**REGULAR MEETING**

APRIL 9, 2013

# The Board of Trustees held the Regular Meeting of April 9, 2013 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Daniel J. Ratner Sr. opened the meeting with the Pledge of

Allegiance.

**PRESENT:** Mayor Daniel J. Ratner Sr., Trustee Joan Stoddard, Trustee Corinne McGuire, Trustee Ronald Stabak and Trustee Luis Alvarez. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO** David Ohman (Delaware Engineering), Police Chief Scott Kinne,

**PRESENT:**  Police Detective Steven D’Agata,

**APPROVAL** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**OF** unanimously carried approving the following minutes:

**MINUTES:**

REGULAR MEETING – MARCH 11, 2013

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

PUBLIC HEARING – MARCH 11, 2013 RE; CULVERTS

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

PUBLIC HEARING – MARCH 11, 2013 RE: TAX LEVY LIMITS

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

ORGANIZATIONAL MEETING – APRIL 1, 2013

**CORRES-** Mayor Ratner said the Village has received the following correspondence

**PONDENCE**:and it is available in the Clerk’s Office:

INCOMING

* Letter from FEMA Re: Money Rcd from Hurricane Sandy 3.18.13
* Letter from SC Legislature Re: DOL 3.21.13
* Letter from NYS Re: Exit 100 3.25.13

**PUBLIC** Mayor Ratner opened the meeting to comments from the Public.

**COMMENTS**:

Henrich Strauch – Liberty CDC

Henrich updated the Board on the Touch-A-Truck Event that is scheduled for May 18th at the White Sulphur Springs Fire Park. He said currently they have eight (8) sponsors and twenty (20) Exhibitors. He said they hope to get to forty (40) or fifty (50) exhibitors.

Henrich informed the Board that he has met with BOCES and they are fairly committed to work on the construction of the skate park in the spring. He said this would help greatly with the construction budget.

Mayor Ratner asked if a sign could be put up indicating it is the future home of the Skate Park.

**ATTORNEY**  Mayor Ratner said there would be no comments until later in the meeting.

**COMMENTS:**

**TREAS.** TREASURER’S REPORT FROM MARCH 31, 2013

**REPORT:**

Treasurer Zurawski gave a written report to the Board which included the following:

* List of Current Taxes, which as of 03/31/2013 is $339,799.09 uncollected
* List of Delinquent Taxes, which as of 03/31/13 is $493,345.10
* Financial Comparison of General, Water, Sewer and Sanitation
* Starting and Ending Central Check Numbers for March
* Starting April 2013 Central Check #8969
* The Court Revenue received from the Town of Liberty for February, which is $830.00
* List of CDBG loans, the payment status of each one and recommendations.
* Budget Master File Reposts – Revenue/Expenditures for March 31, 2013
* The next meetings for the Village will be:

**Tuesday, April 23, 2013 – Regular Meeting**

**Monday, April 29, 2013 – Joint Meeting with Town**

The Board also discussed the financial operation of the Village until the end of this fiscal year (May 31, 2013) and the fact that the spending will have to be on an as needed basis and approved by each liaison.

**TABLED UPDATE ON RENOVAH HILL WATER TANK PROJECT – D. OHMAN/**

**BUSINESS: DELAWARE ENGINEERING:**

David Ohman of Delaware Engineering updated the Board and Public on the Water Tank Project:

* Received Letter of Conditions (dated November 27, 2012 and letter dated December 21, 2012 advising Village of what has to be done before bidding and construction can take place.
  + Updated matrix spreadsheet with tasks and schedule of work to be done is completed.
  + Judy and Mark Blauer have worked through and submitted a number of the items required prior to bidding
  + Working with Mark Blauer to respond to George Popp’s February 20 e-mail inquiry on the outstanding items – conference call on April 5th.
* Design work and preparation of plans and specifications for the project is underway
  + This is a key element as USDA RD and NYSDOH needs to review and approve the design and contract documents (plans and specifications) before project can go out to bid.
  + Reviewing revised site layout with Ken Hessinger
  + Obtaining updated tank design/layout information from DN Tanks
  + Finalizing site layout and needs with Ken Hessinger
  + Plan to submit design to USDA and NYSDOH by end of month
  + Current schedule is to go to bid June 2013 with construction beginning in July 2013
* Anticipated funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2%
* $11,000 local
* Ken Hessinger developing some pricing to put in new access road culvert, backfill and rip rap in stream between existing and new tanks – to provide access to the new tank.
  + Recommend to add in some cost for this Village work to the upcoming budget.

**WWTP IMPROVEMENTS PROJECT – ADD’L EMERGENCY WWTP WORK – PHASE II**

* Work by Ross Electric – Electrical Construction
  + All planned work is complete
* Work by TAM Enterprises – General Construction
* WWTP is running Oxidation Ditch 2 on new equipment
  + Work anticipated to be 100% complete by end of May
    - Base Contract Equipment related items to done by end of April
    - Site restoration and any new change order work by end of May
  + Equipment Items – All equipment is installed
    - System startup was performed March 11, 12, 13 and 14 with Sanitare, D.W. Martine Associated (Kawser blowers representative), WWTP Staff, General Contractor, and Engineer.
    - Project punch list items are being addressed with General Contractor and Sanitaire.
      * SCADA/PLC system program issues cleanup
      * Equipment and electrical switch labeling
      * Site restoration
    - Possible changes to address some small WWTP items being considered.

**Contractor Payment Requests:**

* Ross Electric:
  + Ross has submitted their Final Payment Request for retainage
    - Pay application submittal and recommendation to be sent to Judy under separate cover; waiting on certified payroll
  + We have reviewed their submittal and agree with the level of work completed to date (100% complete) and the costs presented therein. The final payment to Ross Electric was approved at the March 11th meeting and the payment will now be released as the certified payroll has been received.

**TAM Enterprises Inc.**

* TAM has submitted Payment Request No. 4
* We have reviewed their submittal and agree with the level of work completed to date (approximately 90% complete) and the costs presented therein. **Therefore we recommend that Village resolve to authorize the Village Clerk to provide payment to TAM in the amount of equal to $75,795.75 – for a total contract cost paid to date of $730,608.90 (93% of the contract price) with a balance to finish, including retainage, of $51,203.10**

Project Changes:

* TAM Enterprises:
  + General Contract Change Order No. 1 – Manual Transfer Switch
    - Village resolved last month to accept VL2-G-12 – General Contract Change Order No. 1 and authorized Village Mayor to sign for the quoted price of $3,500 and a revised contract price of $781,812.00. Work Complete.
  + Note: Work Item #35 Main Level Access Hatch Modification for the Installation of Blowers at a quoted price of $8,500 was not required and can be used as a credit or applied to other change order work. VL2-G-12 General Contract Change Order No. 2 – Manual Transfer Switch at a quoted price of $3,500 has already been deducted from the available credit, $5,000 remains.
  + Final Over/Under Change Order
    - Delaware is working with TAM and the Village to come up with possible change order work that remaining credit can be applies to review with the Village Board – possible items
      * Exterior blower intake piping change (provide downturn fitting rather than inlet filters)
      * Patching up some piping and/or skirts in secondary clarifiers
      * Maintenance pit between Storm water Basin and Ox Ditch no. 1 – install a plate to prevent stormwater from flowing the ox ditch maintenance pit (currently using plywood).

Cost Summary –

* Review of Phase 1 ad 2 work and Planned Remaining Phase 3 CDBG work – see attached summary and detailed tables.

**NEAR TERM WWTP IMPROVEMENTS – OXIDATION DITCH AERATOR AND INFLUENT SCREENS**

* CDBG Application submitted on July 12 for a $600,000 grant was successful
* Work follows through with emergency work (Phase 1 and 2) to complete the Near Term Improvements.
* Key elements of work includes:
  + Oxidation Ditch 1
    - Put in aeration grid
    - Put in second submersible mixer
  + New Influent Mechanical Bar Screens and Building
  + Minor changes in Influent Building (HVAC mods, etc.)
* Mark Blauer developing items to go back to CDBG and overall schedule
  + - Environmental work and design/bid – now thru May 2013
    - Contract Award/Shop Drawings – June – July
    - On site Work – July 2013 – June 2014
      * New influent screens take four months to manufacture after shop dwgs get approved
* Delaware preparing project cost summary (work completed to date plus what’s left to do) and description of remaining work to be completed for Mark to use for CDBG submission; sent to CDBG two weeks ago
* Remaining construction work will need to be bid
* Delaware working with Mark to determine bid document requirements
  + Small Cities will need to review and approve the project specs
  + No NYSDEC review or approval needed
* Looking at Environmental review req’ts

**GRIEBEL PARK DAM – UPDATE FROM DELAWARE ENGINEERING**

Dave Ohman of Delaware Engineering reported as follows:

* Delaware is working with Sullivan County Soil and Water Conservation District (SCSWCD) and NYSDEC Dams Department reviewing the information that SCSWCD has submitted NYSDEC.
  + NYSDEC needs hydraulic analysis and steam bed design conducted to confirm that the new steam bed will convey the 100 year storm event
  + Need to move the embankment into the current pond area and establish the new streambed – may not have enough on-site material.
  + The last week of February we had REGEN, LLC do site surveying to gather some elevation and location information for the stream in and out of the pond, the embankment and the pond depth so that we can run Hydro CAD.
  + Once data/drawing is provided we can start looking at hydraulic analysis and relocation of stream bed.

**WATER CODE UPDATE FOR WATER METERS AND SERVICES**

David Ohman of Delaware Engineering reported on the following:

* Drawings with details and schedule of requirements for different sizes services under development and being reviewed by Ken Hessinger
* These will be technical specs/information that can be referenced by the code and periodically updated within having to substantially modify the code.

**DELAWARE RIVER BASIN COMMISSION (DRBC) NEEDS**

* Water Supply Application was prepared and submitted to DRBC on February 1, 2013.
* No response to date from DRBC

**IDEAL SNACKS**

David Ohman of Delaware Engineering reported:

* Elm Street pump station experienced an alarm last week; pump clogging.
* Staff went in and restarted pumps and cleared blockage
* Village Attorney contacted Ideal Snacks since there had been no response to date from Ideal Snacks to December 2012 letter requesting that they agree to pay for the pump station and force main closing.

**CONSIDER PROPOSED LOCAL LAW #2-2013 – ANNEXATION OF IDEAL SNACKS**

This item was tabled until Attorney Silver can review the file and the information on the matter.

**CONSIDER REQUEST FROM SUREWAY TAXI – TAXI ORDINANCE**

At the March 11th meeting the Board of Trustees and Police Chief discussed the changes that were being considered, which include the following:

* Having a Sergeant sign off on hack licenses if the Chief is not available to sign.
* Consider changing the plastic medallions that are issued each year for the taxi licenses to numbering on the taxicab. The number would be required to be a certain size, color and placed on the same spot on each taxicab. The number would be issued by the Village; however it would be up to the taxicab owners to pay for and have it decaled on their taxicabs.

Mayor Ratner said he would **table** this matter and review it with Attorney Silver and discuss it further once the Attorney has had a chance to look at this matter.

**NEW CONSIDER REVISED PROCUREMENT POLICY**

**BUSINESS:**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**26-2013:** unanimously carried approving Resolution #26 -2013.

# **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 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 $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:

1. 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 written/fax quotations

Including shipping

$3,000 - $9,999 3 written/fax quotations

Including Shipping

Estimated Amount of Public Works Contract Method

$750 -$4,999 2 written/fax quotations

Including Shipping

$5,000 - $34,999 3 written/fax quotations

Including Shipping

All quotes of $750 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.

1. 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.

1. 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:

1. 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.

1. 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.

1. 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.

1. 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.

**CONSIDER EVENT PERMIT FOR LITTLE LEAGUE PARADE – MAY 11, 2013**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a PARADE PERMIT for the Annual Little League Parade to be held on Saturday, May 11, 2013 sponsored by the Liberty CDC and Liberty Little League.

**CONSIDER EVENT AND PARADE PERMIT FOR THE JULY 4TH CELEBRATION**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving an EVENT PERMIT and a PARADE PERMIT for the 20th Annual Summer Celebration sponsored by the Liberty Chamber of Commerce to be held July 4th.

**CONSIDER PENALTY CREDIT FOR TAX BILL – S.B.L.#108-6-38**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried authorizing Mayor Ratner to send a letter to Liberty Market Realty requesting more information so a decision can be made.

**CONSIDER JOINT MEETING WITH THE TOWN OF LIBERTY FOR MONDAY, APRIL 29, 2013**

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried approving a Joint Meeting with the Town of Liberty on Monday, April 29, 2013 at 6:00 p.m. This meeting will be held at the Town Government Center, 120 North Main Street, Liberty, New York.

**CONSIDER RESOLUTION -**  **WATER PLANT OPERATOR(S)**

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**27-2013:** unanimously carried approving Resolution #27-2013.

**WHEREAS**, the Village of Liberty must have two Class 2A Water Operators;

**WHEREAS**, Richard Winters (Former Mayor of the Village of Liberty) is willing to do the certification as a volunteer;

**WHEREAS,** the Village has agreed to Independent Contactor Joseph Kavleski as Class 2A Water Operator at a cost of $50 hour not to exceed ten (10) hours per month;

**NOW, THEREFORE BE IT RESOLVED** that with certifications of these two individualsthe Village will be in compliance with the Class 2A certifications needed to run the Water Filtration Plant at Lily Pond.

CONSIDER WATER CERTIFICATION CLASS FOR FRED MOORE

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried authorizing Fred Moore to attend a two week course for Water Certification in Kenmore, New York. The cost of the course is $825 and the Village will also pay the mileage, hotel room and the allowable food vouchers.

**CONSIDER PAYMENT TO TAM FOR THEIR WORK ON PHASE II OF THE WWTP IMPROVEMENT PROJECTS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the a payment to TAM Enterprises in the amount of $75,795.75 for a total contract cost paid to date of $730,608.90 or 93% of the contract price. The balance to finish, including retainage is $51,203.10.

**CONSIDER RESOLUTION FOR 2012/13 FISCAL SPENDING**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**28-2013:** unanimously carried approving Resolution #28-2013.

**WHEREAS**, As of April 9th the Village will be monitoring all departmental

spending for the remainder of the fiscal year (May 31, 2013);

**WHEREAS**, the Village has very tight fiscal constraints to deal with during

this time period;

**WHEREAS**, any spending over $200 must be approved by the Department

Liaison;

**NOW, THEREFORE BE IT RESOLVED** this spending freeze will be reviewed

in June by the Board of Trustees to determine if it will have to be

continued.

**CONSIDER CONTRACT FOR ATTORNEY FOR THE VILLAGE – GARY**

**SILVER**

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously

carried approving the Agreement dated April 7, 2013 between the Village of Liberty and Attorney for the Village Gary Silver. This contract will expire April 7, 2014 and includes annual compensation of $35,000 payable on equal consecutive monthly installments of $2,916.66.

**PUBLIC** Mayor Ratner opened the meeting to comments from the Public.

**COMMENT:**

Feriz Balidemaj (16 Upper Ferndale Road) addressed the Board regarding a

recurring sewer backup he has into his garage. He said it has happened

three times since December 2012. He presented a list of demands that he

would like the Village to comply with - which include replacing the sewer

line, waiving the water bill, garbage cleanup and pesticide treatment.

Mayor Ratner said he would come to his house on Monday, April 15th in

the morning and look at the problem and make some determinations.

**TRUSTEE** Mayor Ratner opened the meeting to comments from the Board.

**REPORTS:**

Trustee Stoddard said she took a tour of the Water Department including the pond and the proposed site for the new water tank. She said next week she will plan on visiting the Lily Pond Water Plant.

Trustee McGuire said she would like to have a day designated in Liberty as Community Clean-Up Day.

The Board thought it was a great idea and Mayor Ratner said he would talk with the Chamber, etc to get the idea in motion.

Trustee Stabak said he visited the Pump Station on the Alan Gerry property and besides the fact that it is not working properly, it is in bad shape. He said the cover has deteriorated to the point that someone could fall into it.

The Board said it is important to secure the lid first thing in the morning to avoid any mishaps.

Mayor Ratner said Angela Giacalone (Deputy Treasurer) will be attending

meetings to get the training she needs to be a backup for vacations, etc.

Mayor Ratner said he and Trustee Stabak attended meetings today at the

County Government Center. He said they learned some new information on

the Red Meat Facility, which includes a hold-up due to an old grant of

$50,000.

**APPROVAL** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**OF BILLS** unanimously carried approving Voucher #14-941 to Voucher #15-035 in the

**FOR PYMT:** amount of $210,930.72

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #14-934 to Voucher #14-940 in the amount of $374,271.60.

**EXECUTIVE** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**SESSION:** unanimously carried to go into Executive Session at 10:00 p.m. to discuss a Personnel Matter in the Police Department and pending litigation.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 11:10 p.m.

**ADJOURN:** Motion by Trustee Stoddard, seconded by Trustee McGuire and

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 11:11 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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