**REGULAR MEETING**

OCTOBER 9, 2012

# The Board of Trustees held the Regular Meeting of October 9, 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 Corinne McGuire, Trustee Joan Stoddard and Trustee Luis Alvarez. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer

**ABSENT:** Trustee Shirley Lindsley

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

**PRESENT:**  Mir, Ronald Stabak, Jeffrey Root, Town of Liberty Supervisor Charles

Barbuti, Walter Moylan, Police Detective Steven D’Agata and Police

Sergeant Mark Hess**.**

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

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

**MINUTES:**

REGULAR MEETING – SEPTEMBER 10, 2012

**CORRES-** Mayor Winters said the Village has received and sent the following

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

INCOMING

* Letter from TAM Re: Clerical Error 9.11.12
* Correspondence from Cty Re: Tax Auction Proceeds
* Planning Board Agenda 10/11/12
* E-Mail from NYCOM Re: Section 277

OUTGOING

* Letter to D/T Feinman Re: Rodent Problem 9.13.2012

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

**COMMENTS**:

Henrich Strauch – Liberty CDC

Henrich reported on the following:

* Informed the Board the Main Street Grant has been extended to year end which will be the last extension.
* Said both businesses with asbestos problems have submitted their mitigation plans to the Department of Labor, so they will hopefully be resolved soon.
* Said the last unpaid CDBG Emergency Loans have been sent notices to be paid in full by the middle of November.
* Said the Village Attorney has been provided the copies of the original notes for several other unpaid loans so that he can begin proceedings on them.
* Informed the Board that Jesse Deitchman has asked for a reduced loan payment on his unpaid CDBG loan. Henrich said he will find out if the County and IDA have negotiated different terms for him.
* Discussed the skate park stating the final survey and soil testing is done but he does not have the final results yet. Henrich said the latest proposal is $150,000 and they only have $100,000 raised

So they will have to raise additional money or use in-kind services.

Mayor Winters said there is a sewer pipe in the vicinity and we have to be careful not to place the skate park over the sewer pipe.

Robert Mir (Upper Ferndale Road) discussed the proposed law to allow chickens in the Village. He said Chapter 87 of the Zoning Law already allows the keeping of caged birds and Chapter 55 makes it illegal to keep Roosters. He stated the new proposed law is very restrictive, as you should not have to pay to have chickens.

**ATTORNEY**

**COMMENTS:** Attorney Chapman had no comment.

**TREAS.** TREASURER’S REPORT FROM SEPTEMBER 30, 2012

**REPORT:**

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

* List of Current Taxes, which as of 9/30/2012 is $475,378.99 uncollected
* List of Delinquent Taxes, which as of 9/30/12 is $638,610.56
* Starting and Ending Central Check Numbers for September
* Starting October 2012 Central Check #8427
* The Court Revenue received from the Town of Liberty for August, which is $815.00
* List of CDBG loans, the payment status of each one and recommendations.

PRESENTATION FROM IRA COHEN AND NANCY BUCK – DELINQUENT TAXES

Ira Cohen discussed the tax auctions that are held by the County and how it is extremely difficult to sell property in the Village of Liberty. He suggested the Village should “bite the bullet” and do what’s practical and move on. This would include writing off taxes and waiving interest and penalties.

The Board said they would be willing to subscribe to Ira’s theory if they could get a judge to go along with it.

Attorney Chapman said he would work with Ira on some language changes for the auction paperwork.

**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.
* Drafted a response with supporting attachments and have submitted to the USDA State Engineer reviewed his comments via phone and e-mail today. Some minor changes needed before it is ready to go back for final approval.
* Response planned to be finalized this week and sent out to USDA.
* Thanks to Dave Harman for providing some information that was needed relative to water demands and source capacity.

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.
* SCADA and computer replacement eligible per September 6 NYSDOH letter.
* Worked with Judy to get a letter to OBG (who did recent SCADA repairs and original SCADA work) to provide items requested by NYSDOH.

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.
* Reviewed invoices received by Village from TAM Enterprises Inc. and Ross Electric.
  + Recommend **Final** payment to Ross Electric for Invoices 2 and 3 in the sum of $19,348.62 or a total to date of $21,498.46.
  + Invoice #1 (10% of quote) 5/31/12 $2,149.85 – Paid 7/13/12
  + Invoice #2 (8% of quote) 7/15/12: $17,198.77 – Payment recommended
  + Invoice #3 (10% of quote) 5/31/12: $2,149.85 – Payment recommended
  + Work Item #3 proposed bucket repair not required for competition of Phase I – Emergency Repairs
* Recommended Payment to TAM Enterprises Inc. for Invoice #2 totaling $15,400; final invoice pending
  + Invoice #1 6/8/12: $21,000 – Paid 7/5/12
  + Invoice #2 8/9/12: $15,400 – Payment recommended
* Cost remain within the planned $145,000 budget
* Updated cost summary is attached

Additional Emergency WWTP Work

* Work by Ross Electric – Electrical Construction
* Finalized quote package (scope of work and contract drawings) and delivered to Ross Electric on 9/13/12
  + - Ross quote package was returned on 10/1/12 for the amount of $22,982.40 which is $15,000 less than budgeted for their work.
* Work by TAM Enterprises – General Construction
* Since the cost to furnish the major equipment items of $312,136 was $462 less than originally budgeted cost, TAM was advised on 9-11-12 to move forward with purchasing the quoted equipment and to provide Delaware with equipment submittals for review and approval as soon as they receive them.
* Met on-site with TAM and WWTP staff on September 7th to review blower installation and the planned work.
* Finalized quote package (scope of work and contract drawings) and delivered to TAM on 9/12/12 and requested quote.
* TAM’s quote package was returned on 10/5/12, reviewed by Delaware and then a revised version returned on 10/09/12 for the amount of $778,314 – this includes the cost ($312,136 to furnish the major equipment items.
  + This is $32,300 more than budgeted for the Phase II General Contract work.
  + However, this included some items that were not included in the original budget (totaling $67,500)
  + Some items were underestimated based on our discussions with TAM
  + After reviewing cost items with TAM, they agreed to reduce their bid cost for two items for a total of $25,000.
  + However, if we apply other credits and the contingency to the overrun, the project cost will be within $15,000 of the projected combined Phase I and II emergency work budget.
  + However, if we apply other credits, and the contingency to the overrun, the project cost will be within $15,000 of the projected combined Phase I and II emergency work budget.
* The Village is securing short term financing – bond anticipation note (BAN) – in the amount of $2,193,000 for Sewer Improvements.
  + Includes all WWTP Near Term Improvements and to repay General and Sewer funds for the other wastewater work items.
  + That includes Phase I and Phase II Emergency Repairs as well as remaining work (e.g., new influent screens, diffused aeration into the second Oxidation Ditch, etc.) which were not done as emergency so that the potential $600,000 CDBG grant could be applied to the remaining work.
  + Total cost to date for Phase 1 (complete) and Phase II (quotes now in hand and applying the contingency) is within $15,000 of the planned cost for the Phase I and II Emergency Work and leaves $840,000 to apply to remaining planned Near Term Improvements work.
  + If all of the Emergency and Remaining Near Term work is completed for the planned cost of $1,905,000, there will be a surplus of $54,000 in the $2,193,000 BAN Amount - this $54,000 could serve as a contingency for Phase II emergency work. Also, if the Village receives a CDBG grant, that money can be applied to the remaining Near Term work.
* Overall, we believe that:
  + Phase I and II Emergency Repairs will be completed for a very near the budgeted price.
  + Adequate short term funding will be in place to cover the costs of Planned Phase II work and Remaining Near Term Improvements.
* Therefore we recommended that the Village Board resolve to:
  + Award the Electrical Contract work for Phase II WWTP Oxidation Ditch Emergency Repairs to Ross Eclectic for their quoted price of $22,982.40.
  + Award the General Contract work for Phase II WWTP Oxidation Ditch Phase II – Emergency Repairs to TAM Enterprises, Inc. for their quoted price of $778,314.
  + Authorize the Village Clerk to notify the contractors of the contract award and request certificates of insurance from each contract.
* TAM anticipated receiving the new blowers and diffused aeration equipment and starting onsite work around November 1st.

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 there was not anything new to report.

**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 BID AWARDS FOR CONTRACT WORK FOR PHASE II WWTP OXIDATION DITCH EMERGENCY REPAIRS.**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to award the Electrical Contract work for Phase II WWTP Oxidation Ditch Emergency Repairs to Ross Electric for their quoted price of $22,982.40.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to award the General Contract work for Phase II WWTP Oxidation Ditch Phase II – Emergency Repairs to TAM Enterprises, Inc. for their quoted price of $778,314.00.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to authorize the Village Clerk to notify the contractors of the contract award and request certificated of insurance from each contract.

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

Mayor Winters said this matter would remain tabled; however, the person to thank will be Les Kirby.

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

Trustee Stoddard said this matter is already covered in our Zoning Laws so it will be removed from the agenda.

**NEW CONSIDER BINGO LICENSE – LIBERTY ELKS LODGE 1545**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the ***Bingo License*** for ***Liberty Elks Lodge 1545*** located at 21 John Street.

This license is for the time period of October 7, 2012 to September 29, 2013.

**REAFFIRM PHONE POLL – NEW HIRE FOR POLCE DEPARTMENT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the hire of a Police Officer for the Village Police Department. This new hire is due to a resignation in the Police Department.

The vote was put to a vote which resulted as follows:

MAYOR WINTERS - YES

TRUSTEE MCGUIRE - YES

TRUSTEE STODDARD - YES

TRUSTEE ALVAREZ - YES

**CONSIDER HOLIDAY PARADE – DECEMBER 7, 2012**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a ***Parade*** ***Permit*** for a ***Holiday Parade*** on ***Saturday,*** ***December 7, 2012*** ***at 6:00 p.m***. The parade route will be the Municipal Parking Lot to Church Street up Main Street to the Elementary School.

**CONSIDER RECOMMENDATIONS FROM NYMIR**

The list of recommendations received from NYMIR Insurance was distributed to each department so they can work on their problem areas.

**CONSIDER HARVEST FESTIVAL – OCTOBER 13, 2012**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the Harvest Festival for Saturday, October 13, 2012. The festival will be from 10:00 a.m. to 4:00 p.m. and will be located in LaPolt Park at 119 North Main Street.

**CONSIDER REQUEST FROM JEFFREY ROOT RE: MUNSON DINER**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to credit Mr. Root $1,200 in Sanitation Fees on the 2011/12 Tax Bills. This credit will be given since the diner was closed and there was no dumpster on the premises since December 22, 2010. This amendment is pursuant to Section 35-19 of the Code of the Village of Liberty.

SET PUBLIC HEARING – NOVEMBER 13, 2012 – S.B.L. #114-3-2

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to set a Public Hearing on November 13, 2012 at 6:55 p.m. to consider waving the $139.19 in penalties and the $2.00 notice fee for the 2012/13 taxes for Jeffrey Root. Jeffrey Root purchased the former Munson Diner located at 12 Lake Street – S.B.L. #114-3-2 at the June 2012 auction.

**CONSIDER LOAN TO SEWER FUND RE: DEBT SERVICE PAYMENT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to approve a loan to the sewer fund from the sanitation fund in an amount not to exceed $35,000. This is due to a debt service payment that is due October 15, 2012.

**CONSIDER VOTE ON CSEA CONTRACT – BEGINNING JUNE 1, 2012**

The Board said they would consider this item after Executive Session.

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

**COMMENT:**

Police Chief Kinne thanked the Board for filling the police officer position that was recently vacated by a resignation in his department.

Police Chief Kinne also said the Village has received six new crosswalk signs thanks to the Chamber and the Liberty CDC.

Police Chief Kinne said the owners of Paesanos Pizza and Liberty Wines and Liquors would like the bench in front of their business removed as it often deters people from coming into their business.

The Board said it should be removed and put into storage.

Police Chief Kinne said the tower on the top of the municipal building is in need of repair and that it dispatched two channels for the fire district. The Board said they would send an official letter to the Fire District asking for their consideration in helping with the tower repair.

Police Chief Kinne said he and some of his staff attended NYMIR training upstate.

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

**REPORTS:**

Trustee Alvarez had no comment.

Trustee Stoddard said the appraisal for Revonah Hill seems very low.

Attorney Chapman said the Board could advertise it for a higher price than the appraisal.

Trustee McGuire had no comment.

Mayor Winters said Carrier Street is done and he hopes to see the single stream recycling started in about two weeks.

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

**OF BILLS** unanimously carried approving Voucher #14-373 to Voucher #14-446 in the

**FOR PYMT:** amount of $153,286.94.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #14-365 to Voucher #14-372 in the amount of $254,250.79.

DARE ACCOUNT

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

Creative Product Sourcing - $149.97

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

**SESSION:** unanimously carried to go into Executive Session at 9:05 p.m. to receive

Attorney Client advice on the following matters:

* CSEA Contract Negotiations

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 9:40 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:41 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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