

REGULAR MEETING

SEPTEMBER 12, 2011

The Board of Trustees held the Regular Meeting of September 12, 2011 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, Trustee Shirley Lindsley, and Trustee Luis Alvarez. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ALSO PRESENT: Daniel Ratner Sr., Police Chief Robert Mir, Scott Kinne, Steven D'Agata Charles Barber, Roger Hourihan, Dale Vandenberg, Carol Vandenberg, Jeremy Gorelick, Steven Green, Joseph Franke, Michael Herbert, Paul Chumpitozi, Allen Weir and Joshua Jones.

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

PUBLIC HEARING - August 8, 2011 Re: Taxi Licenses

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following minutes:

REGULAR MEETING - August 8, 2011

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

- ❖ Renewal of Liquor License for B & H Enterprises 8/29/11
- ❖ Letter from County of Sullivan Re: Police Position 8/25/11
- ❖ E-Mail Re: Beginning Timber Harvest 8/26/11
- ❖ E-Mail from McGoey, Hauser and Edsall Re: Outstanding Invoices 8/26/11
- ❖ Letter from A. Esposito Re: Boy Scout Function 9/1/11
- ❖ Notice of Award to TAM Re: Green Lane Sewer
- ❖ Letter from B. Edwards Re: Stop Signs on Wawanda and Columbia
- ❖ Renewal of Liquor License for Second to None 9/1/11

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

HENRICH STRAUCH - LIBERTY CDC

Henrich informed the Board that he just returned from the first meeting of the newly created Mid-Hudson Regional Economic Development Council.

He explained that this is Governor Cuomo's vehicle to boost the financial future of the seven-county region with potential funding of one billion federal and state dollars. He said the County has hired Patterns for Progress to pursue the plans for this new venture.

Henrich also reported on the following:

- ❖ Said the Main Street Grant construction is underway and should be completed by the middle of next year.
- ❖ Said he does not have any word yet on the Community Development Block Grant yet, which is most like due to the storm issues.
- ❖ Said the Red Meat Facility has tentative final site plans.

JEREMY GORELICK - TAX MAP #108-6-39

Jeremy Gorelick (Liberty Pride) attended the meeting to speak about the parcel on School Street known as Tax Map #108-6-39 that Liberty Pride would like to continue their park project on. He said it would be at no cost to the Village, Liberty Pride would actually pay the \$327 dollars needed to purchase it but the Village would own it. He asked the Village Attorney to review the transfer and the Village Board to authorize the Mayor to sign it.

Jeremy also thanked the Village Board for all their support and said that the group actually won two Category C awards this year from Sullivan Renaissance and he hopes they acquire the Golden Feather next year.

DALE/CAROL VANDENBERG - SULLIVAN COUNTY SOAP BOX DERBY

Carol Vandenberg informed the Board of the accomplishments the Sullivan County Soap Box Derby is making in order to have the first soap box derby in Liberty next May 27th (2012) with a rain date of June 6th (2012). She said they have already been approved by headquarters in Akron, Ohio and there must be a minimum of twenty-four (24) cars and they already have fourteen (14) committed. She said the website is available (AASBD.com) to track the progress. She said they are looking to get businesses available to sponsor cars and to get the whole community involved. The route will be Noble Street to Columbia Street which will stop at the Country Store. She said parking will be an issue, but they are working with Rolling V Transportation Services to provide transportation from such places as the high school, as the event usually draws from 2,000 to 4,000 spectators.

Carol explained the franchise fee is due by January 1st and the Village has been named as an additional insured. She said they will need approximately \$11,000 to do this project and will be kicking off with a fund raiser of chicken barbeque on October 1st at LaPolt Park. She said in order

to have the event they will need at least three practice runs as well as about 100 volunteers for the day.

Carol said she will attend Board meetings as needed to inform the Board of any new developments.

ROGER HOURIHAN - INTRODUCTIONS

Roger Hourihan introduced Allen Weir and Joshua Jones to the Board.

Allen Weir explained that he and Joshua Jones are Program Coordinators for the SEE Project which is an organization that seeks to provide economically disadvantaged youth with monthly field trips to various cultural, artistic, and educational centers including museums, theater and public performances. He said they are a self-supporting group that partners with the Liberty, Monticello and Fallsburg school districts to give these students opportunities they would not otherwise have. He said they are currently partnered with the Village of Monticello which does not seem to be a good fit and they would like to partner with the Village so they would be covered under the Village's insurance as well as have a separate line item that they could deposit money into. He said they are not looking for any funding but if they partner with a municipality the people that donate can write it off.

The Mayor and Board said they fully support their project, however, the Village does not have a Parks and Recreation Department so they thought a better fit would be the Town of Liberty. They suggested they talk with them about the organization as they have a Parks and Recreation Department and they also encompass the whole school district.

ATTORNEY Attorney Chapman presented the Board with a memorandum for a
COMMENTS: possible change to the Code of the Village of Liberty regarding live-work units.

He asked the Board to review it and if they feel the change is acceptable a Public Hearing can be set.

TREAS. REPORT: Treasurer Zurawski asked the Board if they would be interested in having Mike Pries Insurance review the Village's health insurance to see if they could find anything comparable and at a reduced rate. She said they found a new company for a Town of Callicoon at a \$60,000 per year savings.

The Board said they would like Mike Pries Insurance to look at our health insurance.

TABLED BUSINESS: UPDATE ON REVONAH HILL WATER TANK

Mayor Winters said everything is completed and at this point we are in a holding pattern until funding can be found.

UPDATE ON GREEN LANE SEWER ISSUE

Delaware Engineering P.C. provided the following update on the Green Lane Sewer Project:

- ❖ The project was publically bid and two bids were submitted and reviewed.
- ❖ The Village Board awarded the contract to TAM Enterprises, Inc. on August 29, 2011 during a special board meeting.
- ❖ Award documents were sent to TAM Enterprises on August 30, 2011.
- ❖ TAM is working on project bonding and submittals.
- ❖ Current start date is currently unknown following the recent flood events. TAM is ready to begin work as soon as the weather allows.

Mayor Winters also informed the Board that the garage on Judith Rose's property has already been taken down in anticipation of the work that needs to be done.

CONSIDER ELIMINATION OF DAM

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to put out a **Request for Proposal** on the engineering work that needs to be done to eliminate the dam at Griebel Park.

Attorney Chapman said he would write an RFP for the project and suggested it be a sealed proposal.

UPDATE ON ANNEXATION REQUEST -1885 ROUTE 52 LLC

Mayor Winters said there was nothing new to report on this issue.

NEW BUSINESS: CONSIDER SETTING PUBLIC HEARING FOR PROPOSED LOCAL LAW #4-2011 - GROSS RECEIPTS TAX

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to set a Public Hearing on Tuesday, October 18, 2011 at 6:55 p.m. to discuss proposed local law #4-2011 to add a section (Chapter 74) on Gross Receipts Tax entitled "An Act to Provide for a Gross Receipts Tax on Electrical Utilities".

CONSIDER REQUEST FROM RESNICK ROCK – SANITATION FEE

The Board reviewed the request from Resnick Rock regarding the sanitation fee on tax map #113-3-15. The request was for the removal of the dumpster fee (\$2,400) from the bill as the business is closed. DPW supervisor Peter Parks informed the Board that the request to remove the dumpsters came after the June 1st deadline for this year's bill. The Board said it would be adjusted going forward if there are no dumpsters on the property.

Clerk/Treasurer Zurawski said a letter would be sent to the owners informing them of this matter.

CONSIDER HALLOWEEN PARADE PERMIT

Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried approving a ***Parade Permit*** for a ***Halloween Parade*** on ***Saturday, October 29, 2011 at 12:00 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 30th (2011) 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 NEW MAIL MACHINE LEASE WITH METROLAND BUSINESS

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving a sixty-three (63) month lease for a Neopost IS 440 Plus Automatic Mail Machine. This lease will cost \$159.24 per month. The current lease began in 2006 and is set to expire.

CONSIDER JOINT MEETING WITH THE TOWN OF LIBERTY – SET DATE

The Board picked two new dates for the Town of Liberty to consider for a Joint Meeting – the first on being Tuesday, October 18th at 5:00 p.m. and the second Monday, October 24th at a time to be picked by the Town of Liberty.

**REAFFIRM PHONE POLL VOTE ON GREEN LANE SEWER ISSUE –
AWARD BID TO CONTRACTOR**

RESOL. # Motion by Trustee Stoddard, seconded by Trustee Lindsley and
31-2011: unanimously carried approving Resolution #31-2011.

WHEREAS, the Village of Liberty is in need of Sewer improvements on Green Lane (known as Project VL1-G-11);

WHEREAS, the Village of Liberty Board of Trustees awards the Green Lane Sewer Improvement Project, Contract No VL1-G-11 – Construction to **TAM Enterprises**, the low bidder and lowest responsive bidder, for the base bid contract of **\$293,000**;

WHEREAS, the Village of Liberty Board of Trustees authorizes the Village of Liberty Deputy Mayor to execute the necessary paperwork for contract initiation and completion of the work (this paperwork includes but is not limited to Notice of Award, Notice to Proceed, Change Orders, Agreement, Certificate of Substantial Completion, checks for contractors);

NOW, THEREFORE BE IT RESOLVED; the Village of Liberty Board of Trustees authorizes Delaware Engineering P.C. to forward the Notice of Award to TAM Enterprises, Inc. and to proceed with the preparation of execution copies of the contract documents.

CONSIDER BIDS FOR SIDEWALK CONSTRUCTION

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the quote and proposal from Phoenix Enterprises in the amount of \$12,430.00 for the repair/replacement of the sidewalk section in front of the Senior Center at 119 North Main Street. The DOT grant has a remaining balance of \$12,694.41.

All quotes received were as follows:

Phoenix Enterprises	\$12,430.00
Liberty, New York	

(This proposal includes an up-front deposit of \$6,215 to order the materials needed for the job)

Catskill Harvest Landscaping	\$13,406.00
Liberty, New York	

REVIEW LOAN DECISION FOR THE SHOE BOX

Henrich Strauch presented a memorandum, along with revised numbers for the first year, to the Board regarding the Loan Application for The Shoe Box.

The Village Board, upon recommendation of the loan committee, on April 25, 2011 approved a \$20,000 – seven (7) year loan to The Shoe Box, a new retail business in Liberty. The approval was made contingent on the business leasing space within the Village of Liberty, and completing its proposed funding package of \$75,000.

The business owner, Samantha and Deborah Burger, tried to obtain funding from the County of Sullivan Revolving Loan Fund, First National Bank of Jeffersonville and the Catskill Watershed Corporation without success. They have now revised their business plan based on a smaller startup base of \$10,000 private equity and \$20,000 from the Village of Liberty's revolving loan fund. They have also negotiated favorable delivery terms with key suppliers.

If funding, The Shoe Box will be one of the first retail businesses to operate out of the renovated mall on Sullivan Avenue. The mall owner will provide basic carpeting, lighting and shelving for the store and install signage. The Burgers have negotiated a \$1,000/month lease for a 1,100 sq. ft. space on the outside of the mall and plan to open October 1st, almost simultaneously with a women's clothing store and a card/stationary store. They plan on taking only minimal wages during the first year.

Mayor Winters expressed his concern about the limited amount of money they have to begin the business.

Motion by Trustee Lindsey, seconded by Trustee Stoddard and unanimously carried to grant the original loan with the following restrictions:

1. Release \$10,000 of the loan immediately.
2. Release the other \$10,000 in six (6) months so the Board can review its progress.

CONSIDER RESOLUTION FOR OFFICIALS IN RETIREMENT SYSTEM

RESOL. # Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously
32-2011: carried approving Resolution #32-2011.

BE IT RESOLVED, that the Village of Liberty/ Location Code 40202 hereby establishes the following as standard work days for elected official Trustee Luis Alvarez and will report the following days worked to the New York State and Local Employees Retirement System based on the time keeping system

records or the records of activities maintained and submitted by these officials to the clerk of this body:

ELECTED OFFICIALS

Trustee Luis Alvarez - 6 Hours per week (or 1 day)

CONSIDER BOND RESOLUTION FOR BONDING GREEN LANE SEWER REPLACEMENT

RESOL. # Motion by Trustee Stoddard, seconded by Trustee Lindsley and
33-2011: unanimously carried approving Resolution #33-2011.

BOND RESOLUTION DATED SEPTEMBER 12, 2011.

A RESOLUTION AUTHORIZING THE REPLACEMENT OF A SEWER LINE ON GREEN LANE IN AND FOR THE VILLAGE OF LIBERTY, SULLIVAN COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$426,000 AND AUTHORIZING THE ISSUANCE OF \$426,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Liberty, Sullivan County, New York, as follows:

Section 1. The replacement of a sewer line on Green Lane in and for the Village of Liberty, Sullivan County, New York, including equipment, machinery or apparatus, and incidental improvements and costs, is hereby authorized at a maximum estimated cost of \$426,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost shall be by the issuance of \$426,000 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years,

pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Village of Liberty, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR RICHARD WINTERS -	YES
TRUSTEE CORINNE MCGUIRE -	YES
TRUSTEE SHIRLEY LINDSLEY -	YES
TRUSTEE JOAN STODDARD -	YES
TRUSTEE LUIS ALVAREZ -	YES

**CONSIDER RESOLUTION FROM COUNTY OF SULLIVAN – RE: 107-5-6
TAX FORECLOSURE**

The Board did not entertain this resolution, stating they did not think it would be legal to forgive the taxes.

**CONSIDER LOAN TO SEWER FROM GENERAL/SANITATION FUND: RE:
WORKING CAPITAL/BOND PAYMENT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a loan of up to \$50,000 to the Sewer Fund from the General/or Sanitation Fund for working capital and a bond payment.

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

Daniel Ratner Sr. (West Lake Street) asked if a State of Emergency was declared before the recent storm (Hurricane Irene).

Mayor Winters said No.

Daniel said he thought that it would preclude any residents that had damage from getting any FEMA reimbursement.

The Board discussed the Villages Code for Emergency Management and the fact that it should be reviewed and updated.

Steven Green discussed some of his ideas with the Board regarding unsold foreclosed properties. Some of his ideas included:

- Having the Code Enforcement Officer make a viable damage assessment of each property to determine if it is re-buildable or should be torn down, make a list of damages and repair and take a photo of each house.
- Total out the taxes that are due and select a tax amount as “cap” and put the properties up for sale with restrictions on the buyers. These restrictions could include a background check, etc.
- Hold a note on the buildings for the amounts that are set with a low interest rate, such as 2% - 3%. Set restrictions on these notes such as no developers and no more than one building per individual or family.
- Suggested the Village could speak with local banks to see if they would fund the projects and real estate brokers to see if there is a possibility of charging a flat fee for listing as long as the Village shows the buildings to perspective buyers.

The Board thanked him for all his ideas and said they hoped that something positive can be worked out.

TRUSTEE REPORTS: Mayor Winters opened the meeting to comments from the Board.

Trustee Alvarez – No Comment

Trustee Stoddard discussed the following issues:

- ❖ NIMS training for the Village and the fact that many of the D.P.W. employees still need the training so we are compliant to receive FEMA funds if a disaster does strike.

Trustee Alvarez said he would talk to Mr. Martinkovic and see the best course of action to take in this matter and to receive assistance for a new Emergency Action Plan.

- ❖ Discussed the fact that the CSEA contract and the fact a committee should be set up soon to work on negotiations.
- ❖ Suggested the Clerk look into getting a digital recorder for the Board meetings.

Trustee McGuire suggested getting a model of an Emergency Action Plan from Emergency Coordinator Richard Martinkovic so we can update ours properly.

Trustee Lindsley said she thinks the Sullivan County Soap Box Derby will be a wonderful thing for Liberty.

Mayor Winters – No Comment

BILLS FOR PAYMENT: Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Voucher #12-266 to Voucher #12-359 in the amount of \$146,383.86.

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving post audit Voucher #12-257 to Voucher #12-265 in the amount of \$392,958.76.

EXECUTIVE SESSION: Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to go into Executive Session at 9:00 p.m. to receive Attorney advice and to discuss the employment history of a particular employee in the Police Department.

0Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to come out of Executive Session at 9:45p.m.

CONSIDER COMMENCEMENT OF LEGAL ACTION AGAINST IDEAL SNACKS

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to commence litigation against Ideal Snacks for illegal discharge into wastewater collection system and to seek compensatory damages for the same.

AJOURN: Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 9:50 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER

