**REGULAR MEETING**

JUNE 25, 2013

# The Board of Trustees held the Regular Meeting of June 25, 2013 at

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

Mayor Daniel J. Ratner Sr. opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Daniel Ratner, Trustee/Deputy Mayor Joan Stoddard, Trustee Ronald Stabak, Trustee Corinne McGuire, and Trustee Luis Alvarez. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO** Police Chief Scott Kinne, Police Detective Steven D’Agata, Kenny

**PRESENT:**  Mandel (Sureway Taxi), Henrich Strauch(Liberty CDC), Town of Liberty

Supervisor Charles Barbuti, Maurice Gallant, William Young, Jr., and Michael Caputo.

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

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

**MINUTES:**

REGULAR MEETING – June 11, 2013

With the following amendment…Under Treasurer’s Report the delinquent tax amount should be $791,061.62.

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

PUBLIC HEARING – JUNE 11, 2013 RE: CDBG

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

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

INCOMING

* E-Mail from NYS Re: Tax Cap 2013/14 Budget
* Notice of Award from NYS – Efficiency Program Awards
* Letter from NYS Homes and Community Renewal Re: Release of funds 6/18/13

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

**COMMENTS**:

Supervisor Charles Barbauti asked if the Village would like to host the Joint

Meeting of July 29th at 6:00 p.m.

Henrich Strauch (Liberty CDC) discussed the $20,000 state contract grant (former member money) that the Village is still entitled to receive. He said the Village should come up with something they would like to use it for and he will work with them to get the process finished.

Kenny Mandel (Sureway Taxi) announced that Sureway Taxi is hiring.

**CONSIDER LOCAL LAW FOR SMOKING BAN @ MUNICIPAL BUIDLING**

CONSIDER NEGATIVE DECLARATION UNDER SEQR FOR LOCAL LAW – SMOKING BAN

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to issue a negative declaration pursuant to Part 617 of the DEC regulations for the proposed local law, which is to have a smoking ban at the Municipal Building, 159 – 167 North Main Street.

The Village of Liberty will be the Lead Agency for such unlisted action.

CONSIDER VOTE ON LOCAL LAW – SMOKING BAN

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Local Law #5-2013 – to adopt a new Chapter 72 of the Code of the Village of Liberty to prohibit Smoking in front of the Village Hall, located at 167 North Main Street, Liberty, New York and the Village of Liberty Police Department, located at 159 North Main Street, Liberty, New York.

The vote on this local law was put to a vote, which resulted as follows:

MAYOR DANIEL J. RATNER JR. - YES

TRUSTEE JOAN STODDARD - YES

TRUSTEE CORINNE MCGUIRE - YES

TRUSTEE RONALD STABAK - YES

TRUSTEE LUIS ALVAREZ - YES

**CONSIDER WATER/SEWER/DPW EXCAVATION PERMITS, ETC.**

This item will remain tabled until the details can be worked out with the department heads.

**CONSIDER ANNEXATION REQUEST FROM ALBERT BITJEMAN – S.B.L. #29-2-35**

Attorney Silver said the petitioner’s attorney has not provided the Village with the SEQR form. This matter will remain tabled until such form is received.

**NEW CONSIDER TAX ABATEMENT PROGRAM**

**BUSINESS:**

Supervisor Barbuti discussed the tax abatement program, which is currently available and sunsets in 2016. He said the town has adopted the program, which provides a tax break for up to five years to first time home buyers that are purchasing a house that has never been occupied. He explained the first year tax break is fifty (50%) percent.

Attorney Silver said the Village currently offers five different exemptions and this would be a nice compliment to them.

Mayor Ratner said they would begin preparing the local law and address it at the next meeting.

**CONSIDER UNIFORM NOTICE OF CLAIM ACT RESOLUTION**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously **43-2013:** carried approving Resolution #43-2013.

RESOLUTION DESIGNATING THE NEW YORK SECRETARY OF STATE AS AGENT FOR SERVICE OF A NOTICE OF CLAIM

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”).

WHEREAS, Section Six (§6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§53), effective June 15, 2013.

WHEREAS, New York State General Municipal Law Section 53 (2) requires that all public corporations, who are entitled to service of a Notice of Claim as a condition precedent to commencement of an action or proceeding shall file a Certificate with the Secretary of State designating the Secretary of State as agent for service of a Notice of Claim.

WHEREAS, the Village of Liberty must file such Certificate with the Secretary of State no later than (30) days of the date upon which General Municipal Law § 53 took effect.

NOW, THEREFORE, the Village Board of Trustees of the Village of Liberty, duly convened in regular session, does hereby resolve the following:

Section 1. The Clerk of the Village of Liberty be and she hereby is directed and empowered to forward to the New York State Secretary of State a Certificate in the form annexed hereto, pursuant to General Municipal Law § 53, designating the Secretary of State as agent for service of a Notice of Claim where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Village of Liberty, or any officer, appointee or employee of the Village and to take any and all other actions required to carry out the provisions of this Resolution.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR RATNER – YES

TRUSTEE STODDARD – YES

TRUSTEE STABAK – YES

TRUSTEE MCGUIRE – YES

TRUSTEE ALVAREZ - YES

**CONSIDER CDBG LOAN REQUEST – YOUNG TKD, INC.**

William Young (President of Young TKD, Inc.) discussed his vision for his newly relocated business to the Village of Liberty. He explained he already has thirty five (35) enrolled students that each have a three month contract so his business is already established (currently located in Fallsburg). He explained he plans on continuing on as an investigator for the State Police and will have his studio open four (4) days a week.

Mr. Young said as his business grows it will also help other businesses in Liberty and he hopes to purchase the building within a few years.

Mayor Ratner said the Board will review the application and have an answer for him by the next meeting.

**CONSIDER APPLICATIONS FOR TAXI LICENSES**

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

**44-2013:** carried approving Resolution #44-2013

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 have now expired; and

WHEREAS, four valid applications for permits have been reviewed by the Village of Liberty Police and are approved by the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty has eight open permits and 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 4 licenses/permits, approved herein, are for:

Sureway Taxi; Reg # 12939TX (Dodge Cvn.); Sureway Taxi; NY Reg. # 12918TX (Chrys. TNC); Sureway Taxi NY Reg. #12940TX (Dodge Cvn); Sureway Taxi; Dodge GC #16918LV.

**CONSIDER BANNER PERMIT – CIVIL WAR RE-ENACTMENT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the Banner Permit submitted by the 143rd NY Volunteer Infantry Civil War Re-enactors for a Liberty Civil War Weekend (at Walnut Mountain Park) of July 27th – 28st providing the banner be placed on North Main Street. If they wish to place the banner on South Main Street it would require a permit from the N.Y.S.D.O.T.

**CONSIDER ALLOCATING ADVERTISING MONEY TO ADVERTISE IN THE GREEN DOOR MAGAZINE**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving an advertising budget of $300 to advertise in the Green Door Magazine.

Mayor Ratner explained that the Chamber and Town of Liberty is also contributing $300 each for a total of $900 and the Green Door will match that amount making the total $1,800. He said the Green Door Magazine is distributed in 114 locations in New York City which will really help in getting information out about the Village and the Town.

**CONSIDER RATIFICATION OF INSURANCE CARRIER FOR 2013/14**

**INSURANCE COVERAGE**

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

**45-2013**:unanimously carried approving Resolution #45-2013.

**WHEREAS*,*** the Village of Liberty Board of Trustees approves insurance coverage with Agent David Bodenstein - Mike Pries Insurance;

**WHEREAS**, the 2013-2014 Insurance Carrier will be NYMIR Insurance and will carry the Village’s Property, Crime, General Liability, Public Officials and Law Enforcement Liability, Auto, Inland Marine and an Umbrella;

**NOW, THEREFORE BE IT RESOLVED*,*** the 2013-2014 Premium will be $162,197.91 and the Annual Capitalization Fee will be $2,596.03.

David Bodenstein suggested the Village take advantage of all the training programs that NYMIR offers.

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

**COMMENT:**

Kenny Mandel (Sureway Taxi) discussed the rear stickers needed for the taxi cab medallions for the 2013/14 fiscal year.

Police Chief Kinne discussed the fact that they need to order more parking tickets which cost in the range of $1,400 for 500 tickets. He said the print out that the Village receives about the Town Court activity is not very detailed and he questioned whether it is worth purchasing the tickets.

The Board said he should purchase the tickets and see if a meeting can be set with the Justice Clerk’s to get more detailed information in the future.

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

**REPORTS:**

Trustee Stoddard said the D.P.W. is doing a nice job with the potholes.

Trustee Stabak said he would monitor the NYMIR training if it is brought to his attention.

Trustee Alvarez said he discussed the Sullivan Avenue potholes with Peter and presented the Board with some information he obtained from the County.

Attorney Silver said he would review the information.

Trustee McGuire discussed the Village maps (needed for annexations) and said she was told that Don Viele may have them.

Trustee McGuire also discussed the July 4th celebration and said she hopes everyone comes out for the parade.

Mayor Ratner also discussed the July 4th celebration and the attire that the Board could wear.

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

**OF BILLS** unanimously carried approving the following bills for payment:

**FOR PYMT:**

Liberty CDC – Annual Contribution - $15,000

-Voucher #16-097

Fred Moore – Meal Allowance - $240.00

-Voucher #16-096

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

**SESSION:** unanimously carried to go into Executive Session at 9:15 p.m. to receive

Attorney Advice on pending litigation and a grievance in the Police Station

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 9:28 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:29 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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