

REGULAR MEETING

APRIL 12, 2010

The Board of Trustees held the Regular Meeting of April 12, 2010 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Winters opened the meeting with the Pledge of Allegiance.

PRESENT: Mayor Richard Winters, Trustee Shirley Lindsley, Trustee Corinne McGuire, and Trustee Joan Stoddard. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Luis Alvarez

ALSO PRESENT: Elizabeth Montag, Henrich Strauch, Harry Rampe, James Gordon, John Zylstra, William Brenner, Chief of Police Robert Mir and Matthew Karp of The Wagner Companies.

APPROVAL OF MINUTES: Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following minutes:

REGULAR MEETING - MARCH 8, 2010

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following minutes:

PUBLIC HEARING - MARCH 29, 2010

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the following minutes:

ORGANIZATIONAL MEETING - APRIL 5, 2010

CORRESPONDENCE: Mayor Winters said the Village has received the following correspondence and it is available for review in the Clerk's Office:

INCOMING

- Planning Board Minutes – March 11, 2010
- Zoning Board Minutes – March 29, 2010
- Memorandum from County of Sullivan Re: Litterpluck 3/19/2010
- Letter from Office of the State Comptroller Re: Justice Courts 2/11/09
- Letter from NYS Re: \$5,000 Grant 3/17/10
- Letter from AFR Engineering 3/25/10
- Letter from CDC Minutes 3/10/10
- Memo from H. Strauch – Liberty CDC Re: Project Updates 4/17/10
- Account Balances – Micro Enterprise Loans
- Letter from Pizza Hut Re: License Renewal 3/30/10

- Letter from Liberty Oriental Buffet Cop. 5/9/10

PUBLIC Mayor Winters opened the meeting to comments from the Public.

COMMENTS:

Henrich Strauch - Liberty CDC

Henrich discussed his Project Status Report that he had supplied to each Board Member. He asked them to let him know if they had any questions.

James Gordon (Agent for Mark Hersh) complained about the dog feces on Main Street.

Mayor Winters said there is a Village Ordinance regarding dogs; however catching the violators is not always easy.

James Gordon said he would also watch for the problem ones.

James Gordon publicly thanked the Fire Department for coming out to one of Mark's buildings on Saturday as a public service call due to a façade that was coming loose on the building.

ATTORNEY Attorney Chapman discussed the litigation with RSS Realty and S & S
COMMENTS: Waverly informing the Board that the Village won the 2005 tax matter so nothing would have to be paid back and the 2009 taxes remain unpaid and they will be filing a grievance with the Assessor for a reduction on their assessment.

Attorney Chapman also informed the Board that the Village is make good progress with Liberty Main Street LLC regarding the bed bug issue and boiler issue.

TREAS. REPORT: Treasurer Zurawski reported on the following:

- Said Tax Collection is still lagging from last year this time, with approximately \$150,459.53 less collected this year this time.
- After much effort by the Office (sending extra letters, etc) we collected \$73,887.40 in taxes from the last two years plus penalties.
- Informed the Board that the County foreclosure redemption period has ended and that of the twenty-two parcels that were up for tax sale, several have paid and some have entered into installment agreements leaving only a small amount for the tax auction.

TABLED BUSINESS: UPDATE ON ADA COMPLIANCE

Henrich informed the Board that the handicapped bathrooms are completed with the exception of signage and a couple of minor things.

Henrich said a decision would have to be made as to if we need a fully automated front door or if the USDA will accept an alternative, such as a call button.

UPDATE ON PREPLANNING GRANT FOR WASTE WATER TREATMENT PLANT

Mayor Winters explained that the previous Board has authorized him to sign the contract with Delaware Engineering for the Preplanning Grant for the Waste Water Treatment Plant however he did not want to precede until the new members of the Board reviewed the matter.

Trustee Stoddard said since the window to receive this type of funding is small she would rather not wait on the matter.

The Board told Mayor Winters to sign the documents and return them to Delaware Engineering.

CONSIDER REQUEST FROM H. RAMPE RE: ALBION STREET BUILDING LOT

CONSIDER THE VILLAGE AS LEAD AGENCY FOR THIS UNLISTED ACTION

RESOL. # 13-2010: Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried approving Resolution #13-2010.

RESOLVED, that the Village of Liberty Board of Trustees declares its intent to serve as Lead Agency for the purpose of SEQRA for the unlisted action of authorizing the sale of certain property described generally as a 50 +/- strip of land on Albion Street which will be declared surplus and put up for sale. The strip is located adjacent to the parcel known as 33 Albion Street.

NEGATIVE DECLARATION

RESOL.# 14-2010: Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Resolution #14-2010.

RESOLVED, that the Village of Liberty Board of Trustees, having considered the requirements of the SEQRA hereby issue a negative declaration for the proposed action.

DECLARE PROPERTY AS SURPLUS

RESOL. # 15-2010: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Resolution #15-2010.

RESOLVED, that the Village of Liberty Board of Trustees declares as surplus and available for purchase certain real property described as follows:

A 50 foot strip of land on Albion Street adjacent to 33 Albion Street to be described in a deed satisfactory to the Village Attorney), which declaration is conditioned upon the following:

- **Price:** The Price for the purchase and sale shall be an amount to be agreed upon by the Village Board all prospective bidders of not less than an appraisal price accepted by the Village;
- The Village Attorney shall determine that the remaining Village owned parcel will meet the minimum zoning requirements as a buildable lot and shall be otherwise suitable to allow for the location of a water storage tank;
- That the purchaser agrees to offer an easement for the Village's access and use in a manner which is satisfactory to the Village Attorney;
- The purchaser shall record a covenant binding their successors, heirs, and assigns to not protest or object to any setback on any construction done on the remaining village property by or at the request of the Village of Liberty;
- Purchases of the lot shall record a covenant that the Property being sold by the Village will not be built by any purchases, heir, success or assign except for an above or in ground pool which, if necessary, the Village shall have a superior easement over.

NEW BUSINESS: CONSIDER AWARDING TIMBER HARVEST BID FOR VILLAGE OF LIBERTY WATER DEPARTMENT, TAX MAP #18-1-1

JOHN ZYLSTRA - AZIMUTH FORESTRY SERVICES LLC

John Zylstra discussed the harvesting of timber on Tax Map #18-1-1 recently put out to bid by the Village of Liberty. He warned the Board of a sustainable harvest, which could be done in another fifteen (15) years, versus an extreme harvest in which another timber sale could not be done for thirty (30) years. He said the way the bid was advertised that the Village would not be able to harvest logs again for the thirty (30) year period.

MATTHEW KARP - THE WAGER COMPANIES

Matthew Karp (Supervisor of the Harvest Operations) of the Wagner Companies explained that his company has the highest bid offer and that they have no interest in taking any trees that are less than fourteen (14)

inches in diameter and chest height. He said he would be willing to have this written into the contract that is drawn up if the Village accepts Wagner's bid.

CONSIDER AWARD OF BID

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Resolution#16-2010.

RESOL. # 16-2010: RESOLVED, that the Village of Liberty Board of Trustees declares its intent to be lead agency for the timber harvest (logging on Tax Map #18-1-1) previously put out to bid on March 23, 2010 (11:00 a.m.) and resolves to award such contract to the Wagner Companies subject to the agreement of a contract between the Village of Liberty and The Wagner Companies subject to negotiation and approval by the Village Attorney; and subject to the issuance of a negative declaration under SEQRA after review by the Village's Attorney and Forester; and subject to the requirement no timber be taken except that which is at least fourteen (14) inches at chest level and as otherwise marked and approved by the Village's consulting Forester; John Zylstra who shall be paid a fee of six (6) percent of the amount ultimately paid through the timber harvest.

NOW THEREFORE BE IT RESOLVED THAT, the timber sales (logging) bid for Tax Map #18-1-1 from The Wagner Companies of 4060 Gaskill Road, Owego, New York in the amount of \$146,210.00 will be accepted pursuant to the conditions listed above.

All bids received are as follows:

The Wagner Companies 4060 Gaskill Road Owego, NY 13827	\$146,210.00
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Dutcher Logging 137 Castle Hill Road Parksville, NY 12768	\$126,001.00
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CONSIDER APPROVAL OF FORESTER - AZIMUTH FORESTRY SERVICE -
JOHN P. ZYLSTRA

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to use the services of Azimuth Forestry Service, LLC; John Zylstra, Forester to work with The Wagner Companies of Owego NY for the timber sales (logging) of Tax Map #18-1-1 owned by the Village of Liberty. Mr. Zylstra will be paid a fee of six (6) percent of the amount of the timber sales bid in accordance with Resolution 16-2010.

PRESENTATION FROM NY LIFE/MR. KAPLAN RE: EMPLOYEE BENEFITS

Michael Kaplan (Financial Services Professional/NY Life) discussed some of the services they have available to municipal employees (and their families) at no cost to the municipality. He said they could offer such services as Life Insurance, Disability, Pension Funds and Deferred Comp Programs thru a payroll deduction program.

Clerk/Treasurer Zurawski said that the Village already has a program set up with NY Life and several employees are taking advantage of their services.

Mr. Kaplan said he would get in touch with the agent we are currently using to discuss this matter and possibly visit with each employee to see if they have any other needs that NY Life can help them with.

CONSIDER SETTING DATES FROM SPRING 2010 CLEANUP

RESOL. # Motion by Trustee Stoddard, seconded by Trustee Lindsley and
17-2010: unanimously carried approving Resolution # 17-2010:

**VILLAGE OF LIBERTY
2010 SPRING CLEAN UP**

Saturday, May 1st^h

Sunday, May 2nd

Monday, May 3rd

Tuesday, May 4th

Wednesday, May 5th

Thursday, May 6th

Friday, May 7th

Saturday, May 8th

Sunday, May 9th

VILLAGE RESIDENTS ONLY – NO COMMERCIAL

All items for clean up must be taken by Village Residents to the Village of Liberty Street Department garage on Elm Street (by M&M Pontiac Buick Cadillac). No items will be accepted without a permit, which must be obtained at the Village Clerk's Office. The permit can be obtained Monday-Friday, 8:00 A.M. to 4:00 P.M.

METAL WILL BE ACCEPTED. NO large stumps or rocks. **NO** household garbage. **NO** batteries. **NO** tires. **NO** hazardous waste. **NO** yard debris. **No** Fuel Tanks, Oil Drums and Propane Tanks. **NO** Electronic Equipment

except VCR's

Village crews **will not** make pick-ups at individual residences and the Sanitation Department will **not** take items left out for clean up.

Monday, May 3rd - Friday May 7th 6:30 A.M.-2:30 P.M.

Saturday, May 1st and Saturday, May 8th 6:30 A.M.-12:00 P.M.

Sunday, May 2nd - and Sunday, May 9th 8:00 A.M. - 12:00 P.M

CONSIDER ADOPTION OF LOCAL LAW #2-2010 – ZONING LAW AMENDMENT

Attorney Chapman said this matter could not be acted upon until a 239-m review is completed.

Mayor Winters said this matter would be tabled and if any issues arise with it in the future the petitioner can file for an area variance.

CONSIDER GOING OUT FOR REQUEST FOR PROPOSAL FOR VILLAGE OF LIBERTY INSURANCE PROPOSALS

The Board discussed the fact that insurance proposals are best bid every two years and that they would not request proposals this year.

Mayor Winters did ask if deductibles could be changed to save money.

CONSIDER SETTING ADDITIONAL WORKSESSION, PUBLIC HEARING AND SPECIAL MEETING TO ADOPT 2010/2011 VILLAGE OF LIBERTY BUDGET.

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried to hold a Budget Worksession Meeting for the 2010/2011 budget on April 15, 2010 at 6:30 p.m.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to hold a Public Hearing Meeting for the 2010/2011 budget on Monday, April 26, 2010 at 7:00 p.m.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to hold a Special Meeting to consider the adoption of the 2010/2011 Village of Liberty Budget on Monday, April 26, 2010 at 7:15 p.m.

CONSIDER NEW MEMBERS FOR LOAN COMMITTEE

Mayor Winters announced the Loan Committee would consist of Trustee Lindsley and Trustee Alvarez.

CONSIDER NEW MEMBER FOR COMPREHENSIVE PLAN REVIEW COMMITTEE

Henrich Strauch explained that this committee is joint with the Town of Liberty and that Supervisor John Schmidt and Dean Ferrand are the Town Committee Members.

Mayor Winters said that the Village representatives would be himself and Trustee McGuire.

CONSIDER NEW MEMBER FOR COMMUNITY DEVELOPMENT CORPORATION BOARD

Mayor Winters said the new member for the Community Development Board would be Trustee Joan Stoddard.

CONSIDER NEW MEMBER FOR PLANNING BOARD (DUE TO RESIGNATION OF JOHN NICHOLS)

RESOL. # 18-2010 Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Resolution #18-2010.

RESOLVED, the Board of Trustees of the Village of Liberty approves the following appointment:

PLANNING BOARD – DANIEL RATNER – EXPIRES APRIL 2014

CONSIDER MONTHLY BOARD MEETING DATES FOR VILLAGE BOARD OF TRUSTEES

RESOL.# 19-2010: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Resolution #19-2010.

MONTHLY RESOLVED, the Village of Liberty Board of Trustee approves the following **MEETINGS:** monthly meetings:

REGULAR MEETINGS – Second Monday of each month at 7:00 p.m.

DEPARTMENT HEAD MEETINGS – First Monday of each month at 8:00 a.m.

CONSIDER ADVERTISING IN CATSKILL DELAWARE SUMMER MAGAZINE

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving an advertisement in the Catskill Delaware Summer Magazine. This advertisement will be approximately \$330.00.

CONSIDER RESOLUTION FOR 2010 NYS DHCR MAIN STREET GRANT PROGRAM

Henrich Strauch explained that the NYS Office of Community Renewal is inviting applications under the 2010 NYS Main Street Grant program, with a deadline of April 24th. The Liberty CDC, on behalf of the Village of Liberty, will submit an application for a \$500,000 Main Street program to support collaborating property owners along a Main Street corridor from the South Main/Mill Street intersection up to North Main/Buckley Street. The program will allow the Village to distribute grants to property owners who pass certain eligibility requirements and provide 25% match funding of their own. The maximum grant amounts per property are \$50,000 per commercial space, \$25,000 per residential unit, and a combined max of \$150,000 per building, or up to 75% of total project. An information session with interested property owners is scheduled for April 14, notifications went out by mail on April 2nd.

The Village is not required to provide any matching funds, however a supporting resolution is required.

RESOL.# Motion by Trustee Stoddard, seconded by Trustee McGuire and
20-2010: unanimously carried approving Resolution #20-2010.

WHEREAS, the New York State Housing Trust Corporation's Office of Community Renewal has issued a request for the 2010 New York Main Street Program; and

WHEREAS, such program provides state monies to assist New York communities with their Main Street and downtown revitalization efforts; and

WHEREAS, the Liberty Community Development Corporation proposes to submit an application for \$500,000 to fund a Village of Liberty Main Street Program;

NOW, THEREFORE BE IT RESOLVED, that the Village of Liberty supports the above referenced application

CONSIDER SEWER CREDIT FOR ACCOUNT #6-3600/GAREWAL

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving a sewer credit of \$519.53 for Mr. Garewel, Account #6-3600 (343 Chestnut Street. Mr. Garewel had a pipe freeze and break and the water did not go into the Village's sewer system (verified by Water Department).

CONFIRM TEA PARTY/SPECIAL EVENT FOR APRIL 17TH IN MUNICIPAL PARKING LOT

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving an Event Permit for April 17, 2010 to hold a Tax Day Tea Party at the Municipal Parking Lot on Darbee Lane provided that the Village's Insurance will cover said event.

CONSIDER ALLOWING EMPLOYEES TO CARRY OVER VACATION TIME

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following vacation carryovers for Village of Liberty employees:

JOHN PICARD - 51.5 days

LILLIAN RUBIO - 48 days

REVIEW AND CONSIDER ANY CHANGES TO THE PROCUREMENT POLICY

RESOL.# Motion by Trustee Stoddard, seconded by Trustee Lindsley and
21-2010: unanimously carried approving Resolution #21-2010:

**VILLAGE OF LIBERTY
PROCUREMENT POLICY**

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 Village of Liberty involved in the procurement process, now, therefore, be it

RESOLVED, that the Village of Liberty 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 VILLAGE OF LIBERTY

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 be reasonably 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; 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, 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 prices and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contracts over \$20,000; 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 of Purchase Contract	Method
\$750 - \$2,999	2 verbal quotations
\$3,000 - \$9,999	3 written/fax quotations or written request for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$750 - \$2,999	2 verbal quotations
\$3,000 - \$4,999	2 written/fax quotations
\$5,000 - \$19,999	3 written/fax quotations or written request for

proposals

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 connection with each procurement.
5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror 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 procurements 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 Village of Liberty 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, 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 Village Board of Trustees shall take into consideration the following guidelines: (a) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (b) whether the services require a personal relationship between individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of any attorney; services of any 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 art work; management of municipally owned property; and computer

software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged 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 preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is 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 \$750. 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 interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

This policy shall go into effect immediately and will be reviewed annually.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee Stoddard discussed the following issues:

- Asked Attorney Chapman to check the status of Ideal Snacks with the IDA as they had not paid their taxes and in turn the Village was not paid the \$93,000 due them in December.
- Asked Attorney Chapman about the on going unemployment case with a former Village employee.
- Volunteered to be a liaison to the Town of Liberty Board and attend their meetings.

Trustee McGuire – No Comment

Trustee Lindsley said the Village Board is working very hard on the upcoming budget and trying to keep the increase very minimal.

Mayor Winters said he is working with Peter Parks to try to keep the Village cleaned up. He said he has been washing sidewalks on Main Street.

APPROVAL Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously
OF BILLS carried approving Voucher #90-961 to Voucher #91-065 in the amount of
FOR PYMT \$143,283.39.

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously
carried approving Post Audit Voucher #9-950 to Voucher #9-960 in the
amount of \$304,471.52.

EXECUTIVE Motion by Trustee Stoddard, seconded by Trustee Lindsley and
SESSION: unanimously carried to go into Executive Session at 8:35 p.m. to discuss
pending litigation with the Village Attorney.

Motion by Trustee Lindsley, seconded by Trustee Stoddard and
unanimously carried to come out of Executive Session at 9:00 p.m.

AJOURN: Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously
carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 8:35 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER