

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
January 17, 2012

At the Dept. Head Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor Charlie Barbuti
Councilperson Chris Austin
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Maurice Gerry

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget Accounting Coordinator Cheryl Gerow
Water & Sewer Supervisor Albert Picard
Deputy Highway Superintendent Kevin Austin
Assessor Kathy Sprague
Park & Recreation Director Brian Scardefield
Code Enforcement Officer Mark VanEtten
CDC Director Heinrich Strauch
Deputy Town Clerk Sara Sprague
Confidential Secretary Deborah Manley
Anne Hart
Matt DeWitt
Daniel Ratner

After the Pledge of Allegiance, Supervisor Barbuti called the meeting to order at 7:00 p.m.

CORRESPONDENCE

1. Letter from Adler Engineering regarding the RD zoning definition pertaining to summer camps.

Supervisor Barbuti will have Assistant Town Attorney Garigliano draft up a zoning change.

COMPREHENSIVE PLAN UPDATE

Supervisor Barbuti asked the Board members to take a look at our comp plan and see how we can move it forward.

PLANNING & ZONING BOARD MINUTES

- Zoning Board 12/20/2011

RECOGNIZE THE PUBLIC

Randy Wasson regarding a road dedication on Twin Bridge Rd. for Ester Newhouse. **NO SHOW**

Fritz Mayer

“This Liberty Zoning Board is being asked to approve a zoning variance to allow a condominium owner, Efrain Reiss, to build a deck on his condominium at 3 Village Green Circle, SBL 47.-3-2/0301.

The engineer for the applicant sought a special use permit from the Liberty Planning board in December 2011 to renovate his condominium and add the deck. The condominium is located in a commercial district of the town, and is thus a nonconforming use.

The planning board refused to grant the permit because the addition of the deck represented an “expansion of a nonconforming use.”

The Planning board said if he wanted to proceed with the deck, the applicant had to go to the zoning board and apply for a variance, which is more difficult to obtain and more restrictive than a special use permit.

At the same time, however, the camp director of Camp Agudah on Upper Ferndale Rd. is seeking a special use permit from the planning board to build a new 100 foot by 200 foot building at the camp, which is also a nonconforming use because it is located in a residential neighborhood.

The planning board has indicated that they will grant a special use permit and not require the camp to obtain a variance, because the Planning Board considers the large building not to be an expansion of a nonconforming use, but rather the addition of a accessory use to a nonconforming use.

It is not clear to me, however, in the case of the condominium why a deck is not also considered an accessory use to a nonconforming use.

I don't understand the reasoning, but the appearance is that the Planning Board is making the little guy pursue the tough route, while allowing the big guy to take the easy route.

All of this could be avoided if the town board were to adopt the proposed zoning law regarding the expansion of nonconforming uses that was presented to the board in January. If that law, which is very similar to the law in the Town of Thompson, were in place, everyone one who wished to expand a nonconforming use would be treated equally: they would all to apply for a variance to expand, and neighbors would be in a better position to protect the value of their properties.”

Matt DeWitt

Mr. DeWitt advised the Board that the White Sulphur Fire Department would like to build a new firehouse and they are asking the Board to consider waiving the building fees. Mr. DeWitt advised that they would be sending a formal letter to the Board.

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board approved the following:

- January, 2012 Abstract:
Claims #1 to #127 totaling \$112,739.19
- December, General Ledger Abstract:
Claims #411 to #453 totaling \$393,697.09

5 AYES- Carried

RESOLUTION NO

APPROVAL OF MINUTES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following minutes as submitted:

- Public Hearing Mtg. 12/19/11
- End of Year Mtg. 12/28/11
- Re-organizational Mtg. 1/3/12
- Dept. Head Mtg. 1/3/12

5 AYES - Carried

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 12/2011
- Monthly report of revenue & expense summary as of 12/31/2011

5 AYES - Carried

OLD BUSINESS

1. Non-conforming use policy
2. Finalize hand gun policy

Town Board would like input from the personnel committee

3. Approval of an offsite central sewage treatment system for the Lake Marie Homes subdivision.

Table for one month. Sent to Kelly Engineering

4. Shared services agreement with Town of Neversink and Village of Liberty

Need to discuss with Tim Pellam & Albert Picard at next Dept. Head mtg.

5. Sean Zigmung – flooding issues

Will discuss w/ Town Attorney next mtg.

RESOLUTION NO

APPROVAL OF THE TOWN OF LIBERTY PROCUREMENT W/ CHANGES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does hereby approve the following changes to the Procurement Policy:

Revised 1/17/2012

Adopted 4/6/2009

TOWN OF LIBERTY

PROCUREMENT POLICIES AND PROCEDURES

GML SECTION 104-B4

EFFECTIVE April 6, 2009

RESOLVED: That the Town of Liberty does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, #103. Every Town Officer, Board Member, Department Head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of items of supply or equipment needed in a given fiscal year. That estimate shall include the canvas of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of supplies or equipment which will exceed \$20,000.00 in the fiscal year or public works contracts over \$35,000.00 shall be formally bid pursuant to GML, # 103.

Guideline 3. All estimate purchases of:

Less than \$10,000.00, but greater than or equal to \$3,000.00 must have written quotations from at least three vendors and attached to the Purchase Order and on voucher.

Less than \$3,000.00, but greater than or equal to \$1,000.00, require two verbal quotes written on the purchase order.

Less than \$1,000.00 is left to the discretion of the purchaser.

If the purchase was due to any emergency and no other quotation was received, the emergency must be documented on the purchase order.

Department Heads are requested to check with the Sullivan County Office of General Services or the Town Director of Finance to determine what items are available to the Town at County or State Bid prices.

Although each department head is responsible for their own purchasing, the Director of Finance should be contacted if and when any questions arise.

The Finance Office will supply all needed information such as vendor lists, account code information and year to date purchase information on vendors.

All estimated public works contracts of:

Less than \$20,000.00, but greater than or equal to \$10,000.00, require a written RFP and proposals from three vendors attached to the purchase order.

Less than \$10,000.00, but greater than or equal to \$3,000.00, require a verbal RFP and proposals from three vendors attached to the purchase order.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery, if possible. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. 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 must document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;
- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auction

Guideline 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

PURCHASE ORDER POLICIES

The Department Head or a person in the department designated by the Department Head and approved by the Town Board will be the only employee(s) allowed to order merchandise for the department. An updated list of authorized persons must be submitted and approved by the Town Board annually at its re-organizational meeting.

A Purchase Order must be issued for every purchase of \$500.00 or more for any one department.

Blanket Purchase Orders

If materials or supplies will be purchased on a regular basis during a month, a Blanket Purchase Order may be used. The Blanket Purchase Order will be issued for a set period of time (normally one month) for the estimated amount of materials needed. It must include estimated amount of materials, unit price based on current bid prices and estimated total dollars to be incurred.

Each month the Blanket Purchase Order will be closed and, if required, a new Purchase Order for the next month can be issued.

If the amount of the Blanket Purchase Order is used up before the end of the month, a new Purchase Order has to be issued for any additional purchases.

The Department Head has the option of issuing Purchase Orders for each purchase or using a Blanket Purchase Order.

Purchase Orders must be signed (no stamped signatures) by the Department Head only authorizing the purchase and must be signed (no stamped signatures) by the Supervisor or the Director of Finance approving that there are funds available for the purchase.

All Purchase Orders for every department of the Town must be approved by the Finance Department.

For the issuance of a Purchase Order the Department Head or person so designated will send a written document to the Finance Office giving the following information:

1. Name and ID # of Vendor. (Vendor ID listings are available from Finance Office).
2. Merchandise being ordered or a written list of the merchandise being ordered.
3. Cost of each item being ordered (not including freight).
4. Fund being charged for the purchase.
5. If purchasing under a State, County or Town Bid, it must be noted on the Purchase Order.
6. If written or verbal proposals are required, it must be included on the Purchase Order. If only one price is received, a reason as to why must be included on the Purchase Order.
7. If this information is not supplied to the Finance Department, the Purchase Order will be returned to the Department.

If possible, no purchase order will be estimated. If a price cannot be obtained from a vendor, the merchandise shall be purchased from a different vendor. If the merchandise is an item that can only be purchased from one vendor and this item has been purchased previously by the Town, then the Department Head will check previous vouchers for prices and will issue the purchase order for those prices. If the item can only be purchased from one vendor, then the purchase order can be estimated.

After the issuance of the Purchase Order, the Department Head, or person so designated, should give the Purchase Order Number to the vendor.

The Finance Office, after signature, will give to the Department Head, or person so designated, the yellow and pink copies of the issued Purchase Order. The yellow copy will be attached to the voucher that will liquidate that purchase order IN TOTAL.

If partial payment is being made on purchases that have a purchase order drawn on them, do not attach the yellow copy of the purchase order to the voucher until the purchase order is complete.

Other than for emergencies, purchase orders will be issued daily from the Finance Office from 8:00 A.M. to 4:00 P.M. for merchandise needed.

Items exempt from Purchase Orders are:

Health Insurance Claims
Telephone Bills
Electric Bills
Postage
Contracts approved by Town Board

Voucher Procedure

All requests for payment must be submitted on a standard Voucher Form, which includes the following information:

- Claimant's Name
- Claimant's Address (Street, City, State, Zip)
- Claimant's Vendor Number
- Purchase Order#, if applicable
- Date of Invoice
- Invoice Number
- Invoice Amount
- Fund App # (Expense Code)
- Original signature (no stamped signatures) of Department Head

The following must be included on all invoices:

- Signature of person receiving goods
- Date goods received
- Where goods or services are to be used. If it is for repair to a vehicle or equipment, it should identify the item being repaired.

All vouchers must be done on a standard computerized form, which will be supplied by the D.P. Department. Original invoice must be attached; in the same order they are listed on the front of the voucher. When a voucher is completed, two copies will be printed by the Department requesting payment and sent to the Town Clerk's Office.

The first copy will have original copies of invoices attached and date and signed by the authorized individual approving payment.

The second copy of the voucher **should not** be signed and will be mailed with the check. Attach any material that is to be return to the vendor with this copy.

A brief description of the material purchased or service rendered should be included in the description, if not included on the vendor's invoice.

Each department will submit one voucher per vendor twice a month to the Town Clerk's Office.

Vouchers are to be submitted by 10:00 a.m. according to the following schedule:

1st Monday	Utility vouchers	*(Will be paid weekly)
2nd Monday	All Vouchers / Utility vouchers	
3rd Monday	Utility vouchers	*(Monthly audit)
4th Monday	All Vouchers / Utility vouchers	

Vouchers that are not filled out properly will be returned to the originating department for correction.

New vendor numbers can be obtained from the Finance Office.

If original vendor invoices are **NOT** attached to the voucher, the vendor must sign a certification. This certification form will be available from the D.P. Department.

PURCHASES WITH TOWN CREDIT CARD

The Town of Liberty has an American Express Credit Card for Official Town Purchases. This card is kept under the control of the Supervisor or Director of Finance.

If it is necessary to purchase an item with a credit card (Vendor will not accept a Town Purchase Order or Voucher) the Supervisor or Director of Finance will authorize the Credit Card purchase. All Procurement Policies and Procedures of the Town of Liberty must be followed.

Any person that uses the credit card without proper approval will be personally liable for any purchases.

Payment to American Express will be included in the monthly audit listing approved by the Town Board.

FIXED ASSETS

Any purchase of an item in the amount of \$250.00 or more will be recorded as a fixed asset in the ".2" uniform system of accounts for New York State Towns.

Any purchase of an item in the amount of \$10,000.00 or more will be recorded as a major fixed asset for accounting under the "GASB 34" regulations.

RESOLUTION NO

APPROVAL OF REFUSE COLLECTION LICENSES FOR DECKER & WASTE MANAGEMENT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand** the Town Board does hereby approve the following Refuse Collection Licenses:

Decker Contractors, Inc. (1)
Waste Management (7)

5 AYES - CARRIED

ADDENDUM

1. A letter from Albert Picard regarding private water line repairs made on Redwood Lane.
2. A letter from Harold & Karla Yodice regarding Building Inspector Mark VanEtten.
3. A copy of the January Abstract
4. Annexation petition from Town to Village for Martco Realty, LLC.

RESOLUTION NO

JOINT PUBLIC HEARING SET TO CONSIDER ANNEXATION PETITION FROM MARTCO REALTY, LLC.

Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board of the Town Liberty does hereby schedule a Joint Public Hearing with the Village of Liberty Board on 1/30/2012 at 5:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

5 AYES – CARRIED

RESOLUTION NO

JOINT MEETING SET TO W/ VILLAGE OF LIBERTY BOARD

Motion by Councilperson Chris Austin, seconded by Councilperson Maurice Gerry, the Town Board of the Town Liberty does hereby schedule a Joint meeting with the Village of Liberty Board on 1/30/2012 at 5:15 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

5 AYES - CARRIED

BOARD DISCUSSION

Councilperson Maurice Gerry

Nothing to report

Councilperson Thomas Hasbrouck

Nothing to report

Dean Farrand (Submitted the following written statement)

“Proposed Exit 99 Recycling Center

The amended “Junkyard Law” states that once the Planning Board has assured that the applicant has fulfilled the requirements of Section 93-6 C through H they shall so notify the Town Board.

When the Town Board receives this notification they may or may not enter into a formal agreement to relocate the junkyard. Clearly, this law requires more communication between the Town Board and the Planning Board than a typical submission to the Planning Board.

Therefore, I believe we should indicate to the Planning Board the issues we feel require careful scrutiny prior to the public hearing on this application. Below is a list of the issues I feel are important (above and beyond the normal ones).

- The crusher is a loud piece of equipment. We need hours of operation and frequency of use information. In addition, it would be beneficial to understand if noise studies have been done on the specific crusher planned for use at this facility. We also want to know how the applicant plans on minimizing the impact of this noise on surrounding neighbors.
- We need to understand how the applicant plans to screen this site from the highway and surrounding neighbors. The applicant must keep in mind that the current view shed is trees. A minimal amount of trees should be cleared to accommodate construction and operations.
- Traffic conditions must be carefully looked at including but not limited to: Incoming/outgoing truck frequency, perhaps restricted to using only exit 99. How retail customers will be handled e.g. overflow of cars onto exit ramp or North Main waiting for access to the scales.
- The condition of Sheehan Road and access to the planned site must be detailed.
- The applicant should clearly understand and indicate so on any approved site plan that this site can not exceed the original footprint of Zalkins by more than 25%. In as much as we must clearly identify the footprint of Zalkins Junkyard when it was granted a license.

There are a few issues that I believe requires clarification from the applicant before we can make an informed decision.

- I understand that the applicant has stated that this facility will produce 10-20 jobs. What is the salary range of those jobs? Are they all new hires or are some transfers?
- Will the applicant be seeking property tax exemptions?

I don't ask these questions to delay or stop the process. I simply feel that these questions along with others are necessary to insure that when the time comes we can make an informed decision.

Langan Business Park

This is the company that has approached the Planning Board with an application to create a business park on Harris Road. They were on the planning board agenda again on Tuesday January 3, 2012. This is a perfect opportunity for the Town Board to “take the lead” and open up dialogue between the company and all the necessary local and county agencies. I know that the company is looking to incorporate assurances in its marketing literature that Liberty is receptive to this business park. I think we should jump on this one.

Zoning Committee

The first issue of concern is whether or not the current board wants a zoning committee to continue on the path of updating and revising the zoning regulations. The second issue is how best to accomplish this task. I believe along with other members of the current zoning committee that it is necessary to change how this committee operates. The Town Board should seek to create a subcommittee for each of the hamlets. These subcommittees would function through a steering committee that would summarize and report the activities to the Town Board. If we were to find volunteers this would go a long way toward expediting the zoning revisions and perhaps create a springboard for broader active support of the Comprehensive Plan. In addition, I believe it would be very appropriate to educate/inform the general public on how we got to the current zoning changes. There is a lot of misinformation floating around that is not at all conducive to progress.

Nonconforming Use

The public information session with regard to this subject did NOT go as hoped. There was way to many side issues being raised and a bit too much misinformation. I think this is an important issue and requires that the Town Board continue to hold information sessions. I would like to suggest that we change our approach. I believe it would be most beneficial to invite the groups that have expressed specific concerns with the current law or concerns with changing it. Perhaps, with this approach we can make some head way with this issue and reach a compromise that both sides can live with.

Communication Between Boards

We need to improve communications between boards in Liberty.

- Planning Board & Zoning Board, at the very least we need a liaison between the Town Board and these boards to insure consistency in our collective approach to insure that our zoning laws, codes and comprehensive plan are a consistent part of all decisions. I am willing to be that liaison. In addition I think it would be beneficial if the three boards “got together” to discuss the comprehensive plan and zoning changes.

- I think that the Town Board should take the lead and establish a panel (rotating or not) comprised of members of the Town Board, Village Board, CDC and Chamber. The purpose of this panel would be to meet on lets say a quarterly basis to discuss projects, plans, common goals etc. with the main purpose to insure that we are working toward a common goal without duplicating efforts.”

Councilperson Dean Farrand was appointed as liaison to Swan Lake.

It was discussed that the Planning and Zoning Board Chairman’s should attend Town Board meetings.

Councilperson Farrand offered to be the Town Board liaison to the Planning Board

Supervisor Charlie Barbuti

- Advised the Board that he had attended school in Rochester held by the Association of Towns.
- Met w/ Dick Riseling regarding wind power and an energy audit for the Town.
- Need to incorporate wind mills into Zoning
- Met with Albert Picard
- Met with Brian Scardefield

The following Department liaisons were established:

Supervisor Charlie Barbuti	Chamber / ALIVE
Councilperson Maurice Gerry	Parks & Recreation
Councilperson Thomas Hasbrouck	Finance
Councilperson Chris Austin	Highway/ Water & Sewer
Councilperson Dean Farrand	Planning / Zoning

The following voucher review schedule is as follows:

January / February / March	Chris Austin & Thomas Hasbrouck
April / May / June	Dean Farrand & Maurice Gerry
July/ August / September	Chris Austin & Thomas Hasbrouck
October / November / December	Dean Farrand & Maurice Gerry

RESOLUTION NO

AGENDA ITEMS TO BE GIVEN TO TOWN CLERK BY CLOSE OF BUSINESS THE WED BEFORE THE MTG

Motion by **Councilperson Dean Farrand**, seconded by **Councilperson Chris Austin**, the Town Board of the Town Liberty does hereby set the close of business the Wednesday before meetings that all agenda items must be delivered to the Town Clerk.

5 AYES – CARRIED

ADJOURN

Motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourns the meeting at 9:10 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk