

REGULAR MEETING

SEPTEMBER 13, 2010

The Board of Trustees held the Regular Meeting of September 13, 2010 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 Joan Stoddard, and Trustee McGuire. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Luis Alvarez (arrived at 8:26 p.m. for Executive Session)

ALSO PRESENT: Jeff Glaser, Elizabeth Montag, Henrich Strauch, Peter Parks, Daniel Ratner, Richard Martinkovic, Charles Barber and Scott Kinne.

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

REGULAR MEETING – AUGUST 9, 2010

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

INCOMING

- Letter from State of NY Unified Court System Re: Court Records 8/16/10
- State of New York Re: Justice Court Grant 8/19/10
- State of New York Re: Liberty Main Street 8/27/10
- Letter from Liberty Elks Re: Liquor License 8/25/10
- Fax Re: 2010 Sullivan Renaissance Awards
- Letter from MHE Re: Liberty School Water Service 9/1/10
- Letter from SC Re: Expo 8/25/10
- Letter from E. Sheehan Re: Potholes on Crestview 9/7/10

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

Henrich Strauch - Liberty CDC

Henrich informed the Board that the Liberty Community Development Corporation has been awarded \$500,000 as part of the 2010 New York Main Street Program.

Henrich also informed the Board that the Municipal Courts Cooperation Study was not funded however he did feel the Village and Town could

continue to move forward in this project as they have definite ideas in mind for the consolidation.

Elizabeth Montag - Wawanda Avenue

Elizabeth Montag asked about the drainage work that is to be done on her street.

Peter Parks said they would be working on it this week.

Daniel Ratner - Lake Street

Daniel Ratner discussed some of the issues with the new school construction. He said the Fire Department did a walk thru and it was found that the ladder truck would not be able to reach the third floor due to the close proximity of the playground to the building.

Mr. Ratner suggested that the Village put the school on notice, in writing, regarding these issues.

Mr. Ratner discussed the possibility of a Fall Clean Up. He said the Village might be able to fund it themselves with a private contractor, such as Gary Meyers.

Mr. Ratner asked the Board to consider two meetings a month so there is not such a time span between each meeting.

CONSIDER VOTE ON MEETING SCHEDULE CHANGE

Motion by Trustee Stoddard to add a second Board of Trustee Meeting each month (the fourth Monday of the month). No second was received.

Trustee Lindsley suggested the vote wait until next month, as Trustee Alvarez was not in attendance.

The Board asked Clerk/Treasurer Judy Zurawski to take a phone poll before the next meeting to make sure everyone will be in attendance so the matter can be voted on.

Jeff Glaser and Richard Martinkovic - State Street Blockade

Jeff Glaser (Rockville Centre, NY) approached the Board regarding the State Street Blockade and said at the last meeting the Village Attorney told him to take a look at his deed regarding the possibly land locked property on State Street. Mr. Glaser read a section of his deed, which states "Fifty (50) foot wide strip of land used for Highway Purposes, the same strip of land, being

owned by the Village of Liberty” which is indexed in Liber 808. He further explained that the deed states the land in front of this lot shall always be used for highway purposes.

Attorney Chapman asked Mr. Glaser if he had title insurance.

Mr. Glaser stated he did not have any title insurance.

Attorney Chapman explained that a deed helps explain what you think you purchased, but a deed is only as good as the grantor.

Attorney Chapman said title insurance is extremely important. He said the only way to resolve an issue such as this is to research your deed, the grantors deed before that and all the way back to see how this piece of property came to be. He said the fact that someone conveyed Mr. Glaser a piece of property and claimed there to be a road is not enough to go one, you need to have evidence that it borders a road, not just a seller saying that it does. He explained that the fact that someone calling it State Street in a deed does not mean it borders a public road.

Mr. Glaser said from a layman’s point of view he would like to know who decided it was a rail trail and how the barricades got put there.

Attorney Chapman said since it is not considered a Village street, the Village has the right to place barricades on it.

Mr. Glaser said the street should not have been blocked off with out telling the public and the landowners what they are going to do about it. He said there is sewer on this strip of land.

Mayor Winters said the sewer does not run the full length of the strip.

Richard Martinovic (Eagle Drive) addressed the Board and explained that he sold the property to Mr. Glaser. He said he purchased eight building lots, kept four for himself and sold one to Patrick Galloway and two to Fred and Jeff Glaser. He said he had in mind that these lots would someday be good for the growth of the Village. He explained to the Board that the sewer does run down as far as his roadway. He said it is all undeveloped land, the Village does not plow the strip and he considers it a seasonal road. He said if they do not have a right-of-way to this land, the assessments would have to go down, as the land will be less valuable.

Mr. Martinkovic said he has owned his house for thirty-two years and if something was going to be done to the street he felt it should have been communicated. He said since he learned that the blockades will be removed on the Spur Street side it has resolved 80% of his issue.

Trustee Stoddard said since it has not been maintained in over twenty (20) years New York State no longer considers it a road.

Peter Parks said the Chief of Police has had complaints of parked cars and people driving too fast on this strip which have caused a couple of accidents.

Trustee Stoddard said since the Village is now looking at it as a bike trail it should not have vehicle traffic on it. Trustee Stoddard said at the time the Bike Trail was being considered the Board was not made aware of any lots along it.

The Board said having the Spur Street side open will give the land owners access to their property, however it does not resolve the long term issue of it being a road. They said this will have to be researched and a determination will have to be made.

Mr. Martinkovic said a couple of the stakes that were put in (on the Chestnut side) are on his property. He asked Peter Parks come and see him sometime in the next week and they could discuss this issue

Chris Austin - Town of Liberty Councilman

Chris Austin informed the Mayor and Board that Supervisor Schmidt had said the Town of Liberty would be willing to take over the maintenance of the Mini Park at 119 North Main Street and suggested the Mayor call the supervisor to work out the details.

ATTORNEY Attorney Chapman requested that the tape from the meeting be
COMMENTS: maintained in a file with all the State Street matters.

Attorney Chapman said he was able to locate an appraiser to prepare an estimate for the right of way needed from Alan and Rhoda Goldstein for the pump station, however the cost would most likely be in excess of \$2,000 for him to come to Liberty and do the appraisal. He said the Goldstein's are willing to accept \$2,000 for the right of way and he suggested the Board consider just paying the Goldstein's. He said the most that would happen is that the State Comptroller may object to this transaction, stating we over paid for the right-of-way even though it would save the Village money.

Consider Easement Right of Way with Goldstein's on Green Lane

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the payment of \$2,000 to the Alan and Rhoda Goldstein (S.B.L. 112-1-15) for the right-of- way easement needed for the Village's pump station on Green Lane.

**TREAS.
REPORT:**

Treasurer Zurawski said that she had received a call from Joanne Rose at Probation who has a worker with extensive office knowledge and needs to complete community service work due to a DWI conviction.

Henrich Strauch (Liberty CDC) said he could use her part time for filing and Judy Zurawski said she would check with the other departments to see if they could use her.

**TABLED
BUSINESS:** **UPDATE ON ADA COMPLIANCE**

Henrich explained the next hurdle the Village is facing is the court doors and the fact they swing the wrong way and they are not automatic for wheel chairs. He said he would try and deal with the USDA to come up with a solution on this matter.

UPDATE ON REVONAH HILL WATER TANK

Mayor Winters said the borings are completed and the study is done. He said the engineers are still seeking funding to complete the project.

UPDATE ON GREEN LANE SEWER ISSUE

Mayor Winters said the bottom section of the project is finished and the phone line has to be installed. He said he would ask Delaware Engineering to also give us a proposal for the final phase of the project, which must be done, as it is a consent order by the NYSDEC.

CONSIDER DRUG FREE ZONE – MAIN STREET

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to put up "DRUG FREE VILLAGE" signs by the three main entrances to the Village (next to the Welcome Signs).

CONSIDER GOING OUT TO BID ON SURPLUS EQUIPMENT AND VEHICLES

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried to go out to bid on the following surplus vehicles:

2001 - Ford Crown Victoria
Serial #2FAFP71WXIX168173

2001 - Chevy Blazer
Serial #1GNDT13W91K247366

The bid opening will be Monday, October 4, 2010 at 11:00 a.m.

NEW BUSINESS: CONSIDER LOAN TO SEWER FUND FROM SANITATION RE: WORKING CAPITAL

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving a loan of up to \$100,000 to the Sewer Fund from the Sanitation Fund to cover the September 2010 Voucher Abstract Payments.

CONSIDER LOAN TO WATER FUND FROM GENERAL FUND RE: WORKING CAPITAL

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a loan of up to \$65,000 to the Water Fund from the General Fund to cover the September 2010 Voucher Abstract Payments.

CONSIDER HALLOWEEN PARADE PERMIT

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving a ***Parade Permit*** for a ***Halloween Parade*** on ***Saturday, October 30, 2010 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.

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 organize this parade

CONSIDER E-MAIL FROM STATE POLICE RE: BARRACKS

Sergeant Kenneth Kipper of the State Police sent an e-mail regarding the State Police Barracks and their plans for the future. He said he would like to work with the Village to address some of the structural issues at the building and would like to arrange a conference call with the Mayor to discuss the issues.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to allow the State Police to stay in the building rent-free and to assist them with proposals to fix the structural issues they are dealing with.

Attorney Chapman reminded the Board that all construction must be done a prevailing wage.

Mayor Winters said he would place a call to Sergeant Kippen to discuss the matter.

**CONSIDER VOTE ON AGREEMENT FOR ENGINEERING SERVICES RE:
LEWIS CREEK**

This matter was **tabled** until additional proposals can be received regarding this matter.

CONSIDER LETTER FROM NYSDEC RE: NATIONAL FLOOD INSURANCE

Attorney Chapman said he would like to read over this matter, prepare the local law for the Board to review and they could then set a public hearing in October for the November meeting.

**CONSIDER ADDENDUM TO NON-UNION PERSONNEL POLICY RE: COMP
TIME**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the following addendum to the Non-Union Personnel Policy:

**ADDENDUM TO
PERSONNEL POLICES & PROCEDURES FOR
NON-UNION VILLAGE EMPLOYEES OF THE
VILLAGE OF LIBERTY
(ADOPTED MARCH 15, 1993 AND AMENDED APRIL 14, 2004)**

SECTION 4-COMPENSATION TIME

Item 4- B - COMP TIME

Any comp time that you feel you may be eligible for must be requested and approved by the Department Head or Payroll Supervisor.

No comp time can be requested for less than 15 minutes each day.

SECTION 3 - WORK WEEK.

Item 3-B.

New York State Mandates a lunch of one-half hour to one hour daily. Lunch hours cannot be skipped on a daily basis in order to leave work early. If you have an end of day appointment you may put in a request to your supervisor for a one-half hour lunch to make up some (or all) of the time you may need for the appointment.

SECTION 3B - WORK DAY

Seven (7) minutes before and seven (7) minutes after your scheduled start time and scheduled end of shift will be considered a "grace period." You will not be docked nor paid additional (monetary or in comp time) for any time during this period.

**CONSIDER EVENT PERMIT – LIBERTY HARVEST FESTIVAL
OCTOBER 9, 2010.**

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving a **Event Permit** for the **17th Annual Liberty Harvest Festival** on **Saturday, October 9, 2010** from 10 a.m. to 4:00 p.m. to be held on North Main Street. **The street will not be shut down for this event.**

The Liberty Chamber of Commerce organizes this event

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee Stoddard – No Comment

Trustee McGuire addressed the letter received from the Unified Court System and audit report they are requesting.

Trustee Lindsey thanked Dan Ratner for informing the Board of the fire issues with the new school construction.

Mayor Winters informed everyone that the roof at the Water Department is done and many improvements have been made on Buckley Street.

APPROVAL OF BILLS FOR PYMT Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving Voucher #10-309 to Voucher #10-402 in the amount of \$268,059.95.

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #10-296 to Voucher #10-308 in the amount of \$353,319.79.

EXECUTIVE SESSION: Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to go into Executive Session at 8:26 p.m. to discuss an employment issue in the Police Department. PBA Contract.

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

CONSIDER FILLING THE VACANT POLICE SERGEANTS POSITION

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried authorizing the Police Chief to interview to fill the vacant Sergeant's position from the existing list.

All Board members voted in favor of this matter.

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

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

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER