MWBEs for engineering services and for the purpose of bidding the project to contractors. Thoma will also insure placement of an ad for engineering services in a minority publication and will work with the consulting engineer to insure widespread solicitation of bidders for the project.

Financial Management: The proposed financial management of the project is identified above.

Program Schedule: The program schedule, as included in the application for grant funds, is attached.

Implementation Plan Adoption: This CDBG Implementation Plan was adopted by resolution by the Village of Port Dickinson's Village Board on April 10, 2012.

Attachments

**RESOLUTION TO APPOINT LABOR COMPLIANCE OFFICER
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Village of Port Dickinson was awarded funding to facilitate accessibility improvements to its municipal building by the New York State Office of Community Renewal (OCR) under the Small Cities Community Development Block Grant Program (CDBG), and

WHEREAS, one of the OCR's requirements for CDBG grantees is the appointment of a Labor Compliance Officer (LCO) whose responsibility it is to insure compliance with various labor standards imposed on CDBG infrastructure projects,

NOW, THEREFORE, BE IT RESOLVED that the Village of Port Dickinson does hereby appoint as the Village's LCO Linda M. Armstrong, Program Manager for Thoma Development Consultants, who has been retained by the Village as the CDBG program administrator.

**RESOLUTION TO ADOPT CONFLICT OF INTEREST POLICY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Village of Port Dickinson was awarded funding to facilitate accessibility improvements to its municipal building by the New York State Office of Community Renewal (OCR) under the Small Cities Community Development Block Grant Program (CDBG), and

WHEREAS, in addition to provisions of Article 18 of New York State General Municipal Law governing conflicts of interest for municipal officers and employees, the CDBG Program is also subject to federal conflict of interest provisions applicable to state administered CDBG funds such as those awarded to the Village of Port Dickinson,

NOW, THEREFORE, BE IT RESOLVED that the Village of Port Dickinson does hereby adopt a conflict of interest policy for its CDBG Program in keeping with the regulations detailed at 24 CFR 570.489(g) and 24 CFR 570.489(h) to insure that any potential conflict of interest arising out of procurement of goods or services for the CDBG Program, either real or perceived, will be disclosed in keeping with CDBG requirements and, if appropriate, a waiver for participation in the Village's CDBG program or contract will be sought.