**REGULAR MEETING**

SEPTEMBER 10, 2012

# The Board of Trustees held the Regular Meeting of September 10, 2012 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 Corinne McGuire (arrived at 7:10 p.m.), Trustee Joan Stoddard and Trustee Luis Alvarez. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer

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

**PRESENT:**  Sr., Nancy Murray, Miranda Murray and Steven D’Agata.

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

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

**MINUTES:**

REGULAR MEETING – AUGUST 13, 2012

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

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

* Copy of Liquor License for Second to None 8.27.12
* Planning Board Agenda for 9.13.2012
* Letter from NYSDOT Re: Project Exit 100 8.20.12

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

**COMMENTS**:

Nancy Murray (Kennedy Drive) said she has a rodent problem stemming from vacant lots next to her house. These lots were recent sold at the tax auction.

Mayor Winters said there is very little that the Village can do unless it becomes a health hazard. He said the Village would start by writing a letter to the current owner regarding the problem.

Dan Ratner Sr. (West Lake Street) discussed the local law that New Paltz has in place regarding chickens in the Village.

He suggested the Board speak to the Animal Control Officer, Joanne Gerow at the Town regarding this matter.

**ATTORNEY** Attorney Chapman discussed the recent tax certiorari cases that have

**COMMENTS:**recently been presented to the Village. A resolution regarding payment of

these cases will follow later in the minutes.

**TREAS.** TREASURER’S REPORT FROM AUGUST 31, 2012

**REPORT:**

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

* List of Current Taxes, which as of 8/31/2012 is $583,638.34 uncollected
* List of Delinquent Taxes, which as of 8/31/12 is $640,230.21
* Starting and Ending Central Check Numbers for August
* Starting September 2012 Central Check #8338
* The Court Revenue received from the Town of Liberty for July, which is $510.00
* List of CDBG loans, the payment status of each one and recommendations.

**TABLED UPDATE ON WATER TANK PROJECT – D. OHMAN/DELAWARE BUSINESS: ENGINEERING:**

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

* Preliminary Funding Notification of $731,000 grant, a $289,000 loan – 38 years at 2% and $11,000 local infusion.
* Full Application binder package was submitted on August 15 with a follow up on August 16 (Items 6 and 26) such that the Full Application was all there by August 17, 2012 deadline.
* Received comments from George Popp and State Engineer on August 20th on Preliminary Engineering Report that needs to be addressed prior to USDA approval for financing.
* Received information from concrete tank manufacturer to help respond to one comment
* Need to work with Village on several other items
* Based on e-mails with USDA, we would also amend the Preliminary Engineering Report and Form E as part of these revisions to include the Village buying more water meters and/or providing an emergency power source for the tank level instrumentation.
* USDA wants all items back by September 20th.
* Revised Form E sent to USDA today based on my telephone call with George Popp today. Bottom line remains the same. Waiting for his back.
* Based on a discussion with George Popp today, the Village does not currently have a professional services agreement (PSA) for Bookkeeping and Reporting Admin.
  + Need to have a PSA in place before the Full Application gets approved.
  + Recommend that the Village resolve to retain Blauer Associated to provide Bookkeeping and Reporting Administration services for this project to be billed at an hourly rate with a not to exceed price of $16,000 (matches price in revised Form E – already included in the project budget. If acceptable to the Village, mark will provide an agreement to the Village this week.

DWSRF PROJECT

* A balance of $191,000 remains in the 2005/06 DWSRF Project No. 15655
* Contacted NYSEFC regarding feasibility to use remaining project funds to pay for recent Lily Pond WTP computer replacement and SCADA work.
  + Will not likely be eligible since they do not pay for O & M or equipment replacement.
  + In general, to be eligible, items need to be included the original engineering report and be covered under SEQR documents prepared for the project.
* NYSDOH in Albany makes the determination of eligibility.
* Received NYSDOH response on September 6th to letter sent on August 2, 2012 with items, from Dave Harman and Ken Hessinger, to be considered for funding under the DWSFR project.

WWTP IMPROVMENTS PROJECT

David Ohman reported on the following:

Oxidation Ditch – Emergency Repair Work –

* Work by TAM Enterprises and Ross Electric to remove two broken brush aerators, put in two new submersible mixers and appurtenances is now complete.
* Invoice yet to be received from Ross Electric
* Cost remain within the planned $145,000 budget
* Updated cost summary is attached
* Additional Emergency WWTP Work
* Forwarded equipment quote request (to purchase – not install) – major pieces of equipment) to TAM on August 21, 2012 and received combined price for all equipment (no breakdown by component) from TAM on September 4.
* Based on our review of budgets versus quotes, the cost to furnish the major equipment of $312,136 was $462 more than originally budgeted and included items needed but not included in the original budget:
  + - A third 50 HP aeration blower and variable frequency drive
    - A mass air flow meter to measure aeration piping air flow rate
* We are working to get an equipment supply cost breakdown from TAM and will itemize costs relative to budgets for each major equipment tem – See the attached table.
* **All items are needed and additional costs remain within the contingency so TAM will be ordering the new equipment**.
* Developing quote packages (scope of work and revising Near Term Improvement contract drawings) for TAM and Ross for installation of equipment, and to furnish and install other items (e.g. piping, values, etc.)
* Met on-site with TAM and WWTP staff on September 7 to review blower installation and the planned work.

Near Term WWTP Improvements – Oxidation Ditch Aerator and Influent Screens

* Waiting to see if CDBG application submitted on July 12 for a $600,000 grant is successful

**IDEAL SNACKS – UPDATE FROM DELAWARE ENGINEERING**

David Ohman said there was not anything new to report.

**RED MEAT FACILITY – UPDATE FROM DELAWARE ENGINEERING**

David Ohman of Delaware Engineering said the bid has been awarded for the site work.

**STATE POLICE BARRACKS NEVERSINK ROAD**

David Ohman of Delaware Engineering reported:

Update:

* Estimated project cost with scope of work and letter sent to Sgt. Michael Rushanski on August 20th.
* Requested that NYSP advise the Village of their intended plan forward
* No response received yet

Background

* Front entrance, front steps, H/C accessible sidewalk and portions of front sidewalk require repair and replacement
* Settlement issues
* Deterioration of some concrete
* Cost of repairs will be paid by NYSP
* Village desires to have engineered plans done to provide details of repairs for quoting, construction and future record for a code compliance review.

**DAYS INN PUMP STATION SANITARY FORCE MAIN – EXPOSED PIPE**

David Ohman said there was nothing new to report this month.

**CONSIDER RESOLUTION OF THANKS TO COOPERATIVE EXTENSION FOR THEIR WORK ON THE ELIMINATION OF THE DAM AT GREIBEL PARK**

This item will remain tabled until all the information is received from the N.Y.S.D.E.C.

**CONSIDER POSSIBLE AMENDMENT TO LOCAL LAW RE: WATER METER SERVICE**

This item will remain tabled until additional information is provided from the Water Supervisor.

**CONSIDER REQUEST FROM NORTON RUBENSTEIN – S.B.L. #111-1-52**

CONSIDER S.B.L. #111-1-52 AS SURPLUS

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to surplus the property known as tax map #111-1-52, which is currently owned by the Village of Liberty.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to put the surplused property – Tax Map #111-1-52 out to bid with a minimum bid of not less than $17,500. A Quick Claim Deed will be given and the buyer will be responsible for title and legal fees.

This bid will be Tuesday, October 23, 2012 at 11:00 a.m.

**NEW CONSIDER HALLOWEEN PARADE PERMIT**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a ***Parade Permit*** for a ***Halloween Parade*** on ***Saturday,*** ***October 27, 2011 at 1:00 p.m***. The parade route will be Church Street to Main Street, up Main Street to the Liberty Parks and Recreation Building.

A rain date of Sunday, October 28th (2012) at 2:00 p.m. is set for the parade.

Any extra police presence needed for this event will be handled by the Fire Police of the Liberty Fire Department.

The Town of Liberty Parks and Recreation Department organize this parade.

**CONSIDER POSSIBILITY OF A LOCAL LAW TO ALLOW THE KEEPING OF CHICKENS ON RESIDENTIAL LOTS**

Mayor Winters said this matter would be tabled until October’s Regular Meeting so each Board member has time to review the proposed local law (from New Paltz) and research their own concerns.

**CONSIDER LETTER FROM GOLDEN PARK RE: 2009 SANITATION FEE**

The Board reviewed the letter from Golden Park regarding their 2009 tax bill and said they would not be able to waive the fees at this time.

**CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR WATER TANK PROJECT**

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

**39-2012:** unanimously carried approving Resolution #39-2012.

**WHEREAS**, the Village of Liberty resolves to retain Blauer Associates to provide Bookkeeping and Reporting/Admin services for the water tank project;

**BE IT RESOLVED**, Blauer Associates will bill at an hourly rate with a not to exceed price of $16,000 which matches the price in revised form E – already included in the project budget.

**CONSIDER EEOC CLAIM – RETAIN COUNSEL**

This item will be discussed in Executive Session so that the Board can receive Attorney – Client Advice.

**CONSIDER PAYMENT OF TAX REFUNDS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to authorize the Village Treasurer to issue tax refunds as listed:

Order of Judge Gilpatric dated July 30, 2012 for index number 2574/2010.

Orders of Judge Melkonian dated May 31, 2012 for index 2576/2010 and 2167/2011 and 2575/2010 and 2166/2011 and 2577/2010 and 2164/2011.

**CONSIDER APPROVAL OF CHEMICAL BIDS FOR WASTE WATER**

**TREATMENT PLANT**

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

Polymer - Slack Chemical Co. $2.80/per pd

Carthage, NY Stafloc 164

Polyaluminum - Holland Company .173 per wet pd

Chloride Adams, MA 01220-1199 Epic 11-50

All bids received were as follows:

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

**COMMENT:**

Police Chief Scott Kinne said they have arrested the person who broke into St. Peter’s Church approximately one year ago. He said the person was also wanted in three other countries so he will be in prison for many years.

Police Chief Kinne said they also apprehended the person who broke into the Milestone restaurant and caused $35,000 worth of damage.

Daniel Ratner Sr. (Planning Board Member) said the Town of Liberty Planning Board met with Mr. Weismann who will be putting in the recycling plant on North Main Street and said the approvals are just about complete.

Daniel Ratner also spoke about the $12,000 in grants that was received from Sullivan Renaissance and other sources for the park at 119 North Main Street. He said they next step will be to put in an amphitheater with bluestone seats.

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

**REPORTS:**

Trustee Alvarez said he would like to discuss CSEA Contract Negotiations in Executive Session.

Trustee Stoddard said many times she hears comments that we are difficult to deal with when it comes to our taxes.

Attorney Chapman assured the Board that the Village is following the proper steps when it comes to the tax auctions and taxes. He said the law clearly states that taxes cannot be forgiven and penalties can.

Trustee McGuire said she is extremely excited about the skate park and the positive things that will come with it.

Trustee McGuire read the following Resolution of Respect:

RESOLUTION OF RESPECT

LUANN P. HERING

November 29, 1955 – August 8, 2012

**WHEREAS**, The Village of Liberty Board of Trustees was greatly grieved to learn of the untimely death of LuAnn Hering and;

**WHEREAS,** LuAnn was the Chief Clerk at Sullivan County Surrogates Court for over twenty-two years;

**WHEREAS**, LuAnn was a tireless advocate and activist devoted to the welfare of animals, working with the Sullivan County SPCA and North Shore Animal League;

**WHEREAS**, in doing so, became a positive and permanent influence for the good in these organizations; and

**WHEREAS**, throughout her life she earned the respect, admiration and high regard of all those whom she came into contact with and helped create warm memories for all;

**WHEREAS,** her generosity, energy, warm humor and spirit will be greatly missed;

**BE IT THEREFORE RESOLVED,** that the Village of Liberty Board of Trustees take public and official cognizance of her long and faithful service to the citizens of Sullivan County and express to her sorrowing family our sincere appreciation of her dedicated performance and our deep realization of this loss;

**BE IT FURTHER RESOLVED** that this resolution of deep respect and profound sympathy will be given to her bereaved husband.

Trustee Lindsley briefly discussed the delinquent CDBG Loans.

Mayor Winters said he was very impressed with the number of people at the Soap Box Derby Golf outing. He said he also recently walked up and down Main Street and was happy to see the community spirit that everyone had.

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

**OF BILLS** unanimously carried approving Voucher #14-281 to Voucher #14-363 in the

**FOR PYMT:** amount of $105,586.05.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Post Audit Voucher #14-180 to Voucher #14-185 in the amount of $248,841.66.

DARE ACCOUNT

Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried approving the following bill for payment:

Creative Product Sourcing - $468.87

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

**SESSION:** unanimously carried to go into Executive Session at 8:00 p.m. to receive

Attorney Client advice on the following matters:

* CSEA Contract Negotiations
* An EEOC Claim
* A matter at Ideal Snacks

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 9:30 p.m.

**CONSIDER EEOC CLAIM – RETAIN COUNSEL**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to retain Shawn Brosseau to represent the Village before the EEOC on a claim made by former Village employee Jackie Griswold.

**CONSIDER COMMENCEMENT OF LITIGATION – IDEAL SNACKS**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize Attorney Chapman to commence litigation to enjoin Ideal Snacks from operating without a Certificate of Occupancy.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:30 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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