

REGULAR MEETING

DECEMBER 13, 2010

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

ALSO PRESENT: Henrich Strauch, Robert Mir, Charles Barber, Scott Kinne, Mark Hess, Scott McAfee, Anthony DosSantos, Devin Brust, Thelma McIver, Daniel Ratner, Andrew Arias (Cooper and Niemann), Jeremy Gorelick, Nick Piatek, Lillian Rubio, Harold Bauman, Victoria Winchester and several students from Liberty High School.

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

PUBLIC HEARING - NOVEMBER 8, 2010 Re: Flood Damage Prevention

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

REGULAR MEETING - NOVEMBER 8, 2010

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

INCOMING

- Memo from: Sullivan Renaissance Re: Single Stream Recycling
- Letter from NYSDEC Re: Local Law National Flood Insurance 11/16/10
- Letter from Liberty Chamber Re: Grants 11/12/2010
- Planning Board Minutes 10/14/2010
- Letter from SC Re: Payroll Certification 11/6/10

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

Henrich Strauch - Liberty CDC

Henrich said the Main Street Grant Program was kicked off on December 1st with a Public Information Session. He presented the Board with an Information and Application Package – See Exhibit A.

Henrich said the he, Judy Zurawski and Edward LaGarde had the first meeting with Steve Goodfellow of Access Systems on December 10th to discuss the Archives Grant (in the amount of \$13,846.00), which is a Disaster Recovery and Building Recovery Study for records housed at the Village Municipal Building. Access Systems is an approved vendor for NYS OGS Projects and will begin the study of January 10, 2011.

Henrich discussed TK Construction invoices and the fact that he had submitted quotes and not a firm bid.

The Board said they would review the paperwork and discuss it at their next meeting.

Other Public Comment:

Daniel Ratner (Planning Board Resident/Lake Street Resident) said that Time Warner would be helping put up holiday lights in the Village on December 14th. He said due to the new construction on South Main Street some of the boxes and hangers are not available for hanging lights.

Jeremy Gorelick (Liberty Chamber) thanked the Village Board for their involvement in all the holiday functions they participated in. He mentioned the Chamber function on the 4th, the Liberty Fitness Center Party that was held on December 10th, the Tree Lighting Ceremony on December 11th, and the shop local push to be held on December 17th from 2:00 p.m. to 5:00 p.m. He said stores are offering discounts of 10% to 25%.

ATTORNEY Attorney Chapman discussed the following two issues:

COMMENTS:

- The logging project on Revonah will start in January 2011. He said is drawing up a formal contract between the forester, John Zylstra and the Village.
- Said that the Village Ordinance violation placed against Main Street LLC has resulted in the collection of \$10,000 fine.

TREAS. REPORT:

PRESENTATION FROM COOPER AND NIEMANN

Andrew Arias of Cooper and Niemann discussed the audit of the 2009/10 fiscal year for the Village of Liberty and reported the following:

GENERAL FUND – Reported the Unreserved Unappropriated Fund Balance for the fiscal year ending May 31, 2010 is \$191,0000, which is up \$42,000 from last year.

WATER FUND – Reported the Unreserved Unappropriated Fund Balance for the fiscal year ending May 31, 2010 is \$147,000, which is up \$88,000 from last year.

SEWER FUND - Reported the Unreserved Unappropriated Fund Balance for the fiscal year ending May 31, 2010 is \$61,000, which is down \$89,000 from last year.

SANITATION FUND – Reported the Unreserved Unappropriated Fund Balance for the fiscal year ending May 31, 2010 is \$166,000 and the Fund Balance is up \$61,000 from last year.

Andrew informed the Board that most of the prior Management Letter comments have been addressed and that all expenditures are within budgeted amounts. He also stated there are long overdue loan balances in the Community Development Fund that need to be reviewed.

TABLED BUSINESS: UPDATE ON REVONAH HILL WATER TANK

Mayor Winters said there is nothing new to report; the Village is still waiting to see if the funding will become available to do the project.

UPDATE ON GREEN LANE SEWER PROJECT

Mayor Winters said the Village would be using Delaware Engineering to plan the final stage of the sewer project on Green Lane.

CONSIDER TWO BOARD OF TRUSTEE MEETINGS PER MONTH

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to change the meeting schedule for the Board of Trustees of the Village of Liberty to 2 (two) meetings per month beginning April 2011.

The meetings will be held the second and fourth Monday of every month.

PROGRESS ON REVIEW IN NON-UNION PERSONNEL POLICY

Trustee Stoddard said a meeting was held on Tuesday, November 16, 2010 at 7:00 p.m. with the personnel committee and an updated policy has been discussed. Once the new Policy is typed and reviewed it will be presented to the Board for approval.

CONSIDER ADJUSTMENT OF SEWER ACCOUNT RE: H. SOULES #2-7400

Mayor Winters said there was no proof of this leak and the property has new owners. No credit will be given on this account.

CONSIDER VOTE ON PROPOSED LOCAL LAW #4-2010/FLOOD INSURANCE

DECLARE VILLAGE OF LIBERTY AS LEAD AGENCY

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried declaring the Village of Liberty as Lead Agency in this action – Proposed Local Law #4-2010 – Flood Damage Prevention as authorized by the New York Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

NEGATIVE DECLARATION

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to issue a Negative Declaration in this matter – Proposed Local Law #4-2010 – Flood Damage Prevention as authorized by the New York Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

CONSIDER VOTE ON PROPOSED LOCAL LAW #4-2010

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving local law #4-2010 for Flood Damage Prevention as authorized by the New York Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

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

MAYOR WINTERS	-	YES	
TRUSTEE ALVAREZ	-	YES	
TRUSTEE LINDSLEY	-	YES	<u>ADOPTED</u>
TRUSTEE MCGUIRE	-	YES	
TRUSTEE STODDARD	-	YES	

NEW BUSINESS: **CONSIDER DISCUSSION OF WEBSITE/EDWARD WASHINGTON**

Police Chief Robert Mir and Sergeant Mark Hess approached the Board regarding the Village's web site and e-mail addresses. They gave each member of the Board the following memorandum regarding this matter:

The Board agreed with the concept.

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried as of December 14, 2010 the Village would purchase a new domain name (possibly libertyvillageny.org) and begin building a new website.

CONSIDER RESOLUTION ON PROPERTY TAX CAP

**RESOL#
34-2010**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Resolution #34-2010.

WHEREAS, the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS, New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS, two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS, state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS, a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS, a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Liberty that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

Be it further resolved that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Bonasic, Member of Assembly Gunther and the New York State Conference of Mayors.

CONSIDER UPDATE OF PROCUREMENT POLICY

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to amend the following section of the Procurement Policy:

Page 1: competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and Public works contracts under \$20,000;

The state has amended the amounts to read:

Page 1: competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and Public works contracts under \$35,000;

The Village amendment will mirror the State amounts.

CONSIDER PARTNERS AND SAFETY FOR 2011 CONTRACT

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving the 2011 DOT drug and Alcohol Testing Program contract with Partners in Safety of Middletown, New York and authorizing Mayor Winters to execute said contract.

Clerk/Treasurer Zurawski said she would amend the invoice to reflect the proper employee names.

DISCUSSION OF NYSDEC CONSENT ORDER – WWTP

Mayor Winters said the Waste Water Treatment Plant was fined for several violations in the amount of \$10,000.00. The violations have been addressed by the Attorney, Delaware Engineering and the Mayor.

The Board said they would discuss this matter further in Executive Session to seek legal advice from the Village Attorney.

DISCUSSION OF CONGREGATION SHERIS NACHALAUO v. TOWN OF LIBERTY, et al

This item will be discussed in Executive Session.

CONSIDER BUDGET MODIFICATION FOR PURCHASE OF CODE ENFORCEMENT COMPUTER

Motion by Trustee Stoddard, seconded by Trustee Lindsey and unanimously carried authorizing Treasurer Zurawski to make the following budget modifications:

Increase Expenditure Code A3620.2 by \$750.00
Increase Revenue Code A2771 by \$750.00

This reflects matching grant funding received to purchase a new computer in the Code Enforcement Office.

DISCUSSION OF VILLAGE COURT

A discussion of the Village's Court system was lead by Mayor Winters. He explained in these troubling economic times the Village may want to look at consolidation of services with the Town or possible dissolution of the Village Court into the Town Court.

He said, it is his understanding, that if the Village dissolves their Court system the only fines they would be entitled to are parking tickets.

Trustee Stoddard mentioned that if the Town does not absorb the two court clerks that are currently employed by the Village, they would collect their unemployment from the Village. She said she was not in favor of putting taxpayers out of work.

Another option that was discussed was the possibility of Court Consolidation and charging the Town rent to use our facilities. It was mentioned that there is a large mold problem in the Town Court.

After several options were discussed it was decided that some members of the Village Board would go to the Town Board Meeting on December 20th to discuss the issue with the Town Board Members. Clerk/Treasurer Zurawski said she would make sure they were on the Town Agenda regarding this matter.

TRUSTEE REPORTS:

Mayor Winters opened the meeting to comments from the Board.

Trustee Alvarez said he had an item for Executive Session.

Trustee Stoddard discussed the following issues:

- Said the parking out back is very tight for the employees and asked that everyone try and keep their cars within the lines.

Chief Mir said it was hard to do that, as some of the spaces are only four (4) feet wide and one space is triangular.

- Discussed the comments made by the auditors in the May 31, 2010 financial report. She said I-9's are a federal law and anyone that does not comply within one week should be written up.

Trustee McGuire – No Comment

Trustee Lindsley said she would be willing to donate one to two days a week making telephone calls for the court in order to improve their collections.

Trustee Lindsley also wished everyone a happy holiday.

Mayor Winters said the Village is faced with many critical issues in the upcoming budget year and it has been a rough year with the sewer issues that had to be dealt with on Green Lane.

APPROVAL Motion by Trustee Stoddard, seconded by Trustee McGuire and
OF BILLS unanimously carried approving Voucher #10-613 to Voucher #10-706 in the
FOR PYMT: amount of \$459,636.77.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Post Audit Voucher #10-603 to Voucher #10-612 in the amount of \$326,405.89.

Sidewalk Work/Grant

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the following bills for payment:

Phoenix Enterprises	-	\$1,329.00
Phoenix Enterprises	-	510.75
Phoenix Enterprises	-	675.00
Phoenix Enterprises	-	\$1,185.75

EXECUTIVE Motion by Trustee Stoddard, seconded by Trustee Lindsley and
SESSION: unanimously carried to go into Executive Session at 9:30 p.m. to receive advice from the Attorney for the Village on the New York State Consent Order for the Waste Water Treatment Plant and a litigation matter with Congregation Sheris Nachalauso.

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

THE MEETING WAS ADJOURNED AT 10:15 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER