**REGULAR MEETING**

May 1, 2019

# The Board of Trustees held the Regular Meeting of May 1, 2019 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Ronald Stabak,Deputy Mayor/Trustee Robert Mir, Trustee Daniel Wright, Trustee Joan Stoddard, and Trustee Victoria Ferguson. Also Present: and Judy Zurawski, Clerk/Treasurer.

**ABSENT**: Gary Silver, Attorney for the Village

**ALSO** Police Chief Scott Kinne, David Ohman, Jill Weyer and Faith Moore

**PRESENT:**

**APPROVAL** Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING - April 18, 2019

**CORRES-** Mayor Stabak said the following correspondence has been received and is

**PONDENCE**: available in the Clerk’s Office.

* Letter from S. Crowley Re: Oil Burner Service
* Letter from OSC Re: Calculation of Tax Levy Limit

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**COMMENT:**

Jill Weyer – Land Bank Discussion

Jill Weyer (SC Land Bank), along with Faith Moore (Executive Director of Orange County Rural Development Advisory Corporation) attended the meeting to update the Board on the Land Bank and the properties they have acquired to date. They explained that the properties are a great opportunity, especially for first-time homeowners or for a “fixer-upper”. Jill explained that there are Land Bank properties on the market and applications are being accepted.

Faith Moore (RDAC) explained she is working with Jill and the Land Bank to help potential homeowners with grants, mortgages and revitalization efforts.

They said at this point there are not many Village foreclosures and explained their targets are the following:

* 91 Chestnut Street – Tax Map #108-9-5
* 124 Lincoln Place - Tax Map #104-8-13

They are also targeting a few more Village properties that are included in the Sullivan County foreclosures, which are as follows:

* 24 Mager Avenue - Tax Map 105-4-10
* 93 Webster Avenue - Tax Map 114-2-16
* 15 Jordan Avenue - Tax Map #114-4-7
* 17 Grant Street - Tax Map #109-1-3.2
* 5 Marion Avenue - Tax Map #104-2-22.1 & 22.2
* 20 Orchard Street - Tax Map #112-3-7
* N. Delaware Ave Ext - Tax Map #102-7-8.1 & 8.10

The Board will address a resolution at this meeting.

**ATTORNEY** Attorney Silver was not in attendance.

**COMMENTS:**

**TREAS.** Treasurer Zurawski said she will be presenting her report at the second

**REPORT:** meeting of the month once the monthly closeout is complete.

Treasurer Zurawski said she has been in contact with DASNY and the pump station at Triangle looks good for partial reimbursement. The request has been sent and it is in the Finance Committee right now for approval.

Informed the Board that we are finally getting reimbursement for generator on approximately May 16.

Treasurer Zurawski said the taxes are at the printers.

**TABLED UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE**

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
  + The Village received a letter from NYSEFC letter on January 18, 2019, to inform the Village that the WIIA program grant award is being revised to $1,914,000 and Total Estimated Project Cost of $7,656,889.
  + The Village received a follow-up letter that lists all missing items to complete the project financing agreement as soon as possible. A status of each of these is below:
* Engineering agreement For Planning for Design (through construction) MWBE utilization plan with partial waiver request, MWBE work plan, clarification of net interest. Completed smart growth assessment form were submitted on March 29
* Copy of sewer debt exclusion approval from OSC – Village preparing with Capital Markets and Bond Council – not required for now but provide when available
* NYSEFC needs an approved Engineering Report prior to closing the project finance agreement.

Professional Services Contract for Design through Construction:

* Design Phase:
* Continuing to Prepare design drawings and specs
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* Onsite April 30 with a new technology by a company names “Imagine It” to “map” the lower floor of the Sludge Building (lots of piping and equipment) to allow us to prepare drawings for existing facilities that will need to be upgraded.
* MWBE Subcontracts and Related Work:
* Prepared MWBE Utilization Plan #1 and Partial Waiver Request and submitted to NYSEFC March 29
* Executed subcontract on April 22 with Municipal Solutions (WBE) to assist us in soliciting for MWBE subcontract services and modify our partial waiver request. Executed contract for Financial Assistance with Keough Consulting
* Other NYSEFC Items:
* NYSEFC’s February 27, 2019 Engineering Report review letter
* Response to NYSEFC’s February 27, 2019 Engineering Report review submitted on April 12.
* NYSEFC email on April 23, 2019 requested some additional information for the Engineering Report
  + We are working on a response to their comments
* Short Term Financing
* At the January 28, 2019 meeting the Village authorized the Village Clerk to proceed to secure a one year callable BAN in the amount of $700,000 to pay for services provided until the Village is able to close on NYSEFC financing, satisfy NYSEFC reimbursement requirements and begin to receive NYSEFC funds on a regular basis.
* Capital Markets working with the Village to secure the BAN.
* Status? Is the Village planning to go forward with the BAN?

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * We worked with the Village to develop a program plan and response letter – which was submitted to NYSDOH Monticello Office on March 6
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
2. **Rail Trail Area Culvert Drainage/Blockage**

* Investigating options to address the issue
* Delaware met with NYSEG planners on March 14 to inquire if the ROW requires continuous, uninterrupted access.
  + If not, can we open-cut a hole in the rail trail and put a bridge in?
  + If not, what are the options?
* NYSEG generally in agreement that they will work with the Village to come up with a way to move or support the transmission line to accommodate the culvert work – planners believed that they will require rail trail to be accessible for line work for the entire length (can’t leave an open ditch for water to flow thru).
* Submit our desired work plan to them and they will review and see how it can be accommodated
* Need to have a plan – then get back to them.
* Delaware and Peter Parks met on March 26 with Brian Drumm with NYSDEC Region 3 Permits and Wildlife (trout stream) to review what the possible options are (i.e. open cut w/minor stream permit work)
* No NYSDEC permit is needed as the current stream is perennial and is not classified
* We can move the stream a bit as needed to accommodate the new culvert
* May need something from USACOE but would likely be covered under Nationwide 3 Permit
* Delaware ran hydraulic analysis which revealed the need for an 8’ diameter pipe or 7.5’ square culvert to carry the 200 year flow with 1’ freeboard, (BIG PIPE)
* Next steps:
* Meet with a contractor to consider options (jack and bore a big casing, open cut with sheeting, other?)
* Develop a conceptual design and cost and review with the Village.
* Develop an Engineering Report to go with the CDBG grant application (up to $750,000) that is being prepared by mark Blauer (July submission deadline)

**DPW Garage Site Remediation**

* Based on September and December 2018 sampling report, not much different
* Still seeing values near garage indicting contamination remains
* Next Sampling is March 2019
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + Develop Village plan to investigate the extent of the remaining contamination? Any desire to do this?
  + One of the above and look at what is needed to be able to pump more water

1. **Elm Street Well and Lead and Copper Compliance**

* Have $100,000 SAM grant for well improvements – Does Village want to seek more SAM Grant $ for this project?
* At this time the Village is not planning to pursue a WIIA grant (60%) for this work
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We will work with Ken to come up with a plan
* DASNY is requesting an updated application from the Village
* We are working to prepare for Judy a write up on scope and cost for the new/revised DSNY application for the revised/lower cost project.

**UPDATE ON CDBG LOANS**

This agenda item was tabled.

**UPDATE ON LIBERTY CENTRAL SCHOOL DISTRICT RE: SURVEYOR**

Mayor Stabak said he has not heard anything from the surveyor so at this point he is not sure of the status.

**UPDATE ON WOODSTOCK DOVE**

Mayor Stabak said they are working on a design for the base of the Dove. He said Peter will be evaluating the site and letting him know whether it should be raised or ground level.

**NEW** **CONSIDER TAXI LICENSES FOR 2019/20**

**BUSINESS:**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously

**53-2019:** carried approving Resolution #53-2019

WHEREAS, the applications for taxicab licenses (also known as Taxicab permits, such terms being intended to describe the license or permit described as a taxicab permit in the definitions provision in Article 1, Section 75-1 of Chapter 75 of the Village Code), having been submitted by the attached taxi company’s pursuant to the Village Code, such as Sections 75-1 75-1.1, and 75-2 of the Village of Liberty Village Code; and

WHEREAS, the Village Code provides that the existing taxicab permits expire annually on May 31; and

WHEREAS, all permits for taxicab licenses are due to expire June 1, 2019;

WHEREAS, thirteen medical taxi licenses for permits have been reviewed by the Village of Liberty Police and are now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues taxicab permits (also known as a Taxicab license) for the annexed applicants (said taxicab license not to be confused with the taxicab driver’s license issued under Article II of Chapter 75 of the Village Code); and be it further

RESOLVED, that for reference purposes, the 10 licenses/permits are for:

RX Transportation - 2 Medical Licenses

Medicare Corp – 9 Medical Permits

Mom’s Car Service – 3 Medical Licenses

**CONSIDER GENERAL MUNICIPAL LAW SECTION 239 REFERRAL EXEMPTION AGREEMENT BETWEEN THE COUNTY OF SULLIVAN AND THE VILLAGE OF LIBERTY**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried

**54-2019** Resolution #54-2019.

WHEREAS, General Municipal Law Sections 239-1, m and n (GML 239) require that that certain planning and zoning actions be referred to the Sullivan County Division of Planning before any action is taken by the municipality having jurisdiction; and

