

REGULAR MEETING

May 2, 2024

The Board of Trustees held the Regular Meeting on May 2, 2024 at the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Joan Stoddard opened the meeting with the Pledge of Allegiance.

PRESENT: Mayor Joan Stoddard, Trustee Ernest Feasel, Trustee Eveleese Lake and Trustee Jayneen Mills. Also Present: Judy Zurawski, Clerk/Treasurer

ABSENT: Deputy Mayor/Trustee Robert Mir and Gary Silver, Attorney for the Village

ALSO PRESENT: David Burke (Director of D.P.W.), Police Chief Steven D'Agata, Motty Heimlich, Abraham Weberman, Bruce Davidson and Supervisor Frank DeMayo

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

PUBLIC HEARING	-	APRIL 18, 2024 RE: BUDGET 24/25
PUBLIC HEARING	-	APRIL 18, 2024 RE: CDBG 2024
WORK SESSION MEETING	-	APRIL 18, 2024
SPECIAL MEETING	-	APRIL 22, 2024

CORRESPONDENCE: Mayor Stoddard said the Village received the following correspondence during this time frame.

❖ **Street Light Report from PO Vogler Liberty Police Department**

PUBLIC COMMENT: Mayor Stoddard opened the meeting to comments from the Public.

PRESENTATION – LUIS ALVAREZ/EDWARD MCANDREW

Edward McAndrew (Commissioner of Public Works) discussed the Village's recycling trends for the last few years which are trending downward, but he stated we are still the leading recycler in the County. He said in checking with his staff, they informed him that very little of our recycling is rejected and put with the garbage.

Edward further explained that once China stopped accepting recyclables a couple of years ago the market became very limited and that it actually costs the County money to sell the recyclables to a company in Beacon (\$170/ton).

David Burke said he would work with the DPW and County to come up with the best solutions for recycling.

Frank DeMayo addressed the following topics:

- ❖ Discussed the Grant they received for Creekside Park and the fact they have begun to remove the concrete hood and asked if the Village could come in with their skid steer and scoop up the remaining blacktop.

David Burke said he would coordinate with the Village and Town to get the work done.

- ❖ Asked if the Village Code Officer could look at the Old Theater Building on North Main Street. He said he it has leaks and there are trees and bushes growing out of the sides of it.
- ❖ Said he is working on a NY Forward Grant and he would like to get a copy of the permits and Certificate of Occupancies that the Village Code Enforcement Officers have issued for the last five years.

Mayor Stoddard said they do a yearly report so she should be able to provide that information to him.

Bruce Davidson (Village Business Owner) discussed the 2024-25 Village Budget.

ATTORNEY Attorney Silver was not in attendance.

COMMENTS:

TREAS. REPORT: Treasurer Zurawski said she will complete her report for the next meeting as her office was still closing out and preparing everything for tax bill printing.

Treasurer Zurawski reported that as of the beginning of the fiscal year water/sewer customers will be able to pay their bills online thru the Village website.

TABLED BUSINESS: UPDATE ON INTERMUNCIPAL AGREEMENT RE: SEWER DISTRICT 26-1-59

Mayor Stoddard said this agreement was nearing completion.

DISCUSS OUTSTANDING ACCOUNTS RECEIVABLE BILL – LIBERTY FIRE DEPARTMENT

Mayor Stoddard said she may have Trustee Mir have discussions with the fire department regarding this outstanding bill.

PROCUREMENT POLICY

**RESOL.
20-2024**

Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving Resolution #20-2024.

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 \$20,000 and public works contracts under \$35,000; 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 services 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 \$20,000 and public works contracts over \$35,000; 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:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$999 - \$3,499.99	2 written/fax quotations Including shipping
\$3,500 - \$19,999	3 written/fax quotations Including Shipping

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$999 - \$4,999.99	2 written/fax quotations Including Shipping
\$5,000 - \$34,999	3 written/fax quotations Including Shipping

All quotes of \$999 and above must be approved by the Department Liaison before the purchase and payment of the product can be made.

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 is 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, judgement, 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 \$999. 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.

7. Equal Opportunity Employer

- a. Pursuant to Article 15 of the Executive Law and all other State and Federal statutory and constitutional non-discrimination provisions, the Village of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status.

8. Equal Opportunity for Minorities and Women

- a. The Village of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities with discrimination.

9. Business

- a. Pursuant to Section 3 (CFR 85.36) of the Housing and Urban Development Act of 1968, the Village of Liberty will ensure that employment and other economic opportunities will be available to low-moderate income families and businesses and that all procurement transactions will be conducted in a competitive manner.

NEW CONSIDER TAXI LICENSE

BUSINESS:

RESOL.# Motion by Trustee Lake, seconded by Trustee Mills and unanimously
21-2024: carried approving Resolution #21-2024

WHEREAS, the applications for taxicab licenses (also known as Taxicab permits, such terms being intended to describe the license or permit described as a taxicab permit in the definitions provision in Article 1, Section 75-1 of Chapter 75 of the Village Code), having been submitted by the attached taxi company's pursuant to the Village Code, such as Sections 75-1 75-1.1, and 75-2 of the Village of Liberty Village Code; and

WHEREAS, the Village Code provides that the existing taxicab permits expire annually on May 31; and

WHEREAS, all permits for taxicab licenses are due to expire June 1, 2024;

WHEREAS, one taxi license has been reviewed by the Village of Liberty Police and are now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues a taxicab permit (also known as a Taxicab license) for the annexed applicant (said taxicab license not to be confused with the taxicab driver's license issued under Article II of Chapter 75 of the Village Code); and be it further

RESOLVED, that for reference purposes, the one license/permit is for:

Geez Car Service - License #23

CONSIDER POSSIBLE DONATION OF SMALL PARCEL OF LAND /SCHOOL - TAX MAP #108.-6-39

Mayor Stoddard discussed the very small piece of land that we own that is adjacent to the school's property. She asked the Board if they are in agreement to donate the land to the school.

The Board was in agreement and Mayor Stoddard said she would discuss the matter with Village Attorney, Gary Silver.

CONSIDER EVENT PERMT - SOAP BOX DERBY

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried approving the Event Permit for the Soap Box Derby scheduled for June 1st on North Main Street.

The event is sponsored by the Sullivan County Soapbox Derby.

A rain date of June 2nd has been set.

CONSIDER MOVING BUS STOP TO OBERFERST STREET

Mayor Stoddard said that Attorney Silver has been in contact with NYCOM to receive information on this subject and he will discuss it at the next meeting.

CONSIDER TAX INSTALLMENT - 129.-2-1

Treasurer Zurawski discussed the taxes due for Tax Map 129.-2-1, which date back as far as 2012/13 and are in the amount of \$82,770.52 (including penalties). The owner, Yobani Jaquez, had been in an agreement with the bankruptcy courts but did not keep up with the terms and was terminated. His daughter is taking over the business and would like the father to enter into another agreement with the Village and she would make sure the payments are made each month.

Treasurer Zurawski said the down payment will be over \$20,000 with monthly payments for 24 months of approximately \$2,900.

The Board said they are willing to try another installment to recoup the delinquent taxes.

DISCUSSION OF NEW MORATORIUM LAW – AQUIFER PROTECTION OVERLAY ZONE

Mayor Stoddard said this moratorium law is due to expire in July and will have to be sent to the County for a 239-m review before a new law can be considered.

Attorney Silver will be addressing a proposed new law.

CONSIDER AGREEMENT WITH MARK BLAUER DBA BLAUER ASSOCIATES FOR PREPARATION OF SMALL CTIES BLOCK GRANT APPLICATION

RESOL# 22-2024: Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving Resolution #22-2024.

WHEREAS, the Village wishes to engage Mark Blauer dba Blauer Associates to apply for Fiscal Year 2024 grant funds to the New York State Office of Community Renewal (OCR) Community Development Block Grant Small Cities Program, and

WHEREAS, Blauer Associates has offered to assist the Village in performing such services as may be required to develop and produce a Community Development Block Grant Small Cities application for submission prior to the 2024 Consolidated Funding Application deadline and

WHEREAS, the term of this Agreement will be May 1, 2024 to December 31, 2024 at a fee of \$3,750;

NOW, BE IT RESOLVED the Board of Trustees authorizes Mayor Stoddard to execute said agreement with Mark Blauer dba as Blauer Associates.

PUBLIC COMMENT: Mayor Stoddard opened the meeting to comments from the Public.

There were no comments from the Board.

TRUSTEE REPORTS: Mayor Stoddard opened up the meeting to comments from the Board.

Trustee Lake – No Comment

Trustee Mills – No Comment

Trustee Feasel – No Comment

Mayor Stoddard commented on the following:

- ❖ Said Attorney Silver has been checking with NYCOM about reducing the speed on North Main Street.
- ❖ Has been trying to touch base with our insurance agent regarding the

Harris Funeral Home claim

**APPROVAL POST AUDIT VOUCHERS
OF BILLS**

FOR PYMT: Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried approving Voucher #1008 to Voucher #1018 in the amount of \$550,094.59.

CDBG BILLS FOR PAYMENT

Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving the following CDGG bill for payment:

Drawdown #2	-	642PR120-23
Delaware Engineering	-	\$40,902.50

EXECUTIVE SESSION: Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to go into Executive session at 7:45 p.m. to discuss Waste Water Treatment Plant/Police potential employees.

Motion by Trustee Lake, seconded by Trustee Mills and unanimously carried to come out of Executive Session at 8:25 p.m.

ADJOURN: Motion by Trustee Lake seconded by Trustee Feasel and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 8:26 P.M.

RESPECTFULLY SUBMITTED,

JUDY H. ZURAWSKI, CLERK/TREASURER