**REGULAR MEETING**

AUGUST 13, 2013

# The Board of Trustees held the Regular Meeting of August 13, 2013 at

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

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

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

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

**PRESENT:**  Sara Jahrling, Dustin Pritzert, Henrich Strauch and Police Detective Steven

D’Agata (arrived7:55 p.m.)

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

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

**MINUTES:**

REGULAR MEETING – July 23, 2013

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

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

* Letter from State of NY Re: Designate Access Highways
* Memo from Delaware Engineering Re: DRBC

The Mayor and Board discussed the letter received from the State regarding access highways. Mayor Ratner said he is opposed to it as our roads are not wide and there are some low wires.

Attorney Silver said the Board should draft a letter with their concerns and if possible send a DVD of the area so the state can see the situation.

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

**COMMENTS**:

There were no comments from the Public.

**ATTORNEY**  Attorney Silver said he had a couple of items for Executive Session.

**COMMENTS:**

Attorney Silver said the Board should get a value of the property at 61 Champlin (currently owned by the Village of Liberty) so that the property can be sold.

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

**REPORT:**

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

* List of Delinquent Taxes, which as of 07/31/13 is $761,837.20
* List of Current Taxes and collections thru 7/31/2013, of which there is $718,337.64
* outstanding
* The Court Revenue received from the Town of Liberty for June, which is $1695.00
* Financial Comparison of General, Water, Sewer and Sanitation
* Budget Expenses and Revenues for July 2013
* Starting and ending Check numbers for July

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

**BUSINESS: DELAWARE ENGINEERING:**

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

* USDA RD and NYSDOH review and approval of plans and specifications for the project is nearly done.
  + USDA RD and NYSDOH need to review and approve the design and contract documents (plans and specifications) before project can go to bid.
  + Wrapping up addressing USDA RD and NYSDOH – Monticello comments now
  + Resubmitting to NYSDOH for approval this week
  + Checking with USDA to conform we have everything needed to go out to bid once we have the NYSDOH approval letter
* Current schedule is to go to bid August/September 2013 with construction beginning in September/October 2013.
* At July meeting, Board authorized the Village Clerk to publish the legal notice for project bidding so that we can go out to bid once USDA advices us we can do so. We will get the bid notice to Judy as soon as USDA advises Village can go out to bid.
* Go out to bid and see where project costs come in relative to the budget and funding.
* Have requested bid alternate pricing to be submitted by bidders if work gets delayed until 2014.
* Anticipated funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2%
* $11,000 local

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

* Work by Ross Electric – Electrical Construction
* All planned work is complete
* Work by TAM Enterprises – General Construction
* WWTP continues to run Oxidation Ditch 2 on new equipment
  + All planned work is complete
* Blower Control Issue
  + Working with WWTP and TAM and Sanitiare (Blower and control supplier) to trouble shoot blower motor overtemp issue.
* Koester Associates (Blower suppler Rep.) field service technician was onsite July 26th, and his tests determined that the blowers were not getting as hot as they said that they were and that the issue was in the Siemens (Kaeser Blower motor supplier) temperature probe and controller.
* Sanitaire is working with Kaeser/Siemens to resolve the issue.

**Contractor Payment Requests:**

**Ross Electric**

* All done

**TAM Enterprises Inc.**

* One final payment pending for remaining site restoration, retainage associated with uncompleted work and change order work.
* Balance to be paid, including adjustment (credit) due to final over/under change order is $4,739.45
* Holding until blower issue gets resolved.

Project Changes:

* TAM Enterprises:
  + General Contract Change Order No. 1 – Manual Transfer Switch at $3,500 and Change Order No. 2 – Intake Air Piping Modification at $2,499.20 to complete
  + Change Order No. 3 (Final Over/Under) Change order includes two credits for work that was originally planned for but not ultimately required. The first credit is for pumping and transfer of water between oxidation ditches, which was budgeted for under Work Item No. 7 but not required. The proposed change results in a credit in the amount of $2,500. The second credit is for main level access hatch modification, which was budgeted at $8,500 under Work Item No. 35 but not required.
    - All costs associated with Change Order No. 3 will be deducted from the contract price resulting in an $11,000 decrease to the base contract price and a final contract price of $773,311 (previous contract price of $784,311 minus the above mentioned credits with a total value of $11,000.)
    - Delaware recommends that Village resolves to accept VL@-G-12 – General Contract Change Order No. 3 and authorize the Village Mayor to sign for the reduction to the base contract of $11,000 and a final contract price of $773,311.20.
  + Additional WWTP Work
    - Liberty Iron Works performing the additional repairs including :
      * Oxidation Ditch No. 1 Maintenance Pit opening between Stormwater Basin and Ox Ditch No. 1.
      * Clarifier No. 1 Effluent Pipe Patching and Skirt Patching
      * Clarifier No. 2 Skirt Patching
    - Status:
      * All planned work is complete.
  + Liberty Iron Works:
    - Proposed Change Order No. 1 includes an additional cost for quantity of material required to complete the repair of Clarifier No. 1 (south) sludge box above and beyond original estimated scope of work. Original scope of work was for approximately 3 sq. feet of steel to: repair major pin holes…”. Once work was started it was determined that the condition of the sludge box was in worse condition than originally anticipated and actually required approximately 25 sq. ft. of material to satisfy original scope of work.
    - All costs associated with Change Order No. 1 will be added to contract price resulting in a $400 increase to the base contract price and a final contract price of $2,800 (i.e. previous contract price of $2,400 plus the above mentioned credits with a total cost of $400)
    - Delaware recommends that Village resolve to accept Change Order No. 1 to Liberty Iron Works and authorize the Village Mayor to sign for the increase to the base contract of $400 and a final contract price of $2,800.
* Cost Summary
  + Phase 1 and 2 work and planned remaining Phase 3 CDBG work – see attached Near Term WWTP Improvements Cost Summary – Last Revised 08-12-13
  + Sum of Phase I and 2 emergency repairs are anticipated to be within $10,000 of the original budget for $1.05M of work.

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

* CDBG Application submitted on July 12 (2012) for a $600,000 grant was successful
* Work follows through with emergency work (Phase 1 and 2) to complete the Near Term Improvements at an estimated project cost of $1,027,675.
* Key elements of work includes:
  + Oxidation Ditch 1
    - Put in aeration grid
    - Put in second submersible mixer
  + New Influent Mechanical Bar Screens and Building
  + Minor changes in Influent Building (HVAC mods, etc.)
* Mark Blauer has completed Environmental review req’ts.
* Small Cities will need to review and approve the project specs
* No NYSDEC review or approval needed
* Delaware working on preparing plans and specs for CDBG review and then public bidding
* Recommend that the Board authorize the Village Clerk to publish the legal notice for project bidding so that we can go out to bid proper to the next Village Board meeting.
* Overall Schedule
  + - Design – complete in August 2013
    - CDBG review of materials – August/September
    - Contract Award/Shop Drawings – September/October
    - On site Work – October 2013 – June 2014
      * New influent screens take four months to manufacture after shop DWGS get approved

**GRIEBEL PARK DAM**

Dave Ohman of Delaware Engineering reported as follows:

* Village reviewing to confirm why this needs to be done.

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

David Ohman of Delaware Engineering reported on the following:

* Drawings with details and schedule of requirements for different size services under development and being reviewed by Ken Hessinger
* These will be technical specs/information that can be referenced by the code and periodically updated within having to substantially modify the code.
* Will have the information ready for the September 10th meeting.

**WATER SYSTEM VULNERABILITY ASSESSMENT AND EMERGENCY RESPONSE PLAN**

* Working with Ken Hessinger to understand what needs to be updated in each report
* We have hard copy of the existing reports that need to be updated.
* Per Ken, these need to be updated and back into DOH by end of year.

**SMALL CITIES APPLICATION FOR CDBG GRANT FOR 2013**

* Village has selected new UV disinfection system for the WWTP as the designated project for the Small Cities Grant Application that would benefit the entire Village
* Delaware prepared Technical Engineering Report (details of work, estimated costs, etc.) for new UV disinfection system in the existing post-aeration channel – estimated project cost of $599,000.
* Mark Blauer completed co-funding application package – targeting Small Cities Community Development Block Grant with $600,000 maximum grant – and submitted on August 9 – deadline was August 12.

**DRBC WATER SYSTEM APPLICATION**

* Received questions back from the Delaware River Basin Commission regarding the water system application submitted in February 2013 – Village system not currently in DRBC system but needs to be.
  + DRBC requested the water system application as an outgrowth from the WWTP upgrade work and updating of the DRBC information for WWTP work.
  + Working with Ken Hessinger on responses
  + DRBC scheduled to review application at December hearing.

**CONSIDER EXCAVATION PERMITS – WATER, SEWER, DPW**

Attorney Silver discussed the versions of excavation laws that are available.

He said some are very long with extreme detail and some are much more condensed. He also stated they can be strictly for public property or they can include private property as well. He said in the Village’s case the permits would be signed off by the Water Department and the Waste Water Department.

Attorney Silver said he would review each law and work on a final version for the Board to review.

**CONSIDER TAX ABATEMENT PROGRAM – PROPOSED LOCAL LAW #6-2013**

Attorney Silver presented the Board with a copy of the proposed tax abatement law, which would adopt a new Article IX of Chapter 74.A of the Code of the Village of Liberty to provide a tax exemption for first time homebuyers of newly constructed homes.

CONSIDER VILLAGE OF LIBERTY AS LEAD AGENCY FOR THIS PROPOSED LAW

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried declaring the Village of Liberty as Lead Agency on the proposed tax abatement law, which would adopt a new Article IX of Chapter 74.A of the Code of the Village of Liberty to provide a tax exemption for first time homebuyers of newly constructed homes.

CONSIDER NEGATIVE DECLARATION UNDER SEQR

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to issue a Negative Declaration on this unlisted action for the proposed tax abatement local law, which will adopt a new Article IX of Chapter 74.A of the Code of the Village of Liberty to provide a tax exemption for first time homebuyers of newly constructed homes and authorized Mayor Ratner to sign the SEQR form.

CONSIDER PUBLIC HEARING FOR PROPOSED LOCAL LAW #6-2013 – TAX ABATEMENT LOCAL LAW

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to hold a Public Hearing on Tuesday, September 10, 2013 at 6:55 p.m. to consider Local Law #6-2013 – to adopt a new Article IX of Chapter 74.A of the Code of the Village of Liberty to provide a tax exemption for first time homebuyers of newly constructed homes.

**CONSIDER LOAN REQUEST – CROSSFIT GYM**

Dustin Pritzert discussed his loan request for a VIP Fitness/Crossfit Gym and said he has made the following changes:

* Location will be 9 Maple Street (owned by Robert Dadras), which is 2,000 square foot and is large enough and tall enough to accommodate the gym.
* The rent will be $800 per month
* Electric will be approximately $100 per month
* It will cost approximately $500 per month to heat in the winter and he will be purchasing an air conditioner for $450, which will cool it in the summer months
* The franchise fee will be $3,000 per year, which will be factored into the startup costs
* The equipment, air conditioning, flooring and radio will cost approximately $16,000.
* Said he has $3,000 saved for startup costs
* If the loan is granted he hopes to open in September.

The Board discussed marketing the gym and Dustin’s plan to advertise the gym.

Trustee McGuire said these types of gyms are big in other areas and starting to take off around this area.

The Board asked Sara Jarling (Dustin’s significant other), who is a teacher at Sullivan West School District, if she would consider co-signing the loan with Dustin.

Sara said she would have no problem co-signing the loan.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a Community Development Block Grant loan to Dustin Pritzert dba VIP Fitness/Crossfit in an amount of $20,000 for seven years with an interest rate of two (2%) percent.

The loan will require the individual guarantees of Dustin Pritzert and Sara Jarling.

**NEW CONDSIDER APPROVAL OF CHEMICAL BIDS FOR WASTE WATER**

**BUSINESS: TREATMENT PLANT 2013/2014**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following bids for a yearly supply of chemicals at the Wastewater Treatment Plant:

Soda Ash - Thatcher Co. of NY 0.318/lb

Salt Lake City, Utah

Polymer - Slack Chemical Co. $2.80/per pd

Carthage, NY Stafloc 164

Polyaluminum - Holland Company .171 per wet pd

Chloride Adams, MA 01220-1199 Epic 11-50

All bids received were as follows:

The Board chose Slack Chemical Company for the Polymer bid as it is a superior quality product even though it was not the lowest bid. The difference in cost is approximately $300 per year.

**CONSIDER APPROVAL OF CHEMICAL BIDS FOR WATER DEPARTMENT 2013/2014**

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried approving the following bids for the yearly supply of Chemicals for the Water Treatment Facility:

**Chlorine Gas Slack Chemical Co. $97.88/Cylinder**

**54-105CY Croydon, PA 150 pd/cyl.**

**Polyalum. Holland Company $.249/wet pd**

**Hycloxyc (PAC) Adams, MA**

**Hydrated Lime Slack Chemical Co. 9.79 bag**

**Carthage, NY 50 lb bag**

**Soda Ash Slack Chemical 15.999/bag**

**Carthage, NY**

**Ortho-Poly Carus Phosphates .61/pd**

**Phosphate Blend Belmont, NC 55 gal drum**

**Polymer Powder Slack Chemical Co. 129.00 bag/**

**Carthage, NY 50 pd bag**

**Potassium Thatcher Co. of NY 2.35/pd**

**Permanganate Carthage, NY**

All bids received were as follows:

**CONSIDER REQUEST FOR SEWER SERVICES TO 1885 ROUTE 52 LLC/ANNEXATION REQUEST**

Attorney Silver said a contract is being worked on by the Town of Liberty Attorney and the Village of Liberty Attorney to provide sewer services to 1885 Route 52 LLC. He said all expenses will be on the applicant and this will be done in conjunction with the annexation of the property to the Village of Liberty

Trustee Stabak expressed his concerns that if they get the sewer services before they annex they may find a loop hole that will cause them not to have to annex.

Attorney Silver said that will not be the case and that the annexation will have to go through within six months of the sewer connection or the sewer will be disconnected.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to authorize the contract for sewer services to 1885 Route 52 LLC be signed by Mayor Ratner when it is agreeable to the Town of Liberty Attorney and the Village of Liberty Attorney.

**RESOL. # CONSIDER CHANGE ORDER # 3 (TAM) – WWTP IMPROVEMENT**

**#50-2013: PROJECT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Resolution #50-2013.

WHEREAS, Change Order No. 3 reflects amounts added and deducted due

to project changes, which is as follows:

CO3-1 Credit from original scope of work for Work Item No. 7 – Pump and Transfer of Wastewater between Ox Ditches (1 time). This work was not required.

CO3-2 Credit from original scope of work for Work Item No. 35 – Main Level Access Hatch Modification for Installation of Blowers. This work was not required.

This change is to accept VL@-G-12 – General Contract Change Order No. 3 is with Tam Enterprises and the Village of Liberty Board of Trustees authorizes the Village Mayor to sign for the reduction to the base contract of $11,000 and a final contract price of $773,311.20.

**RESOL. CONSIDER CHANGE ORDER # 1 (LIBERTY IRON WORKS) – WWTP**

**#51-2013: IMPROVEMENT PROJECT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to accept Resolution #51-2013:

WHEREAS, Change Order No. 1 reflects additional cost for additional materials, to complete repairs to Clarifier No. 1 sludge box as follows:

CO1-1 Additional cost for quantity of materials required to complete the repair of Clarifier No. 1 (south) sludge box above and beyond original estimated scope of work. Original scope of work was for approximately 3 sq. ft. of steel to “…repair major pin holes…” Once work was started it was determined that the condition of the sludge box was in worse condition than originally anticipated and actually required approximately 25 sq. ft. of material to satisfy original scope of work.

This Change Order No. 1 involves Liberty Iron Works and authorize the Village Mayor to sign for the increase to the base contract of $400 and a final contract price of $2,800.

**CONSIDER GOING OUT TO BID FOR CDBG GRANT WORK – OXIDATION DITCH AERATOR REPAIRS AND INFLUENT SCREENS PHASE 3 WORK**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to authorize the Village Clerk to publish the legal notice for project bidding of the CDBG Grant Work – Oxidation Ditch Aerator Repairs and Influent Screens Phase 3 Work.

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

**COMMENT:**

Henrich Strauch informed the Board that he has not received any paperwork on the $99,000 Government Efficiency Grant from the State of New York.

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

**REPORTS:**

Trustee Stoddard said Attorney Silver is a great asset to the Board.

Trustee Stabak said some of the chairs in the Board room are in poor shape.

Trustee McGuire discussed Thursday (8/8) flash floods in Liberty and the big effort everyone, especially Daniel Ratner Jr., put forth in helping with the cleanup.

Trustee McGuire said with her new coaching position at Sullivan County Community College she will miss Octobers Board meetings as Tuesday is match night.

Trustee Alvarez said everyone did an awesome job with the flash flood problems.

Mayor Ratner discussed the problems that came about from the flash floods, including the 14 feet of water behind Harry Morse’s house on West Lake Street, which came about from a box culvert (storm drain) plugged with debris.

The Board thanked Mayor Ratner for all the work he did during the storm.

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

**OF BILLS** unanimously carried approving Voucher #16-180 to Voucher #16-185 in the

**FOR PYMT:** amount of $144,897.74

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #16-180 to Voucher #16-185 in the amount of $253,121.24.

**EXECUTIVE**Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously

**SESSION:** carried to go into Executive Session at 8:55 p.m. to receive Attorney Advice.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 9:15 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:15 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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