WHEREAS, the General Municipal Law Section 239 further requires the County to assess all such implications as to whether the requested action would have a “countywide” or “inter-community” impact and to comment on same; and

WHEREAS, the current referral process results in the ongoing processing and review of applications from Sullivan County’s 21 municipalities in order to exemption actions deemed to be of strictly local conern from mandatory referral;

WHEREAS, in an effort to improve governmental efficiency, Sullivan County and the Village of Liberty propose to eliminate the necessity of the County’s review and comment on such local actions; and

WHEREAS**,** in an effort to improve governmental efficiency, Sullivan County and the Village of Liberty propose to eliminate the necessity of the County’s review and comment on such local actions;

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees authorizes Mayor Stabak to execute this agreement with the County of Sullivan a full copy of which will be on file in the Village Clerk’s Office.

**CONSIDER STOPS SIGNS – DWYER/GRANT**

**RESOL. #** Motion by Trustee Mir, seconded by Trustee Stoddard and unanimously

**55-2019:** carried approving Resolution #55-2019.

WHEREAS, the Board of Trustees of the Village of Liberty has authority pursuant to Section 80-50 of the Village Code to modify by Resolution the Stop Streets in the Village;

WHEREAS, the following Stop Streets will be added to Section 80-50:

GRANT STREET/BALSAM DRIVE

DALTON AVENUE/DWYER AVENUE – BOTH SIDES

WOODLAWN AVENUE/DWYER AVENUE

WHEREAS, a copy of these changes are annexed as Exhibit A into the minutes;

NOW, THEREFORE BE IT RESOLVED, this resolution will take effect immediately.

**CONSIDER LAND BANK PROPERTIES – 2019 FORECLOSURES**

**RESOL. #** Motion by Trustee Ferguson, seconded by Trustee Wright and unanimously

**56-2019:** approving Resolution #56-2019.

WHEREAS, the Village of Liberty Board of Trustees is in support of the following Village owned properties being transferred to the Sullivan County

Land Bank:

* 91 Chestnut Street - Tax Map #108-9-5
* 124 Lincoln Place - Tax Map #104-8-13

WHEREAS, the Village of Liberty Board of Trustees supports the transfer of the properties to the Land Bank are included in the Sullivan County foreclosures, which are as follows:

* 24 Mager Avenue - Tax Map 105-4-10
* 93 Webster Avenue - Tax Map 114-2-16
* 15 Jordan Avenue - Tax Map #114-4-7
* 17 Grant Street - Tax Map #109-1-3.2
* 5 Marion Avenue - Tax Map #104-2-22.1 & 22.2
* 20 Orchard Street - Tax Map #112-3-7
* N. Delaware Ave Ext - Tax Map #102-7-8.1 & 8.10
* 91 Chestnut Street - Tax Map #108-9-5
* 124 Lincoln Place - Tax Map #104-8-13

NOW, THEREFORE BE IT RESOLVED, the Board expressed their support of the transfer of the above listed Village and County owned properties to the Sullivan County Land Bank.

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**COMMENT:**

Police Chief Scott Kinne discussed some tow permits that he had received from Prestige Towing and the fact that they are leasing property at 329 North Main Street.

The Board discussed the possibility of setting up a radius for tow permits and at this point they will not consider the approval of the permits.

Chief Kinne said he would advise the owner of Prestige Towing of this decision and the possible change in the immediate future.

Police Chief Kinne informed the Board that an eighteen year old former student had trespassed on the Liberty School property and that he had to be tasered.

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

**COMMENTS:**

Mayor Stabak said he had an item for Executive Session that involved a candidate for employment in the D.P.W.

Trustee Mir - No Comment

Trustee Wright – No Comment

Trustee Stoddard – No Comment

Trustee Ferguson discussed the following issues:

* Inquired about the status of dumping bush up near our water department – can people dump during business hours?
* Said she had a request for a Children at Play sign on Dwyer Avenue

**APPROVAL** **POST AUDIT VOUCHERS**

**OF BILLS**

**FOR PYMT:**Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving Post Audit Voucher #24-936 to Voucher #24-944 in the amount of $365,886.09

**EXECUTIVE** Motion by Trustee Wright, seconded by Trustee Mir and unanimously

**SESSION:** carried to go into Executive Session at 9:14 p.m. to discuss a possible candidate for employment in the D.P.W.

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to leave Executive Session at 9:35 p.m.

**CONSIDER TWO PART TIME LABORERS – D.P.W.**

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to hire two – part time temporary laborer (CDL License preferred) employees for the D.P.W.

These employees will be hired at minimum wage – currently $11.10

The Board said they would advertise on Facebook and the Village website.

**ADJOURN:** Motion by Trustee Ferguson, seconded by Trustee Mir and unanimously carried to adjourn the meeting.

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

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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