**REGULAR MEETING**

NOVEMBER 13, 2012

# The Board of Trustees held the Regular Meeting of November 13, 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 Shirley Lindsley, and Trustee Joan Stoddard. Also Present: Robert Krahulik, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Luis Alvarez

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

**PRESENT:**  Stabak, Police Detective Steven D’Agata, Allan Scott, Maurice Galant and

George Profous (Senior Forester, NYSDEC).

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

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

**MINUTES:**

REGULAR MEETING – OCTOBER 9, 2012

**CORRES-** Mayor Winters said the Village has received the following correspondence

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

INCOMING

* Letter from V.F.W. Re: Veterans Day Service 11.12.12
* Letter from County of Sullivan Re: Tax Foreclosures 10.25.12
* Letter from State of NY Re: Award for Traffic Program 10.24.12
* Letter from NYMIR Re: Completion of training 10.18.12

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

**COMMENTS**:

Allan Scott – IDA/Sullivan County Partnership

Allan Scott said he is trying to come to the Board Meetings of each municipality on a quarterly basis to keep everyone informed of the programs and projects going on in the County.

He started with explaining the loan funds that are available. These loan funds include:

* Four or five different revolving loan funds that can be up to seven (7) years.
* They can be for capital purchases or working capital
* In all cases employment is involved.
* The loans can be $10,000 to $75,000 with low interest (4%).
* Businesses and residents can call 794-1110 for more information.

Next, Mr. Scott discussed some of the new businesses and plans for future businesses in Sullivan County.

* Said a Distillery has opened in Roscoe, called the Prohibition Distillery, which makes vodka.
* There is now a distribution center in the Town of Bethel (ASB Green World) that distributes building products and mulch to LOWES Building Centers.
* The County is working with the Center for Discovery on a $42 million dollar project, which will house a sixty (60) bed autism facility. It will create three hundred fifty (350) new jobs in Sullivan County, all of which are well paying with full benefits and retirement. This project will save the state approximately $29 million dollars.
* The County is also working with EPT Concord Resort, which is a new joint venture with Empire Resorts and a private investor. The build out on this project is five to ten years and will employ over 1,000 people.

Mr. Scott also informed the Board that they work with the New York State Business Development Center, specifically with a Sam Kandell, who will perfect a business plan for you. He has been doing this type of work for over twenty (20) years.

George Profus – Senior Forester – NYSDEC

George Profus introduced himself to the Board and public and explained he was at the meeting to give a presentation in conjunction with the Catskill Regional Invasive Species Partnership, who promotes education, prevention, early detection and control of invasive species in order to limit their impact on the ecosystems and economies of the Catskills.

He went on to explain they are currently concentrating on the Emerald Ash Borer, which is an invasive beetle responsible for extension decimation of ash trees in North America. The beetle was introduced from Asia via wood packing materials and was discovered in 2002. He said they have completed an inventory of the trees in the Village of Liberty and found fifty (50) Ash trees and of the fifty, fourteen (14) are in bad shape and should be removed as soon as possible. He provided a map of the Village with the ash trees that need to be removed marked with a red X. He said it would take approximately $3,000 to remove these trees. He said the borer kills the trees very quickly and they will make an appearance between March and June.

Mr. Propus gave the Village some information as follows:

* Said there will be a seminar on December 5th in Newburgh regarding the Emerald Ash Borer for DPW workers to attend.
* There is an Urban and Community Forestry Grant, which can be $5,000 to $25,000 and can be matched with in-kind services, which may help the Village with funding for this problem.
* Said joining the Tree City USA program means extra points for the grants.
* Informed the Board that he would be willing to come back and meet with the DPW Supervisor to help him mark the trees that need to come down.

**ATTORNEY**  Robert Krahulik said that Langdon has provided a series of Resolutions

**COMMENTS:**  regarding the red meat facility that must be adopted at this meeting.

**TREAS.** TREASURER’S REPORT FROM OCTOBER 31, 2012

**REPORT:**

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

* List of Current Taxes, which as of 10/31/2012 is $444,897.08 uncollected
* List of Delinquent Taxes, which as of 10/31/12 is $560,194.48
* Starting and Ending Central Check Numbers for October
* Starting November 2012 Central Check #8504
* The Court Revenue received from the Town of Liberty for September, which is $880.00
* List of CDBG loans, the payment status of each one and recommendations.

Treasurer Zurawski also informed the Board that she had a call from Carlton Fritz (Fire District) and they are willing to share the cost of the antenna repair on top of the Municipal Building. They requested that the Village bill them after January 1st when they receive their funding for the new fiscal year.

Treasurer Zurawski said she had a conversation with Kevin Mulqueen our NY Life Insurance representative who would like to introduce a new product to the employees. This product would be cash value life insurance and would be completely paid for by the employees.

The Board said they were fine with this matter.

**TABLED UPDATE ON WATER TANK PROJECT – D. OHMAN/DELAWARE BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering updated the Board and Public on the Water Tank Project:

* Responded to George Popp and State Engineers August 20 comments on the Preliminary Engineering Report.
* Packages sent to George Popp and State Engineer on October 18, 2012
* State Engineer’s October 19 letter to George Popp accepting all PER amendments and stating that all of his comment have been addressed.
  + Per amendment includes new instrumentation and backup power supply for instrumentation at the tank and the ability to purchase more water meters of the project comes in under budget.
* **All items now into USDA and just waiting on a letter of conditions**
* Per e-mail today from George Popp, he is “*waiting on the preparation of the Letter of Conditions from my State Office but I do not have a time frame yet; hopefully within the next two weeks.”*
* Preliminary funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2%
* $11,000 local
* SEQR (State Environmental; Quality Review) Short Environmental Assessment:

-Even thought this is a replacement project which is under some circumstances would result in a Type 2 Action (no review under SEQR), the disturbance of land outside the original tank footprint for construction of the replacement tank necessitated SEQR Review.

-The project does not meet Type 1 thresholds and therefore, it is an Unlisted Action and an uncoordinated review using a Short Environmental; Assessment Form (short EAF) may be used.

The attached Short EAF has been prepared for the Village’s use in conducting the environmental review. Part 1 of the Short EAF provides basic project information. Part 2 includes a review of potential environmental impacts.

-The two page Short EAF indicates that the project as planned will not have a significant impact on the environment.

* Therefore, we recommend that the Village Board complete the SEQR process tonight by adopting a resolution.

**CONSIDER THE ADOPTION OF THE SERQ PROCESS FOR THE REVONAH HILL WATER STORAGE TANK IMPROVEMENTS**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee Lindsley and

**40**-**2012:** unanimously carried approving Resolution #40-2012.

**WHEREAS,** the Village Board is lead agency for the SEQR review;

**WHEREAS**, this resolution classifies the Action associated with construction of the new 0.5MG water tank as “unlisted” and states that an uncoordinated review has been conducted, and

**NOW, THEREFORE BE IT RESOLVED**, based on the Short Form EAF, the project will not have a significant impact on the environmental as such the Board issues a Negative Declaration and not further review or action under SEQR is required.

WWTP IMPROVMENTS PROJECT

David Ohman reported on the following:

Oxidation Ditch – Emergency Repair Work – Phase 1 – Initial 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.
* Status of payments to Ross Electric for three in the sum of $21,498.47; $2,275 under the quoted price.
  + 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 – **To be paid this week.**
  + Invoice #3 (10% of quote) 5/31/12: $2,149.85 – **To be paid this week.**
  + Sum of $21,498.47 is $2,275 under the quoted price since Work Item #3 (proposed bucket repair) not required for completion of Phase I – Emergency Repairs = $2,275 Credit.
  + **Working on final over/under change order to amend the final contract amount to $21,498.47 and will be forwarding to Village for Mayor to endorse soon.**
  + **No more payments required to Ross.**
* **Status of Payments requested by TAM Enterprises Inc.**
  + Invoice #1 6/8/12: $21,000 – Paid 7/5/12
  + Invoice #2 8/9/12: $15,400 – Paid 8/15/12
  + Invoice #3 9/14/12: $5,000 – Not paid
  + Invoice #4 07/19/12: $4,500 – Paid 9/15/12
  + Invoice #5 8/31/12: $11,490.95 requested, $6,490.95 paid 9/15/12
  + Invoice #6 8/1/12: $1,650 – Paid 9/15/12
  + Invoice #7 8/31/12: Not Paid
  + **We do not recommend any further payments to TAM at this time**
  + **Working on final over/under change order and final payment request for submission to Judy by the end of the month**
* Status of Payments requested by ITT-Xylem
  + Original PO Contract value of $57,200
  + Invoice #1 07/05/12: $53,700 – Paid 8/15/12
  + **Working on final over/under change order to amend the quote amount of $53,700 and will be forwarding to Village for Mayor to endorse soon. Deducting expedited delivery.**
  + **No more payments required to ITT**
* It is anticipated that the cost will remain within the planned $145,000 budget.

Additional Emergency WWTP Work

* Work by Ross Electric – Electrical Construction
* Ross has been on site over the past 2 – 3 weeks to disconnect third brush aerator and to run new conduit and conductor from the Sludge Building to Mixer locations.
* Ross is currently on hold waiting for TAM to remove existing brush aerator so that they can install and connect the new mixer VFD and enclosure that is scheduled for delivery next week.
* Work by TAM Enterprises – General Construction
* TAM received the stainless steel aeration piping November 8 and is planning on being on site November 13 to construct an enclosed tent for welding stainless pipe and starting to dry fit exterior air supply header piping.
* Equipment Items Estimated Date of Delivery to site
* Anticipated completion date yet to be determined.

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

**LILY POND WATER TREATMENT PLANT FILTER BACKWASH POND**

Dave Ohman of Delaware Engineering reported as follows:

* Delaware is working with Dave Harman, the Water Treatment Facility’s Chief Operator, to come up with a solution to address solids bypassing the facility’s filtration backwash pond and entering Middle Mongaup River
* Probable solution
* Install a suspended curtain (fine mesh) across the backwash pond to increase baffling and preventing solids from bypassing backwash pond and/or allowing solids from bypassing backwash pond and/or allowing solids from bypassing backwash pond and/or allowing solids longer time to settle out.
* No drawings can be found so we are conducting a site visit this week to get measurements.

**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.

**DAYS INN PUMP STATION SANITARY FORCE MAIN – EXPOSED PIPE**

David Ohman said there was nothing new to report this month.

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

Dave Ohman of Delaware Engineering said he is reviewing this matter and will have resolution on it very soon.

**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 VOTE ON PUBLIC HEARING – JEFFREY ROOT – TAXES/PENALTIES FOR S.B.L. #114-3-2**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to wave the $139.19 in penalties and the $2.00 notice fee for the 2012/13 taxes as well as a $500 sanitation adjustment for Jeffrey Root pursuant to the local law that was held tonight at 6:55 p.m. Jeffrey Root purchased the former Munson Diner located at 12 Lake Street – S.B.L. #114-3-2 at the June 2012 auction.

Trustee Stoddard said the Sanitation adjustment was due to the fact that the business closed in December and the tax penalty adjustment is due to the fact that Jeffrey Root did not receive the original tax bill in order to pay the bill timely.

**CONSIDER REQUEST FROM SNEAKER WORLD – CDBG LOAN**

The Board discussed the request from Jesse Deitchman to pay a reduced amount to satisfy his loan. They said they were not interested in his request.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried authorizing Attorney Chapman to demand payment in full of the Sneaker World loan as he has closed the business he had on Main Street in the Village.

**CONSIDER CDBG LOAN – CYBER SHACK**

The loan committee (Trustee Lindsley and Trustee McGuire) said they were going to review the loan with Henrich and Maurice Galant on Thursday, November 15th at 10:00 a.m.

If they decide to move forward with the loan, a phone poll will be conducted and the loan proceeds can then be disbursed.

**NEW CONSIDER GAMES OF CHANCE – LIBERTY ELKS LODGE 1545**

**BUSINESS:**

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

This license is for the time period of January 1, 2013 to December 31, 2013.

**CONSIDER TAX CERT – TAX MAP 107-2-5 AND 107-1-3/HOCHMAN**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize the Village Treasurer to issue tax refunds as listed:

Order of Judge Melkonian dated October 3, 2012 for index number 2069/2011.

**CONSIDER BUDGET MODIFICATION – POLICE BUDGET**

**RESOL#** Motion by Trustee Stoddard, seconded by Trustee McGuire an

**41-2012**: unanimously carried approving Resolution #41-2012.

**RESOLVED**, the Village of Liberty Board of Trustees approves the following budget modification:

Debit – A3120.1 (Salary) $17,080.00

Credit – A3120.2 (Equipment) $17,080.00

**CONSIDER RESOLUTIONS RELATING TO THE RED MEAT FACILITY**

Attorney Krahulik explained that the County and Village are ready to proceed with the red meat facility and that the Village is giving the land to the County IDA to build a red meat facility. The property has already been declared surplus but without specific legal descriptions. The resolutions that need to be considered relate to the specific descriptions.

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**42-2012:** unanimously carried approving Resolution #42-2012.

**RESOLVED**, that the Village Board of the Village of Liberty hereby finds that the property described in Schedules A of the annexed quit claim deeds (two descriptions, one being .76 acres and the other being 5.9 acres) is not necessary for Village purposes, is otherwise unusable for any Village purpose, and is hereby declared surplus.

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee Lindsley and

**43-2012:** unanimously carriedapproving Resolution #43- 2012.

**RESOLVED,** that the Village Board of the Village of Liberty hereby declares itself lead agency for the unlisted action of the sale of certain real property described in Schedules A of the prior motion (two parcels, one being .76 acres and the other being 5.9 acres)

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee McGuire and

**44-2012:** unanimously carriedapproving Resolution #44-2012.

**RESOLVED**, that the Village of Liberty hereby issues a negative declaration for the unlisted action of the sale of certain real property described in Schedules A of the preceding motion (two parcels, one being .76 acres and the other being 5.9 acres).

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee Lindsley and

**45-2012**: unanimously carried approving Resolution #45-2012.

**WHEREAS,** the Sullivan County Industrial Development Agency (IDA) has secured public financing to build a red meat processing facility in the Village of Liberty; and

**WHEREAS**, such facility will create jobs in Sullivan County and reduce costs for agricultural producers within the County; and

**WHEREAS,** the IDA has requested that the Village of Liberty provide the property (5.9 acres) described in Schedule A annexed hereto to the IDA to build a red meat processing facility; and

**WHEREAS**, the IDA has requested that the Village of Liberty provide the property (.76acres) described in the other annexed Schedule A to the IDA so that the IDA can construct a roadway; and

**WHEREAS**, the Village of Liberty, by and through the Village Board hereby determines that the transfer of such properties to the IDA is a public purpose inasmuch as the IDA will cause improvements to be made for the betterment of the people of Sullivan County including the Village of Liberty; and

**WHEREAS**, the Village of Liberty, by and through the Village Board finds that such property otherwise has no practical use or value; now therefore be it

**RESOLVED,** that the Mayor of the Village of Liberty and/or the Clerk/Treasurer of the Village of Liberty is hereby authorized to sign the following documents in consideration for the IDA’s payment of $1 and for the IDA’s commitment to cause to be construed certain road improvements shown on the records of the Planning Board of the Village of Liberty and in construction of a red meat processing facility acceptable to the IDA Board:

* A permanent easement agreement for access to storm water treatment and detention tank;
* A temporary easement agreement for soil storage and disposal except that the IDA shall certify that they are complaint with all laws, rules and regulations regarding such soil storage and disposal and shall agree to indemnify and hold the Village of Liberty harmless for the same
* A quitclaim Deed for the two parcels (.76 acres and 5.9 acres) which are each labeled Schedule A and annexed hereto.

**CONSIDER THE SURPLUS OF CERTAIN K-9 EQUIPMENT**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried declaring the K-9 equipment acquired by the Village during their K-9 program as surplus.

Police Chief Kinne said now that the equipment is declared surplus he would be able to work with the State Police to trade the equipment for things that would be useful to the Police Department, such as paper for their laptops that they use in the Police Cars.

**LAKE STREET DINER – S.B.L. #114-3-2 - SANITATION REMAOVAL ISSUE**

The Board discussed the issue that Code Enforcement Officer Pam Winters had presented to them. The diner, now known as the Lake Street Diner (formerly Munson Diner) had said they could not afford to purchase a dumpster right away.

The Board said they did not feel cans would be sufficient for a restaurant and that if they allowed cans it would set a precedent for other businesses in the village.

The Board stated the business would have to get a dumpster immediately.

**CONSIDER LIFTING STATE OF EMERGENCY – HURRICANE SANDY**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to lift the State of Emergency set on October 29, 2012 as a result of the storm Hurricane Sandy. The Declaration is as follows:

**STATE OF EMERGENCY DECLARATION**

***A State of Emergency is hereby declared in the Village of Liberty effective at 12:00 noon on October 29, 2012.***

***State of Emergency has been declared due to Hurricane Sandy (a hurricane moving up the east coast).***

***This situation threatens the public safety.***

***This State of Emergency will remain in effect until 12:00 a.m. on Tuesday, November 13, 2012.***

***As the Chief Executive of the Village of Liberty I, Mayor Richard Winters* *exercise the authority given me under***

***Section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required***

***and available assistance vital to the security, well-being, and health of the citizens of this Municipality.***

***I hereby direct all departments and agencies of the Village of Liberty to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.***

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

**COMMENT:**

Ronald Stabak (Woodlawn Ave) discussed the recent robbery on his street where a cab driver as assaulted with a knife. He said Delaware and Woodlawn are very dark streets and that the street light located at 4 Delaware Ave. should be changed and redirected to brighten up the area. The Board was in agreement with this request and Police Chief Kinne said he would put in the request to NYSEG.

Ronald Stabak also said he had a slight concern about the new Recycling Schedule and Information, stating that the papers, if not in plastic, will blow around.

Trustee Stoddard said that matter had been discussed with the DPW Supervisor and he will still accept paper in plastic bags.

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

**REPORTS:**

Trustee Stoddard discussed the following issues:

* Expressed her concern over the kids that lost Halloween and the possibility of having a contingency plan in the future.
* Congratulated all the employees on the great job they did during Hurricane Sandy.
* Suggested the Village write letters to all the newly elected officials congratulating them.
* Discussed her concern about the Agenda’s and related information and what would be F.O.I.L.-able. She said she is concerned that the Board could inadvertaly give out information they should not.

Mayor Winters said the Attorney would have to review the whole packet before a meeting to determine this issue.

Trustee McGuire said she agreed with Trustee Stoddard on the Halloween issue.

Trustee McGuire also discussed the following issues:

* Said she would like to have access to a labor attorney for the remainder of the C.S.E.A. negotiations.
* Thanked the Village employees for their hard work during Hurricane Sandy.
* Said she was disappointed in the local businesses that price gouged during the recent storm.
* Discussed the next Joint Meeting to be held with the Town of Liberty and the possibility of inviting Richard Martinkovic to it.

Trustee Lindsley also thanked all the Village employees for their hard work during the recent storm.

Trustee Lindsey also mentioned the recent storm and that she had several calls from people wondering where they should relocate to.

Trustee Lindsley discussed the cross streets and the fact that many of the Stop Signs are missing or unreadable.

The Mayor suggested that a letter be sent to Tim Pellam, Town Highway Superintendent, about the poor condition of the Stop Signs. He also said we should copy the letter to Supervisor Barbuti so he is aware of the situation.

Mayor Winters thanked Police Chief Scott Kinne for the wonderful job in securing the tower on the building before Hurricane Sandy and for realizing there was a problem. He also thanked all the employees for their hard work

during the recent storm.

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

**OF BILLS** unanimously carried approving Voucher #14-456 to Voucher #14-557 in the

**FOR PYMT:** amount of $319,149.23.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #14-447 to Voucher #14-455 in the amount of $741,323.72.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 8:55 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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