

REGULAR MEETING

JULY 13, 2009

The Board of Trustees held the Regular Meeting of July 13, 2009 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Winters opened the meeting with the Pledge of Allegiance.

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

ALSO PRESENT: Richard Martinkovic, Janet Martinkovic, Patrick Galloway, Lynette Ricco, William Cogswell, Elizabeth Montag, Joan Stoddard, Jim Gordon and Dan Hust of the Sullivan County Democrat.

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

REGULAR MEETING – June 8, 2009

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

INCOMING

- Liquor License Renewal LaMexicana Deli 6/9/09
- Planning Board Minutes 5/14/09
- Letter from Liberty Chamber of Commerce Re; Support 7/1/09
- Letter from Woods Automotive Electric Re: Bridge 6/10/09
- Announcement for Planning and Zoning Summer Schools 2009
- Letter from Senator Bonacic Re: State Senate 6/16/2009
- Recordonline Re: County Landfill 5/28/09

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

William Cogswell (State Route 55) asked for an update on the well litigation.

Attorney Chapman said there are two pending cases, one that the Village filed in 1995 and one filed against the Village in 2001 by Mobil Oil. He said the Village is being represented by Sive, Paget and Reisel (from New York City).

William Cogswell said it was his opinion that these suits should be pursued because the Village has lost millions of dollars over this matter.

Richard Martinkovic (Eagle Drive) discussed the Liberty Bike Trail (also known as State Street) and the fact that he would not like to see it closed off

due to the fact that he and his neighbors own nine (9) building lots on it and would like access to them.

Mayor Winters said that he is planning on blocking the Spur Street side with concrete barriers and the Chestnut Street side would be left open for access.

Elizabeth Montag (Noble Street) discussed the drainage on her street and the rains that have caused problems with it.

Peter Parks (DPW Supervisor) said he would be putting in new drainage on Noble Street this year.

James Gordon (Agent for Make Hersch) complained about the sidewalk in front of the Green Building, stating that the work that the NYSDOT did is already breaking up.

Joan Stoddard (Winslow Place) discussed the bridge on West Liberty Street stating that if it is over five (5) feet in width according to the Highway Law it belongs to the Town of Liberty.

**CDC
REPORT:**

**HENRICH STRAUCH – LIBERTY COMMUNITY DEVELOPMENT
CORPORATION**

Henrich presented the Board with the following report on projects that he is currently working on:

ATTORNEY Attorney Chapman updated the Board on the MTBE litigation.

COMMENTS:

Attorney Chapman discussed two micro-enterprise loans that are currently past due and the Board may want to consider litigating.

TREAS. REPORT: Treasurer Zurawski said it has been a busy month with tax collection.

Treasurer Zurawski said that she and Pam Winters have a new employee starting on August 3rd.

TABLED BUSINESS **UPDATE ON ADA COMPLIANCE**

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried to reject the only ADA Compliance bid that was received from Grimm Construction of Waymart, PA in the amount of \$91,803.00.

Henrich Strauch said he would approach the Justice Court assistance Program to see if we would be eligible for another grant to go in conjunction with the one that was received in 2008 for \$26,000 so that he project could be completed in phases.

A letter from the engineers also stated they would further investigate the potential for rebidding the project.

CONSIDER BID RESULTS FOR BACKHOE AND LOADER

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the following bid for a new Backhoe:

| | |
|------------------|---------------------|
| Nortrax LLC | \$77,500.00 |
| Beacon, New York | (8,500.00) Trade In |
| | \$69,000.00 |

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the following bid for a new Loader:

| | |
|------------------|--------------------|
| Nortrax LLC | \$104,000.00 |
| Beacon, New York | (10,500.00) |
| | \$93,500.00 |

Attorney Chapman explained that Nortrax LLC was the lowest responsible bidder that met all of the bid specifications.

All bids received were as follows:

| <u>BIDDER</u> | <u>BACKHOE</u> | <u>LOADER</u> |
|------------------------------|------------------------|----------------------|
| Pine Bush Equipment Co. Inc. | \$73,632.00 | \$89,332.00 |
| Pine Bush, N.Y 12566 | (\$10,000.00) Trade In | (3,000.00) |
| | \$63,032.00 | \$86,332.00 |
| Tracey Road Equipment | \$74, 169.00 | \$87,021.00 |
| Kirkwood, N.Y | (\$10,000.00) Trade In | (\$5,000.00) |
| | \$64,169.00 | \$82,021.00 |
| Hoffman Equipment | No Bid | No Bid |
| Marlboro, N.Y | | |
| Nortrax LLC | \$77,500.00 | \$104,000.00 |
| Beacon, N.Y | (\$8,500.00) Trade In | (\$10,500.00) |
| | \$69,000.00 | \$93,500.00 |
| H.O. Penn | \$87,500.00 | \$95,695.00 |
| Bloomington, N.Y | (\$10,000.00) Trade In | (\$7,500.00) |
| | \$77,500.00 | \$88,195.00 |

CONSIDER BID RESULTS - SURPLUS EQUIPMENT

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following surplus equipment bids:

1985 - GMC ONE TON FOUR WHEEL DRIVE

Renee Call - \$650.00
Parksville, New York

1997 - FORD TAURUS

Ron Herbert - \$222.00
Monticello, New York

2002 - CHEVY IMPALA

Carl Salamon - \$392.00
Monticello, New York

2004 - FORD CROWN VICTORIA

Liberty Motors of Goshen -_Jeff Buyer - \$1,009.99
New Hampton, New York

1970 - TD 15 BULL DOZER

Keesler Truck - \$2,100.00
Middletown, New York

1978 - FIVE TON HUBER ROLLER WITH 40" DRUMS

Keesler Truck - \$550.00
Middletown, New York

1995 CHEVY UTILITY TRUCK - ONE TON

Ron Herbert - \$358.00
Monticello, New York

**1940 - SIX CYLINDER CHYSLER ENGINE TRAILER MOUNT
(WATER) PUMP**

Carl Salamon - \$367.00
Monticello, New York

1985 GMC 7000 CAB AND CHASSIS

Ron Herbert - \$600.00
Monticello, New York

All bids received were as follows:

1985 - GMC ONE TON FOUR WHEEL DRIVE

| | |
|---------------|----------|
| Jeff Buyer- | \$335.99 |
| Carl Salamon- | \$369.00 |
| Ron Herbert- | \$557.00 |
| Renee Call- | \$650.00 |

1997 – FORD TAURUS

| | |
|---------------|----------|
| Renee Call- | \$50.00 |
| Jeff Buyer- | \$311.99 |
| Carl Salamon- | \$121.00 |
| Ron Herbert- | \$222.00 |

2002 – CHEVY IMPALA

| | |
|---------------|----------|
| Renee Call- | \$50.00 |
| Jeff Buyer- | \$311.99 |
| Ron Herbert- | \$222.00 |
| Carl Salamon- | \$392.00 |

2004 – FORD CROWN VICTORIA

| | |
|---------------|-----------|
| Renee Call- | \$50.00 |
| Ron Herbert- | \$357.00 |
| Carl Salamon- | \$429.00 |
| Jeff Buyer- | \$1009.99 |

1970 - TD 15 BULL DOZER

| | |
|----------------|-----------|
| Renee Call- | \$100.00 |
| Carl Salamon- | \$327.00 |
| Jeff Buyer- | \$551.99 |
| Ron Herbert- | \$784.00 |
| Gary Klein- | \$1802.00 |
| Keesler Truck- | \$2100.00 |

1978 - FIVE TON HUBER ROLLER WITH 40" DRUMS

| | |
|----------------|----------|
| Renee Call- | \$50.00 |
| Ron Herbert- | \$252.00 |
| Jeff Buyer- | \$259.99 |
| Carl Salamon- | \$327.00 |
| Keesler Truck- | \$550.00 |

1995 - CHEVY UTILITY TRUCK – ONE TON

| | |
|---------------|----------|
| Renee Call- | \$50.00 |
| Carl Salamon- | \$137.00 |
| Jeff Buyer- | \$225.99 |
| Ron Herbert- | \$358.00 |

1940 – SIX CYLINDER CHYSLER ENGINE TRAILER MONT (water) PUMP

| | |
|-------------|---------|
| Renee Call- | \$50.00 |
|-------------|---------|

Carl Salamon- \$144.00
Jeff Buyer- \$168.99
Carl Salamon- \$367.00

1985 - GMC 7000 CAB AND CHASSIS

Renee Call- \$50.00
Jeff Buyer- \$101.99
Ron Herbert- \$600.00

CONSIDER APPROVAL OF CHEMICAL BIDS FOR WATER DEPARTMENT

This item was **tabled** until the Department Head can properly review the chemical bids. The bids will be awarded at the Regular Meeting scheduled for August 10, 2009.

CONSIDER APPROVAL OF CHEMICAL BIDS FOR WASTE WATER TREATMENT PLANT

This item was **tabled** until the Department Head can properly review the chemical bids. The bids will be awarded at the Regular Meeting scheduled for August 10, 2009.

WASTEWATER TREATMENT PLANT – CONSIDER FLOW METER BID

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the bid of \$65.00/hour, .40/mile, from PID Controls, LLC of Glenwood, NJ for the yearly calibration, repair and maintenance of flow meters at the Wastewater Treatment Plant. The mileage charge is from Middletown, New York.

All bids received are as follows:

| | |
|--------------------|---------------------|
| PID Controls LLC | \$65.00/hour |
| PO Box 180 | \$.40/mile |
| Glenwood, NJ 07418 | from Middletown, NY |

NEW BUSINESS: CONSIDER RATIFICATION OF INSURANCE CARRIER FOR 2009/10 INSURANCE COVERAGE

RESOL.# 35-2009: Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried approving Resolution #35-2009.

WHEREAS, the Village of Liberty Board of Trustees approves insurance coverage with Agent David Bodenstein - Mike Pries Insurance;

WHEREAS, the 2009-2010 Insurance Carrier will be Trident Insurance through Mike Pries Insurance Agent at a cost of \$81,931.37.

CONSIDER BANNER PERMIT FOR “BIKEAROO”

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the ***Banner Permit*** sponsored by LibertyBikeTrail.com to advertise the bicycle event at Walnut Mountain Park on August 22 and 23, 2009.

CONSIDER GOING OUT TO BID FOR REFUSE PACKER BODY

Motion by Trustee Lindsley, seconded by Trustee Simon and unanimously carried approving going out to bid for one Rear Load Refuse Packer Body – 18 cubic yards to be mounted on chassis.

The bid opening will be Monday, August 3, 2009 at 11:00 a.m.

CONSIDER GOING OUT TO BID WITH TOWN OF LIBERTY FOR FUEL OIL, GASOLINE AND DIESEL FUEL

RESOL. # Motion by Trustee Lindsley, seconded by Trustee Green and
36-2009: unanimously carried approving Resolution #36-2009.

WHEREAS, the Board of Trustees of the Village of Liberty approves the joint fuel bid with the Town of Liberty, Town of Fallsburg, Town of Rockland and Village of Liberty; and

WHEREAS, this bid is for fuel oil, gasoline; and diesel fuel;

WHEREAS, the bid will cover the period of September 1, 2009 through August 31, 2010 and there will be a \$100 participation charge.

NOW, THEREFORE, BE IT RESOLVED that the Village of Liberty Board of Trustees authorizes participation in the Joint Municipal Fuel Bid.

CONSIDER ADMENDMENT TO VEHICLE AND TRAFFIC LOCAL LAW RE: TICKET WRITING IN FIRE LANES

Attorney Chapman said that he would need a list of businesses where the Police Department would like to be able to write the fire lane tickets and according to Section 60-40 of the Highway Law a letter would have to be written to the New York State Department of Public Works requesting their permission to pursue this matter. Once all this is accomplished the Village Board would have to set a Public Hearing and amend the local law on this matter.

CONSIDER LOAN TO WATER FUND FOR DEBT SERVICE PAYMENT

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving a loan of up to \$50,000 to the Water Fund from the General Fund to cover the August 2009 Debt Service.

CONSIDER PAYMENT TO NYSDOT RE: PARKSVILLE BETTERMENT - \$115,055.03

Motion by Trustee Green, seconded by Trustee McGuire and unanimously carried approving the payment of \$115,055.03 for the Parksville Water Main Betterment, known as PIN 9066.74, contract No. D260985 which will be secured thru DWSRF funding. This payment is contingent on the proper paperwork being submitted by the Village of Liberty engineers – McGoey, Hauser and Edsall.

CONSIDER CHANGE ORDER #1 FOR THE NORTH MAIN STREET SIDEWALK (PHASE 1)

RESOL.# Motion by Trustee McGuire, seconded by Trustee Green and unanimously
37-2009: carried approving Resolution #37-2009

WHEREAS, the Village of Liberty Board of Trustees approves Change Order #1 for the North Main Street Sidewalk;

WHEREAS, this Change Order is for the Project Closeout and unused Contract items which have decreased the amount due to CMC Construction Group Inc. by \$9,095.90 making the contract amount \$107,909.10 rather than the original contract price of \$116,995.00;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees authorizes Mayor Winters to execute this Change Order (#1).

CONSIDER PAYMENT TO CMC CONSTRUCTION GROUP, INC. – RE: NORTH MAIN STREET SIDEWALK (PHASE 1)

Motion by Trustee Lindsley, seconded by Trustee Simon and unanimously carried approving the payment of \$8,463.96 to CMC Construction Group, Inc. of Slate Hill, New York for the completion of Phase I of the North Main Street Sidewalk Project.

CONSIDER LITIGATION ON MICRO-ENTERPRISE LOANS

Motion by Trustee Green, seconded by Trustee McGuire and unanimously carried authorizing Attorney Chapman to pursue litigation on the following past due micro-enterprise loans:

Munson Diner
Lake Street
Liberty, New York 12754

Dunbar Dance Studio
Main Street
Liberty, New York 12754

CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT LOAN FOR CHARLIE'S RESTAURANT

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried approving a Community Development Block Grant loan to Charlie's Restaurant located at 77 North Main Street, Liberty, New York in the amount of \$20,000 payable over four years (48 months) at a rate of two (2%) percent.

CONSIDER AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT LOANS

PAST DUE LETTERS

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving a system of sending a letter to all businesses that have received Community Development Loans that are two weeks past due and again at four weeks if they remain past due. The first letter will be a reminder and the second will begin legal action if the loans are not brought up to date.

These letters will in no way effect any mattes of litigation.

REVISED LOAN APPLICATIONS

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried to revise the loan application to include the following items:

- Two to three estimates per supplier (ie: Contractors, Electricians, Stoves, etc.)
- Loan Proceeds to be sent to the supplier at the discretion of the Village of Liberty and will be discussed at closing.
- File UCC on large items so they can be repossessed if the loan recipients fail to pay the loan.
- Include home address and home phone number on the loan application.
- Include DBA or Corporation on the loan applicant and request Certificate
- Include a line asking if the firm or individuals or any of the principals have ever filed bankruptcy and if so when and why.

- Require account numbers as well as bank information on personal accounts, with account numbers, social security number and date of birth.
- Include Personal Guarantee in the body of the application and all DBA's and Corporations will also have to sign.
- Include all trade references used in the last year, which can be this business or priors.

CONSIDER CONTINUED EMPLOYMENT FOR EDWARD LAGARDE AS BUSINESS ADMINISTRATOR

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Edward LaGarde to continue on in the capacity of Administrative Consultant for one more month at a salary not to exceed \$3,500. This position will be evaluated on a month-to-month basis.

Mayor Winters abstained from voting on this matter due to a family relationship.

TRUSTEE REPORTS:

Mayor Winters opened the meeting to comments from the Board

Trustee Simon – No Comment

Trustee McGuire commended Edward LaGardge for the wonderful job he has been doing with the Justice Court matters. She said he has been able to reconcile some of the accounts that have not been done in recent months. She also explained that people who owe fines get three notices within a year reminding them of such, if they do not pay and the item is a traffic matter their license is suspended and if it is a criminal offense a bench warrant is issued for their arrest. Trustee McGuire thanked everyone for the work they are doing on these matters.

Trustee Green discussed on the following issues:

- Community Development Block Grant Loans and the changes that would be made to the application and collection process (See New Business for details)
- Said Edward LaGardge will be talking with individuals this week about creating the Village's website which will include history, forms, polls, etc.
- Discussed the continued employment of Edward LaGarde (See New Business for details).

Trustee Lindsley said she is proud of Trustee Green and how the Village is now being run like a business.

Mayor Winters addressed the following issues:

- Said the Bridge on West Liberty Street is in the process of being fixed and it is temporary opened.
- Said Lake Street is in the process of being repaved
- Said Village Justice Bauman is also an engineer and has offered to help with the water issue on Lake Street.

APPROVAL Motion by Trustee Lindsley, seconded by Trustee Simon and unanimously
OF BILLS carried approving Voucher #9-063 to Voucher #9-165 in the amount of
FOR PYMT \$264,393.03.

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee Simon and unanimously carried approving Post Audit Voucher #9-55 to Voucher #9-62 in the amount of \$345,640.53.

K-9 Bills for Payment

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following bill for payment:

Diamond Graphx - \$450.00 (To customize K-9 Dodge Durango)

EXECUTIVE Motion by Trustee Green, seconded by Trustee McGuire and unanimously
SESSION: carried to go into Executive Session at 8:15 p.m. to discuss a matter of litigation.

Motion by Trustee Lindsley, seconded by Trustee Simon and unanimously carried to come out of Executive Session at 8:35 p.m.

ADJOURN: Motion by Trustee Green, seconded by Trustee Simon and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 8:36 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER