

REGULAR MEETING

DECEMBER 14, 2009

The Board of Trustees held the Regular Meeting of December 14, 2009 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 and Trustee Dawn Green. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer

ABSENT: Trustee David Simon

ALSO Joan Stoddard, Henrich Strauch, Donald Nichols, John Picard,
PRESENT: Roger Cortese, Elizabeth Montag, Sean Huebsch, Bonnie Mead, Chief of Police Robert Mir, Scott Kinne, Steven D'Agata, Jackie Porter, Michael Fritz, Carl Light, James Gordon, Jeremy Gorelick, Michael R. Giordano, Peter Parks, Dave Ohman (Delaware Engineering), William Bright (Delaware Engineering), John Brust (Delaware Engineering), Mary Beth Berconey (Delaware Engineering), Candace Balmer (RCAP Solutions), Dick McGoey (McGoey, Hauser and Edsall Engineers, Bill Hauser (McGoey, Hauser and Edsall Engineers)

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

PUBLIC HEARING – NOVEMBER 9, 2009

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

REGULAR MEETING – NOVEMBER 9, 2009

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

INCOMING

- Letter from Michael R. Giordano Re: Living Space December 2009
- Letter from CES Re: Planned County Jail 11/11/2009

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

SUREWAY TAXI - GARY PUTTER

Gary Putter (owner of Sureway Taxi) discussed the Village's taxi ordinance and the fact that they added ten more medallions for a total of thirty taxi

medallions on November 19, 2008. He said at the time the local law was amended he was not contacted, so that he could express his opinion on the matter. He stated, in his opinion, twenty medallions is more than sufficient to service the Liberty area. He explained to the Board by the expansion of the medallions his cash business is down 75% and he must depend on the Medicaid contracts for his business to survive. He said there are other ways to raise revenue in this industry such as quarterly inspections or raising the medallion fees. He asked the Board's consideration in reducing the medallions back to twenty.

Mayor Winters said he would take his comments under advisement and review the matter when the renewals are due June 2010.

SEAN PARKS - PARKS CONSULTING

Sean Parks of Parks Consulting approached the Board on behalf of his client Granite Associates LP regarding the possibility of obtaining the Village's municipal sewer. He explained that Granite's daily usage of water is approximately 2,500 gallons and is mostly used in the working hours of 8:00 a.m. to 5:00 p.m. He said the flow issue had been discussed with the Waste Water Treatment Plant Operator John Picard and it could be handled.

Sean stated he knows the existing pump station is in pretty bad shape and will need some modifications.

Mayor Winters said it is the policy of the Village that if any one wishes to obtain sewer services they must annex into the Village.

Attorney Chapman said he would review the law, as there are solutions other than annexation, such as the person requesting the service must bear the full cost of the improvements to the lines.

Mayor Winters said as soon as they have some answers for him they will be in touch.

ROGER CORTESE - MCCABE'S

Roger Cortese (owner of McCabes Bar) read a letter to the Board (See Exhibit A) regarding his business and the fact that in the last two years he feels that the Village Police are targeting him and his business making his employees and customers of his business intimidated by them. Roger Cortese said that he employs eight people and if business keeps going down due to people's fear he will no longer be able to continue in business.

Chief Mir explained that of the seventy-one DWI's given out in the Village so far this year only two were customers of McCabe's so he does not feel

McCabe's is being targeted. He said he would check into the claims that Mr. Cortese spoke of and report back his findings.

Trustee McGuire did stress the fact that the Board has asked for a bigger Police presence on foot so that people coming into the Village to shop or do business were not afraid to walk on the streets.

OTHER PUBLIC COMMENT:

Michael Giordano (owner of the North End Bar) said that we should promote our tavern and restaurant business, as it is one of the things that the Village has that many of the areas around us do not have. He said he now has Monday night at the movies and shows a different movie each Monday night.

Donald Nichols (Planning Board Chairman) discussed the letter that the Village Planning Board sent to the Village Board regarding the **Liberty Commons** project on Barton Road – See Exhibit B.

Mr. Nichols stated he feels that they did not have proper information when granting the approvals for this project and he is very concerned that the fire suppression is not in the range that it needs to be for buildings of that size.

Mayor Winters said that Kelly Engineering did do a test and it was able to pump 20,400 per hour, which is within the range. Mr. Winters stated that the Village of Liberty engineers have not done their final tests and no Certificates of Occupancies will be granted until all aspects of that test have been cleared.

James Gordon (Property owner/Lake Street and Agent for Mark Hersh) discussed several garbage issues at his home as well as some of the dumpsters at Mark Hersh's properties on Main Street.

Peter Parks (Working Supervisor/DPW) discussed the issues he has with Mr. Gordon including the fact that when it snows he does not have the dumpsters shoveled out in a timely manner so the garbage can be picked up.

Elizabeth Montag (Noble/Wawanda Avenue) discussed her water issue and the fact that she has had excavating work done around her house to alleviate the problem only to have the contractors tell her it is coming from the road. She stressed that she needs to be top priority in the spring.

CDC REPORT:

LIBERTY COMMUNITY DEVELOPMENT CORPORATION – HENRICH STRAUCH

Henrich Strauch addressed the following issues:

- Said that Ed LaGarde and himself are working on a grant-writing plan for 2010, which they will present to the Board.
- Said he is working on a grant through the Records Retention Program, which will set up a Disaster Preparedness Plan for the Village records. He said this grant must be submitted by February 1st.

ATTORNEY Attorney Chapman discussed the following issues:

COMMENTS:

- Said that the local law adopted last month (#3-2009) revising the fees in the Village Code has to be amended to change some of the language that was used. He presented the Board with a copy of proposed local law #4-2009.
- Discussed the issue of billboards in the Village and the state permits that are required.
- Discussed the tax grievance filed by RSS and S & S Waverly and asked the Board for their permission to pursue the fact that he does not feel they are entitled to the refund they are requesting.

TREAS. Treasurer Zurawski reported on the following:

REPORT:

- Informed the Board that she has had meetings with most of the Department Heads regarding their budgets. She explained that the tax revenue is coming in much slower than other years, mostly likely due to the economy. This has affected the cash balances that the Village has in the bank making them much lower than other previous years at this time.
- At the end of December the second notice to tax payers for the current year that have not paid their taxes will be going out and hopefully that will motivate people.

TABLED UPDATE ON ADA COMPLIANCE

BUSINESS:

Henrich Strauch presented the Board with the following spreadsheet on the contractor quotes for the work that needs to be done in the Municipal Building to become ADA compliant:

Mayor Winters said he was going to speak with the contractors and have them rework the quote to use the same exterior door entrance that we currently have. He explained in the past no one wanted to change the exterior door due to the historical value of the building but all that changed when the windows were replaced.

CONSIDER PROPOSAL FROM BARTON & LOGUIDANCE RE: SEWER SYSTEM UPGRADES

This item will remained **tabled** until all the presentations from engineers can be reviewed.

CONSIDER E-MAIL FROM ASSESSOR SPRAGUE

Attorney Chapman said this should remain **tabled** until the January meeting of the Village Board, as the County will not be acting on it until then.

NEW PRESENTATION FROM MCGOEY, HAUSER AND EDSALL – WILLIAM BUSINESS:HAUSER

Richard McGoe and William Hauser presented their proposal to the Village Board for the Village of Liberty Wastewater Treatment Plant – Condition Assessment and Recommendations.

Mr. Hauser stated that McGoe, Hauser and Edsall have specialized in the design of municipal wastewater systems for over twenty-five years, beginning in 1978. They have administered multiple projects funded through the Environmental Facilities Corporation for the Drinking Water Revolving Loan Fund, CDBG Program, USDA and EPA.

Mr. Hauser went on to explain that the Village of Liberty Wastewater Treatment Plant is an extended aeration wastewater treatment plant constructed in the early 1980's to process wastewater flows generated by the Village and a small portion of the Town of Liberty. Major components include the following:

- Influent Structure and Headwork's
- Oxidation Ditches with Rotor Brush Aeration
- Sludge Holding Tank
- Stormwater Holding Tank
- Final Clarifiers
- Ultraviolet Disinfection
- Belt Filter Press
- Post Aeration Tank
- Associated Equipment Building which house the Operators Office, Laboratory, Electrical Controls, Standby Generator, Blowers, Pumps, Etc.

Since this facility is nearing thirty years in operation and based upon a brief field review and discussions with the Chief Operator, it is clear that a large portion of the facility components have reached or exceeded their useful lives and are in need of maintenance and/or replacement. The noted problems from our field review with the Operator include but are not necessarily limited to:

- Cold weather/icing problem at the mechanical bar screen
- Wet weather excessive flows
- Continuous maintenance and replacement of the oxidation ditch rotor brushes.
- Air valves in sludge holding building inoperable
- Electrical control system outdated and difficult to find replacement/repair parts.
- UV disinfection system failing with only 50% functional
- Weirs and baffles in final clarifier in need of replacement
- Belt filter press in need of major rehabilitation or replacement
- Sludge drying area is exposed to the weather.

Mr. Hauser said in their scope of services would include Plant Headworks, Oxidation Ditch, and Disinfection. He explained they would then work with all funding agencies such as United States Department of Agriculture Rural Development, New York State Environmental Facilities Corporation, New York Energy Research Development Authority as well as State and Federal Representatives to secure grants and loans.

The lump sum fee to complete the aforementioned scope of services is \$7,500.

PRESENTATION FROM DELAWARE ENGINEERING, P.C. – WILLIAM BRIGHT AND WILLIAM BRIGHT

John Brust and William Bright of Delaware Engineering Richard McGoe and William Hauser presented their proposal to the Village Board for the Village of Liberty Wastewater Treatment Plant Upgrade.

They explained after several visits to the Waste Water Treatment Plant the following preliminary observations were made regarding potential upgrade items:

- Headworks
- Oxidation Ditches
- DAVCO Clarifiers
- Sludge Building
- Sludge Tanks
- Disinfection
- Instrumentation

- Buildings
- Collection System
- Software Programs
- Composting

They said they are very much into green technology and energy efficiency.

They explained that their scope of work would include a Comprehensive Performance Evaluation, Preliminary Engineering Report and Funding Assistance. They will work with the USDA, Clean Water State Revolving Fund (CWSRF), Federal and State Appropriations and the New York State Energy Research and Development Authority.

The lump sum fee to complete the aforementioned scope of services is \$15,000.

CONSIDER PROPOSAL FROM ERTS MECHANICAL RE: RADIATOR TRAPS IN OFFICE

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the proposal from Ertz Plumbing in the amount of \$1,195 for radiator traps in the Village Municipal Building in the Mayor's Office and Justice Court.

Mayor Winters said this is a necessary item.

CONSIDER VILLAGE REPRESENTATIVE RE: JOINT COMPREHENSIVE PLAN

Mayor Winters said that Trustee McGuire and Edward LaGarde would be the Village representatives on the Joint Comprehensive Plan.

CONSIDER ALLOWING CATSKILL HUDSON BANK TO HELP WITH TAX COLLECTION

Treasurer Zurawski explained the Liberty Branch of the Catskill Hudson Bank has offered to become a collection site for our 2010/11 taxes. The taxes could be taken into the bank, receipted and deposited directly into the General Fund account. This would be at no cost to the Village of Liberty.

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried authorizing Catskill Hudson Bank – Liberty Branch to be a collection site for the 2010/11 Village of Liberty taxes.

This collection point will be open-ended and can be ended by the Village at any time they wish to.

CONSIDER JUSTICE COURT ISSUES

Mayor Winters discussed the possible consolidation of the court system between the Town and Village.

Judge Bauman said that once he starts at the Town as one of the Town Justices he will be able to better understand the workings of their Justice Court and will be able to report to the Village in about two months.

Mayor Winters also read the following Resolution with respect to Honorable Harold J. Bauman:

DECLARATION OF EXCELLENCE

WHEREAS, Steven F. Lungen as District Attorney of New York and

WHEREAS, Stephan Schick as Executive Director of the Sullivan Legal Aid Panel

Wish to recognize excellence in the judiciary, it is hereby:

DECREED that Honorable Harold J. Bauman, as Justice in the Village of Liberty, County of Sullivan be declared as the outstanding jurist in Sullivan County by demonstrating:

- a. his knowledge of the law
- b. judicial temperament
- c. administration of justice and
- d. ability to withstand physical hardship in conducting judicial activities.

This declaration was dated November 11, 2009 and signed by Stephen F. Lungen and Stephan Schick.

CONSIDER LOAN TO SEWER FUND (FROM SANITATION) FOR WORKING CAPITAL

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving a loan of up to \$30,000 to the sewer fund from the sanitation fund.

This loan is for working capital.

CONSIDER STRICTLY ENFORCING SEWER CODE

Mayor Winters stressed the fact that he wanted to make it public knowledge that the Sewer Code will be strictly enforced under his administration.

CONSIDER PUBLIC HEARING - PROPOSED LOCAL LAW #4-2009/FINES AND PENALTIES

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried to hold a Public Hearing on Monday, January 11, 2010 at 6:55 p.m. to consider Local Law #4-2009 which will adjust the fines and penalties imposed by the Code of the Village of Liberty.

CONSIDER ALLOWING ATTORNEY CHAPMAN TO FILE AFFIDAVITS FOR THE RSS/S AND S WAVERLY TAX REFUND

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to authorizing Attorney Chapman to defend the action of RSS Realty LLC and S and S Waverly LLC Tax Certioraris.

Attorney Chapman explained that he does not feel they are entitled to the refunds they are pursuing.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee McGuire said that the collection of Justice Court fines is working out very well since Edward LaGarde and Trustee Lindsley are helping out.

Trustee McGuire said that the Town of Liberty would like to exchange minutes with the Village.

Trustee Green thanked Village Employee John Picard for all his hard work.

Trustee Lindsley said with the Village budget being so tight (due to the economy, etc) the Village is looking into a Police District.

Trustee Lindsley thanked John Picard for the excellent job he is doing.

Mayor Winters introduced Candace Balmer, who is a Water Resource Specialist for RCAP solutions. He explained that the engineering firm that the Village picks to work on the sewer issues would be working with Candace to optimize their results.

APPROVAL OF BILLS FOR PYMT Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried approving Voucher #9-585 to Voucher #9-689 in the amount of \$388,665.94.

Post Audit Vouchers

Motion by Trustee Green, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #9-575 to Voucher #9-584 in the amount of \$331,136.88.

DWSRF

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

McGoey, Hauser and Edsall - \$13,239.60

EXECUTIVE Motion by Trustee McGuire, seconded by Trustee Green and
SESSION: unanimously carried to go into Executive Session at 10:25 p.m. to discuss a personnel matter (new Hire) in the Department of Public Works and an unemployment issue in the Police Department.

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

THE MEETING WAS ADJOURNED AT 11:30 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER