

TOWN BOARD MEETING
TOWN OF LIBERTY
April 1, 2013 4:00 p.m.

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 Maurice Gerry
Councilperson Thomas Hasbrouck-Absent
Councilperson Dean Farrand

Recording Secretary:

Deputy Town Clerk Sara Sprague

Also present:

Finance Director Earl Bertsch
Highway Superintendent Tim Pellam
Water & Sewer Supervisor Albert Picard
Assessor Kathy Sprague
Parks & Recreation Director Brian Scardefield
Code Enforcement Officer Mark VanEtten
Budget/Accounting Coordinator Cheryl Gerow
Court Manager Denise Curry
CDC Executive Director Heinrich Strauch

After the Pledge of Allegiance, Supervisor Barbuti called the meeting to order at 4:00 p.m.

CORRESPONDENCE

1. Copy of an email sent by Michael Edwards regarding the Swan Lake sub-committee.
2. Copy of letter sent by Joan Kittredge regarding her comments on the Zoning Meeting.
3. Copy of letter by Anne Hart regarding comments on the Zoning Meeting.
4. A letter to the Supervisor from the Sullivan County Office of Aging regarding a candidate for the "RSVP" Senior of the Year.
5. A copy of a letter from Senator Bonacic regarding the Town's forwarded resolution "In Support of the Second Amendment".

RECOGNIZE THE DEPARTMENT HEADS

(Reports as submitted by the Dept. Heads)

ASSESSOR

Ongoing:

- 911 data-base update
- Picture update
- Exemptions; driving license updates, etc.
- Destroying/updating files
- 2013 assessment roll/field work, etc.

New:

Audrey will begin part-time on March 13, working M/W/F for a couple of weeks, and begin full time on 3/27.

Finalizing exemptions

Legal lines to be posted the end of March for inventory

A thank you to Mark for assisting my office with demolition information

Receiving many phone calls regarding the newspaper article - Re-File for your STAR exemption via NYS Taxation & Finance (NYST&F) before 04/01/2014. I will submit additional information when received from NYST&F.

The County has not released the new Pictometry to the Assessor's offices from the fall fly-over.

Attended an IDA tax abatement policy meeting. The meeting was very informative.

Otherwise.....Just very busy with valuation; assisting the public; property owners, etc.....

HIGHWAY SUPERINTENDENT

March 8 - in at 4AM, 5" snow, plow/sand

March 14 - in at 4AM, 2" snow, plow/sand

March 16 - in at 4AM, light snow, sand

March 17 - in at 4AM, light snow, sand

March 19 - in at 2AM & 7PM, 8", plow/sand

March 20 - in at 5AM, 2", plow/sand

New speed limit signs put up on Denman Road as per NYSDOT - 40MPH

Patching

Spring Maintenance on Machinery

Road sign inventory taken for ordering of new signs

Received FEMA check from Hurricane Sandy, \$49,495.44 which is the federal share, still waiting on State portion

Received letter from Pat Lubin regarding condition of Old Loomis Road

Ditching Garden House Road

Cutting Brush DeVaney Road, East Mongaup Road

Grade Ward Road

WATER & SEWER

Can we clean W.S.S. well #2 for \$ 15,675.

New truck was ordered at a cost of \$ 89,342.25. Need to put old truck out for bid or send to auction. Maybe the highway department would want it.

Loomis W.W.T.F was inspected last month.

Swan Lake W.W.T.F was inspected on 3/21/13 by John Sansalone. He advised me that he is retiring this year.

John Sansalone advised me that he will be reviewing plans for Loomis W.W.T.F. for RBC upgrade. He also said that in 2016 the Loomis plant will have to do Phosphate removal. He asked if the tanks needed for chemical storage are going to be part of phase 2. Sodium hydroxide will have to be added for alkalinity. He is concerned about the sludge holding tanks (that is the old septic tanks) and our having access to them. Because they are deep, we will not be able to access them to make repairs on the air system. He is sending a letter to Kelly Engineering about these 3 items.

Now that the weather is getting better we are starting to shut down bleeders, taking down hydrant flags, doing spring cleanup, cleaning up dig jobs that we had over the winter, flushing hydrants, flushing main valves, etc.

Delaware Engineering visited the plant. They would like to know the time frame for upgrades for the Swan Lake W.W.T.F.

Now that there is a new Mayor in the Village of Liberty, do we still have a good relationship with the Village in helping each other out when needed with manpower & equipment. Problem on Thursday March 28, 2013 at House # 33 in Presidential Estates. While changing the meter at that house, a leak occurred,

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causing about 2 inches of water to be on the floor of a finished basement. The leak was shut off about 8 minutes later. Had to bring in outside help to clean and dry up the basement. This problem was reported to Cheryl and an insurance claim has been filed.

Flushing private housing complexes- NYSDOH has said that a private complex should be flushed before they use it. I told NYSDOH that it is not our responsibility to flush the system and that the Town should not absorb the cost of the water to do this. It should be the responsibility of the complex owner/operator to do this.

Meeting with Jamie Piccone- Mtn. View Meadows Trailer Park on Wednesday April 3, 2013 and NY Rural Water again to show them where water is still getting into the sewer system after a rain event and spring thaw.

CEO

For the month of March 2013 we had the following activity:

Building Permits **7**

Building Permits closed **5**

Complaints **17**

Complaints Closed **18**

Planning Board new applications **2**

Planning Board approved applications **0**

Zoning Board new applications **0**

Zoning Board approved application **1**

Business as usual and busy as usual. The amount of tonnage that the Town is allowed to bring to the landfill during cleanups is getting less and less each year. Code Enforcement Office VanEtten would like Supervisor Barbutti to call the County to see if the tonnage could be brought back up. He feels this would encourage people to clean up their property.

PARKS & RECREATION

We had to cancel our portion of the Easter Egg Hunt due to all of the snow on the ball field.

T.K. Construction installed the fresh air unit in our office. It is working great.

We purchased a Soap Box Derby Car for the department and have chosen a child who is in a lot of our programs to run in at the Soap Box Derby Race in May.

Sent out our Spring Program flyer. Sign ups for the programs are steady.

We start Resident Day Camp and Swim Lesson registration on April 1st.

We will be starting interviews for the summer positions in April. Received a lot of applications.

DCO

Dogs picked up – 10

Mileage – 600 miles

Dog Bites – 1

Dogs at Kennel – 2

Sheriff's Department Calls - 2

TOWN CLERK/TAX COLLECTOR

No report

FINANCE

Completed 2012 Annual Financial Report and submitted to the State.

Worked with Heinrich and Debbie to correct errors and complete submission on grant submitted for the Swan Lake Park.

Received fee as per agreement pertaining to the Loomis Sewer District

Researched background checks

Supplied more information to Marshall and Sterling for insurance renewal.

Met with Traveler's Insurance and supplied requested information for insurance renewal

Began preparation for seasonal employees

Updated Procurement Policy

Communicated with Employee Relations Committee regarding Internet Use Policy

All other daily duties and responsibilities.

CDC

Liberty Main Street Grant

After some concerted efforts, the Department of Labor is now revising its requirement re: asbestos mitigation in the Liberty Theatre building. This should come to a conclusion in the near future so that work on the façade can begin as soon as the weather allows. The Liberty Museum will also complete its project

at that time, and we are planning to replace the Shortline bus station with a standard bus shelter before 5/31.

Liberty Skatepark Location

First Niagara Bank has awarded a \$1000 grant for the Skatepark project. Donations via crowdise are now at \$815.

BOCES is organizing their engagement in the site preparation. Details will be set once they return from spring break.

Town Highway Dept. is offering assistance with site preparation (blacktop removal)

Fundraising activities

Sign-up continues for the planned Touch-A-Truck event on 5/18. Sponsors to date are Robert Green Truck Division, Jeff Bank, First Niagara, and the WSS Fire Department as location hosts. First press releases will go out week of April 8.

LifeNet, DEP, County Petroleum, Roche's Garage, Sam's Towing, Sherriff's Dept., State Troopers, TOL Highway Dept, Village DPW and Village Police have already signed up to participate.

2013 Sullivan Renaissance Category C project

The project plan for the 2013 Category C project was submitted to the Town Board for a formal resolution of support since the project activities will take place on town property. The complete application was submitted to Renaissance on 3/20 to meet their deadline. However, a grant award will not be made without Renaissance receiving property owner approval of the plans.

A discussion followed regarding this project. To do this project around the stage area at the Parks and Recreation Department a number of trees would have to be cut down. Councilperson Gerry states that they are young viable trees and should not be cut down. CDC Executive Director Strauch states that in order for his team to do the project the trees would have to be taken down. CDC Executive Director Strauch also states that if the trees aren't taken down his team would not be interested in doing this project.

Councilperson Gerry would like to meet with CDC Executive Director Strauch and his team and see if they can come to a compromise. Maybe changing the plans to encompass the tress or not taking all the trees down. It was agreed upon to meet and the resolution was tabled until the next monthly meeting.

CDC Annual Meeting

The CDC will hold its annual public meeting on Thursday, April 4, beginning at 6:30 in the Media Center of the Liberty High School on Buckley Street (see attached documents)

Councilperson Chis Austin will not be able to attend this meeting. Councilperson Gerry will be going in his place.

COURT

Court	March 2013
V&T Received	623
V&T Appearances	320
Criminal Appearances	371
Ordinance Appearances	31

Civil Appearances	23
Total Fines Collected	\$82,782.50
Total Fines to Town	Not available
Total Fines to Village	Not available

Desks were ordered from the JCAP Grant they should be here in 2 to 3 weeks. The old desks are going to be scrapped.

RECOGNIZE THE PUBLIC

Bob Stubbs-Marshall & Sterling Annual Insurance Renewal – Mr. Stubbs states that the current carrier Argonaut is still the best policy at the best price. He also states that there will be no separate charge for the skate park when it is completed. The Town Board decided to approve the renewal with Argonaut.

RESOLUTION NO

ACCEPT THE RENEWAL OF THE INSURANCE POLICY WITH MARSHALL & STERLING

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby accept the insurance policy renewal with Marshall & Sterling using the current carrier Argonaut.

4 AYES

Engineer Terry Kelly spoke regarding the Loomis Waste Water Treatment Facility. He stated that the low bidder for the construction part of the project should be awarded pending DEC approval.

RESOLUTION NO

ACCEPT THE BID FROM BILLMAN ROSS & ASSOCIATES, INC. IN THE AMOUNT OF \$665,990.00 FOR THE UPGRADE OF THE EXISTING LOOMIS WASTEWATER TREATMENT FACILITY FOR GENERAL CONSTRUCTION PENDING DEC APPROVAL.

Motion by Supervisor Barbuti, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby accept the bid from Billman Ross & Associates, Inc. in the amount of \$665,990.00 for the upgrade of the existing Loomis Wastewater Treatment facility for general construction pending DEC approval.

4 AYES

Councilperson Hasbrouck-Absent
CARRIED

Gregory Sutherland spoke regarding the bridge on 112 Mineral Springs Road in White Sulphur Springs. He states that the bridge floods and has run off and that FEMA money was allocated for this and it was never fixed. Mr. Sutherland stated that this has been going on for years and that the guard rail was hanging off and he fixed it himself so that no one was injured. Councilperson Austin said that he would check with the highway department regarding this matter and get back to the board.

Todd Gallo, owner of the former Stevensville Hotel, stated that he has a letter of intent from a group that would like to buy the hotel and use it for supportive housing for Veterans of the Hudson Valley. He is concerned that this would not be able to happen with the current way the hotel is zoned.

Wes Illing discussed the tax plan for Parksville. He states that his committee has been working on this for years and wants to know if and when it can be implemented. Supervisor Barbuti stated that he does not know if it can be done and he would discuss it with the town attorneys and Assemblywomen Aileen Gunther's office. Wes stated that taxes are too high and that is why people aren't building here. Mr. Illing is going to send the new tax plan to the Town Board after the Parksville Priorities Committee meeting.

Nancy Levine spoke and asked the board to help Todd Gallo with the Stevensville Hotel because whatever he does will help Swan Lake.

Lynn Dowe would like to see the town try a 5 year 0 tax on any new construction including businesses. Then on year 6 the taxes would start in increments. This is allowed for capital improvement projects. Supervisor Barbuti and Councilperson Austin are going to talk to Town Attorney Klein regarding this. Mr. Dowe states that if the zoning is going to be changed it should be changed to make people want to build in Liberty. Mr. Dowe also suggests no to do all the zoning changes at once. Do necessary changes first then take a year with the hamlet committees and slowly make other changes.

BOARD DISCUSSION

COUNCILPERSON DEAN FARRAND

- Nothing to Report

COUNCILPERSON CHRIS AUSTIN

- Nothing to Report

COUNCILPERSON THOMAS HASBROUCK

- Absent

COUNCILPERSON MAURICE GERRY

- Nothing to Report

SUPERVISOR CHARLES BARBUTI

- New options for Health Insurance- Having someone come to speak to the Board at the next meeting.
- 2 possible Planning Board alternates- Brandon Reeves and Jack Bodolosky

DISCUSSION ITEMS

Background checks – The Town Board would like Budget/Accounting Coordinator Gerow to submit the application to start the process for background checks to begin on new hires.

Zoning – Should we keep current or prior

Supervisor Barbuti states that he would like to go back to the 1987 zoning map. He states making changes to that map would be quicker and more effective than making changes to the new map. The way the zoning is now most people need a special use permit for any kind of development. Supervisor Barbuti would like to encourage economic growth but states that with the current zoning that isn't going to happen. He states that taxes are too high and the zoning process is too slow and complex.

Councilperson Austin would like more time to consider this issue.

Councilperson Farrand states that he is in favor of keeping the present map and making the necessary changes to it. The 1987 zoning let anything happen, there were no clear guidelines. He states that from 1996-2011 there were 12 zoning map changes that would have to be overturned if the Town Board goes back to the 1987 zoning. Councilperson Farrand also states that the 1987 map is not accurate to go back to. He cannot understand going backwards when it only makes sense to go forward and just make changes that will help the people of Liberty. Councilperson Farrand also explained to Supervisor Barbuti that he was the one who had made this his campaign promise to change the zoning back to 1987 not him.

Councilperson Gerry states that he was very upset after the meeting at CVI. He would like The Board to fix either map. Just make it right for the people. He would like the people that are waiting for the zoning changes to be helped as quickly as possible. Councilperson Gerry is not sure what zoning would be better but Supervisor Barbuti stated that if Councilperson Gerry did not stay on his side they were no longer together on the board.

Comments in an e-mail sent by Michael Edwards

Thank you for organizing last night's meeting. I remain concerned about the effects of returning to the 1987 zoning plan in permitting inappropriate uses (you can be sure there will be just as many dissatisfied residents once the old plan takes effect as with the new one!), but I also realize that the only way to fix this problem is to get involved in helping to find a better solution that blends together the best elements of the old and the new.

So I would like to volunteer for the Swan Lake sub-committee, particularly because it lacks representation from the Kelly Bridge/Redwood Lane end of the village where we live. I spoke to Bill Liblick about this last night.

Michael Edwards

Letter sent by Joan Kittredge regarding the zoning

Dear Supervisor Barbuti:

As you know, my husband Robert Shapiro and I own property in the Town of Liberty and have been active in land-use issues. We value the natural beauty and rural character of the Town and have worked hard to see that it is preserved. We appreciate the special meeting being held to keep the public informed of the progress of the zoning review committees. Unfortunately we are unable to attend tonight's meeting, but want to express our concerns about one of the questions being considered at the meeting.

I am not writing with respect to any specific revision to the zoning code or to the zoning map. I am only concerned with the question posed as to whether the Town should continue to attempt to revise the 2011 zoning law and maps -- or should it "rescind" the 2011 zoning and revert to the pre-2011 zoning as the basis. I strongly recommend that the Town work with the existing zoning and consider revisions to that and not try to revert to the pre-2011 law.

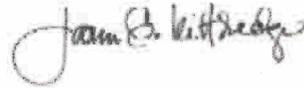
I do not understand what benefit would be obtained by returning to the pre-2011 law. To do so would ignore the significant community effort from 2006 through 2011 which resulted in the revised law. The previous zoning had not been significantly amended since 1987 and was clearly inadequate to meet the current land-use pressures on the Town, thus the adoption of the 2011 law. Also, as we all know, the Town cannot simply "rescind" the 2011 law but must go through all of the procedures associated with amending the zoning law, including compliance with SEQRA, since it will in fact be adopting a new law, albeit the previous version.

I also do not think a return to the pre-2011 zoning is wise from a land-use perspective. If the intent is to use pre-2011 as the basis upon which to consider revisions, that is an imperfect means of attempting to update the zoning law. That would only put in place an out-of-date zoning law that would be applicable until such time as the Town did a further revision -- and this would have the unintended effect of allowing inappropriate development to proceed while amendments are being considered. If there is a consensus that changes are appropriate to the current law, then those should be considered within the context of the current law and not as return to the outdated law.

Thank you for consideration of these comments, and I look forward to reviewing and participating in the Town's continued re-zoning efforts.

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Respectfully Submitted,



Joan Kittredge

Letter from Anne Hart regarding the zoning

The Town of Liberty should continue to revise the 2011 Zoning Map, code and regulations. The 2011 Zoning changes were the result of a multi-year process which included quite a few public meetings and hearings on the changes. The changes were, in large part, reflective of the Comprehensive Plan and Farmland Protection Plans which were completed after their own multi-year processes, again with a number of public meetings, hearings, and input from the public.

Three current Town Board members voted in favor of the 2011 changes, after what I am sure, was very careful consideration. Another current Town Board member was on the committee which proposed these changes. From my viewpoint as an interested citizen, I could see that none of these changes were made in haste or with little thought.

For the record, the 2011 zoning changes had no impact on my residence. The 2011 changes included many components that make sense from a development and community planning point of view. That said, there are a number of issues which have been raised as a result of these changes, and they should be carefully considered and re-considered. These areas have, for the most part, been identified and the process of re-evaluating them has begun. Proposed revisions are in the works, both from some of the hamlet committees and from the zoning review committee. The Parksville Priorities committee has devised a complete plan incorporating their vision of what Parksville should become.

Some of the strengths of the 2011 changes include the following:

Zones incorporate the principles of development which encourage more density in and near the hamlets, where there is some infrastructure, with density lessening out toward more rural zones, where there is little infrastructure.

Zones span an entire parcel, whereas before, some parcels were within a number of zones. The Resort Hotel zones have been removed, and those areas re-zoned to reflect existing uses on the neighboring properties. The Resort Era is over, and the new map recognizes this. Should there be serious interest in attracting a developer for a Resort/Hotel/Recreational project, the PUD district could be the vehicle to encourage this type of development, in an area where it is compatible with existing uses, by amending the 2011 chart to allow resort or recreational developments as a special use and perhaps making other changes to the regulations for that floating zone.

The R2 zone has been created in an area where it makes sense, close to water and sewer lines, allowing for single, two and multi-family dwellings. Prior to this change, multi-family dwellings weren't allowed in any zoning district in Town. Multi-family dwellings are where many young people first start out and where older people downsize, and are generally more affordable than other housing options.

A Downtown Commercial Core district was created, specifically in Swan Lake, recognizing the trend toward denser development in that area and providing regulations that did not exist before the change.

The Service Commercial District was expanded to the properties along Rte. 52 toward both Grahamsville and Youngsville, reflecting existing uses and providing for future growth along those corridors. While there are fewer principal permitted uses, the size of the floor area allowed has doubled to 5,000 square feet and the two formerly principal uses were moved to the special use category. The number of special uses allowed was expanded to sixteen from thirteen, with new uses added such as Daycare and Nursery Schools and automobile service stations. Should the Parksville Priorities committee plan be adopted, the issues which have arisen in Parksville because of the 2011 changes and the "development" of 186 will be resolved and will reflect what the good people of Parksville wish their community to become.

The Industrial Commercial District was expanded slightly in size, primarily because it now incorporates entire parcels where before there were two zones on some parcels. In some locations, such as the neighborhoods surrounding Cold Spring Road, the zoning was changed to reflect that the actual use on those parcels is not Industrial or Commercial, but is in fact, completely residential. Its central location on the Rte 17 corridor makes sense. The IC section at Exit 99 makes less sense. The old zoning chart allowed almost everything to exist as a principal permitted use, from single family homes, to hunting camps to wholesale businesses to dairy livestock and poultry farming to dry cleaning and laundry plants. To some extent this probably reflected what actually existed there back in 1987 and in years prior. To a developer, this kind of zone may very well have signaled that this community isn't clear about what it wants itself to be, or what it wants to happen where. If I were to want to develop, say a dry cleaning plant, which was a principal permitted use under the old map, I may not want to purchase and build on property next to single family homes, fearing that there might be constant conflict. This may be some of the reason why, after all of these years, there has been little development in this zone, and might give credence to the idea that "intuitive zoning", or the concept of letting districts evolve "naturally", doesn't work. Perhaps some of the old zoning had the effect of precluding development which would have been an asset to the Town in terms of providing employment, an increased tax base and attracting other like development. If the 1987 zoning was more "business friendly" than the 2011 zoning, why wasn't there much development during that 24 year time period, in that zone or others?

The changes to the AC, RD and to a lesser extent R1 Zones are the most controversial. Much of the RD Zone has been put into the AC zone, and some of the parcels formerly in the RD zone have been moved to the R1 zone. On a map, some of it makes sense from the viewpoint of concentrating development around infrastructure and expanding density slowly outwards.

In the AC zone, the principal permitted uses haven't changed much, with the exception of the removal of Hunting and Fishing camps, Kennels and mobile homes. Hunting and Fishing Camps became a special use. Special uses that were removed were public and semi-public uses, two-family dwellings, timber landings and natural resource extraction. The removal of the latter two uses makes sense because they are both industrial in nature and incompatible with an Agricultural Conservation district. I'm not sure what public and semi-public uses are and frankly haven't spent any time trying to find out. Special uses that were added include Bed and Breakfasts/inns. The most controversial changes are the increase in the minimum lot size to ten acres and the creation of an open space requirement, seconded by no longer allowing two family housing in the district. These concerns have been clearly stated and I am told that they will be taken up by the hamlet and zoning review committees.

In the RD and R1 zones, the controversy resides almost, if not entirely with the fact that quite a few summer camps have become nonconforming uses due to the redistricting. The Town Board, particularly the Town Supervisor, has been active in soliciting the opinions of the Summer Camps on this issue. It is my

hope that there will be a similar effort to reach out to the residents in the areas affected to solicit their thoughts on the matter. To date, I've not seen that happen. The zoning review committee has been working on developing regulations for summer camps, which never before existed, and the summer camps are preparing their suggestions for regulations as well. The process is ongoing.

There is much I could write about suggested tweaks to the 2011 Zoning changes, most of which are suggestions for what I think may be improvements as I've looked at the changes more closely, done research on zoning in other communities because of my membership on the zoning review committee and listened to what my neighbors, friends and fellow committee members' thoughts are about the changes. One suggestion would be to take a strong look at the restrictions on mixed uses in the DCC and SC districts. By allowing dwellings above storefronts, small business might be encouraged to open by either people wishing to live and work in the same building or by people who will supplement the cost of running a building where their business is housed by having a rental upstairs. For example, many buildings on Rte. 52 in White Sulphur already have buildings which are this type of mixed use. Our business in Youngsville uses this model successfully.

I will close by saying that to simply revert back to the old zoning map; district intent and regulations would be irresponsible. Zoning, laws, and regulations should reflect the community as it is now, should encourage viable economic development, a healthy and diverse economy and strive to help achieve what the community wants itself to be, guided by the comprehensive plan and constant discussion among fellow citizens and stakeholders. To attempt a complete reversal, to pretend that we can just roll back the clock to 1987 and all will be well is naïve, and possibly costly. We're moving forward, however slowly. Let's keep going forward.

Thank you.

Supervisor Barbuti said a decision would be made regarding the zoning change at the first meeting in May.

RECOMMENDED ACTION

Adoption of the Sullivan County Hazard Mitigation Plan CARRYOVER

RESOLUTION NO

ADOPTION OF THE INTERNET USE POLICY

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby adopt the following internet use policy:

SECTION 41:

E-MAIL, INTERNET USE, AND OTHER ELECTRONIC COMMUNICATIONS

All electronic and telephonic communications systems, communications and information transmitted by, received from, or stored in these systems is the property of the Town of Liberty and as such are to be primarily used for job-related purposes. The use of any software and business equipment, including, but not limited to facsimiles, telecopiers, computers, and copy machines for limited personal use may be allowed if approved by your Department Head and does not interfere with your job duties.

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town of Liberty representative. All pass codes are the property of the Town of Liberty. No employee may use a pass code or voice-mail access code that has not been issued to that employee or that is unknown to the Town. Moreover, improper use of the E-mail system will not be tolerated.

Employees who violate this policy are subject to disciplinary action, up to and including termination.

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town of Liberty may monitor the use of such equipment from time to time. This may include listening to stored voice-mail messages.

**Board Resolution 4/1/2013*

Representatives of the Town, from time to time, may monitor Internet use from all computers and devices connected to the Town network.

An Internet use filtering system shall block access to Internet websites and protocols that are deemed inappropriate for the Town of Liberty environment. The following protocols and websites shall be filtered:

- *Adult/Sexually Explicit Material*
- *Chat and Instant Messaging*
- *Games*
- *Gambling*
- *Illegal Drugs*
- *Intimate Apparel and Swimwear*
- *Personals and Dating*
- *Peer to Peer File Sharing*
- *Social Networking*
- *Streaming Media*
- *Violence*
- *Weapons*

As a condition of employment and continued employment, employees are required to sign an E-mail and voice-mail acknowledgement form (see sample for following this policy statement) Applicants are required to sign this form as a condition of continuing employment with the town, or on acceptance of an employment offer by the Town of Liberty.

E-MAIL AND VOICE-MAIL EMPLOYEE ACKNOWLEDGEMENT FORM

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the Town of Liberty. I also understand that these systems are to be used for job-related purposes although limited personal use may be allowed if

approved by your Department Head and does not interfere with your job duties. I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment.

I agree not to use a code, access a file, or retrieve any stored communication unless authorized. I acknowledge and consent to the Town of Liberty monitoring my use of this equipment at any time at its discretion. Such monitoring may include printing and reading all E-mail entering, leaving, or stored in these systems, and listening to my voice-mail messages in the ordinary course of business.

4 AYES

Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

ACCEPT BID SUBMITTED BY KELLY ENGINEERING FOR THE ENGINEERING OF THE WSS WATER PROJECT IN THE AMOUNT OF \$70,000.00

Motion by Councilperson Chris Austin, seconded by **Supervisor Barbuti**, the Town Board of the Town of Liberty does hereby accept the bid in the amount of \$70,000.00 submitted by Kelly Engineering for Engineering Services for White Sulphur Springs Water District Improvement Project which price does not include survey.

4 AYES

Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

APPROVAL OF QUOTE FROM LAYNE CHRISTENSEN COMPANY FOR THE CLEANING OF THE WHITE SULPHUR SPRINGS WELLS IN THE AMOUNT OF \$15,675.00

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve the quote from Layne Christensen for the cleaning of the White Sulphur Springs Wells in the amount of \$15,675.00.

4 AYES

Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

ACCEPT JOB ESTIMATE FROM SULLIVAN BUILDERS, INC. FOR \$5,000.00 FOR THE REPLACEMENT OF STRUCTURAL DEFICIENT PURLINS AT THE SWAN LAKE SEWER PLANT

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby accept the job estimate from Sullivan Builders, Inc. for \$5,000.00 for the replacement of structural deficient purlins at the Swan Lake Sewer Plant.

4 AYES
Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

APPROVAL TO RETURN \$78,480.60 BEING HELD IN ESCROW FOR R&M FARMS TO THE ORIGINAL OWNER GINA MOLINET AND HAVING GINA MOLINET SIGN A RECEIPT SUPPLIED BY ATTORNEY KLEIN.

Motion By Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve the return of \$78,480.60 being held in escrow for R&M Farms to the original owner Gina Molinet and having Gina Molinet sign a receipt supplied by Attorney Klein. The release of the money to Gina Molinet will be contingent upon Attorney Garigliano reviewing the road maintenance agreement.

AYES
Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

APPROVAL OF THE STANDARD WORK DAY AND REPORTING RESOLUTION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve the standard work day and reporting resolution.

4 AYES
Councilperson Hasbrouck-Absent
CARRIED

RESOLUTION NO

APPROVAL OF THE PROCUREMENT POLICIES AND PROCEDURES

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve the following Procurement Policies and Procedures:

EFFECTIVE April 1, 2013

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 \$20,000.00, 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 voucher. All purchases must be approved by the Town Board prior to purchase.

Less than \$3,000.00 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 (Purchasers) are requested to check with the New York State Office of State Comptroller, the Sullivan County Office of General Services or the Town Director of Finance to determine what items are available to the Town at County, State or other local government Bid prices. Local Government Bids must comply with the "OSC Piggybacking Policy".

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 and must be approved by the Town Board.

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.

Less than \$3,000.00 is left to the discretion of the purchaser.

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 (Best Value) 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. The Best Value Policy will allow governments the ability to purchase products and services that may not be the lowest in price but due to factors such as product like or quality may provide a cheaper long-term solution. The basis for best value award must be objective and written documentation must be attached to the voucher for the purchase that used this policy.

Guideline 5. Prevailing Wage—The Town of Liberty is required to pay prevailing wages for all labor performed on Town property, unless the contractor certifies they are the owner of the business and solely performed the work. All bids and quotes must include information that prevailing wage rates are applicable. Contact the Finance Office for more information. All invoices that include labor that is subject to prevailing wage must have a Payroll Certification Report. The Payroll Certification Report or Vendor Certification must also be attached to the voucher before payment will be processed.

Guideline 6. 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 7. 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 8. 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 reorganizational meeting.

A Purchase Order must be issued for every purchase of \$1,00.00 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, the Director of Finance or the Budget/Accounting Coordinator 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.

In order for a voucher to be processed, all written and verbal quotes required by the Procurement Policy must be documented and attached to the voucher. If not complete, payment will not be made until documented.

All vouchers must have original invoices or a signed certification on the bottom of the voucher. If original invoice is not available, payment will only be made if documentation is attached stating the original invoice has been misplaced and verification that payment has not been made.

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

Dept. Head Mtg.
4/1/2013 Continued.....

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.

4 AYES

Councilperson Hasbrouck-Absent

CARRIED

ADJOURN

On a motion by Dean Farrand, seconded by Councilperson Maurice Gerry, the Town Board does hereby adjourn the meeting at 6:25 p.m.

Respectfully submitted,

Sara Sprague

Deputy Town Clerk