**REGULAR MEETING**

JANUARY 14, 2013

# The Board of Trustees held the Regular Meeting of January 14, 2013 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 Joan Stoddard and Trustee Luis Alvarez. Also Present: Robert Krahulik, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Corinne McGuire

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

**PRESENT:**  Stabak, Police Detective Steven D’Agata, Daniel Ratner Sr., Mark Blauer,

Daniel Parkhurst (Liberty School Board President), Jack Straussman (Liberty High School Principal), Jeri Finnegan (Elementary School Principal), Chrissie Schiff and Kenny Mandel.

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

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

**MINUTES:**

REGULAR MEETING – DECEMBER 10, 2012

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

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

INCOMING

* Agenda for Planning Board Meeting 1/10/13 and minutes from 12/13/2012
* E-Mail from Walter Anderson Re: Surplus Items for auction
* Handout from NYMIR Re: Sidewalks
* Letter from NYS Re: Approval of $600,000 Grant

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

**COMMENTS**:

Mark Blauer – Grant Information

Mark reported on the following:

* Said he met with Pam Winters and she would like to apply for approximately $7,000 to upgrade the computer system in her department thru the Archives Grant Program. He said the Mayor is also interested in updating the servers and computers in the Village offices and he would like to apply for the same grant on a larger scale. He explained that the official maximum is $75,000; however the director of the program said you rarely would receive more than $30,000. Mark said he would do research on the feasibility study that has been completed and move forward with the grant.
* Said he has been working on the list of items needed for the USDA grant for the Water storage tank.
* Said he understands the Board is in the process of executing the grant agreement for the $600,000 award from the Community Development Block Grant fund.

Mark explained that if the engineer (Delaware) and he are paid from the local portion of the funding for their administration there will be no need to bid out the services.

Police Chief Scott Kinne – Discussion of School Resource Officer

Police Chief Kinne explained to the Board that the Liberty School is looking to have a School Resource Officer in the school five days a week. The Resource Officer would rotate between the elementary, middle and high school.

Daniel Parkhurst (School Board President) said they would be willing to do a three year contract with the Village to cover seventy (70%) of the officers salary.

Police Chief Kinne explained when the officer is not needed in the school (ex. summers, vacations, etc.) he would float thru the shifts to cover overtime needs due to vacations, etc. He also explained that in order to do this the Village would have to hire one new police officer to cover the Village, which we could guarantee employment to for three years.

Police Chief Kinne also said he would make an agreement with the PBA union regarding this matter so it would not interfere with the twelve (12) hour shifts they are currently proposing.

Daniel Parkhurst said he would have the school attorney draw up the contract and present it to the Village for their review. He also said he would like to see this arrangement happen very quickly.

The Board said they were in agreement with the arrangement.

**CONSIDER A NEW HIREE FOR THE POLICE DEPARTMENT**

Motion by Trustee Alvarez, seconded by Trustee Lindsley and unanimously carried to start the process of hiring a new police officer for the Village so that a Police Officer already employed by the Village can become a five day a week School Resource Officer. This employment would be conditioned on the following:

* Ana acceptable three year contract with the Liberty School.
* Approval from the PBA Union
* The understanding that the new hire could only be guaranteed employment for three years.

Daniel Parkhurst said he will do whatever he can to make sure the money is available to continue the program after the initial three years.

Police Officer Kinne also said in that time frame there will be a couple of Police Officers that will be eligible for retirement which would open up the possibility of keeping the new hire on beyond the three years.

Police Chief Kinne said he will review the Police Officer list as soon as the new list is available.

Daniel Parkhurst publicly thanked the Police Department and especially Police Chief Kinne for all their help. He said they are also quick to respond and to help with whatever is needed.

**ATTORNEY**  Robert Krahulik discussed the CDBG loans that Langdon Chapman is

**COMMENTS:** working on. He said Langdon will verify with Henrich the fact that

Sneaker World is paid in full and then said them a letter letting them know the Village has received payment in full. He also said that Charlie’s Pizza would like to redo their payment plan and begin making payments again. He said their Attorney Jeffrey Altbach is on vacation in Florida but will return shortly and work on this matter with the Village.

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

**REPORT:**

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

* List of Current Taxes, which as of 12/31/2012 is $404,408.11 uncollected
* List of Delinquent Taxes, which as of 11/30/12 is $533,834.44
* Starting and Ending Central Check Numbers for December
* Starting December 2012 Central Check #8696
* The Court Revenue received from the Town of Liberty for November, which is $770.00
* List of CDBG loans, the payment status of each one and recommendations.

Treasurer Zurawski also mentioned the low cash balances in the General Fund and Water Fund and suggested that spending be watched very carefully. The Board said she should send a memorandum to each department reminding them of this issue.

**TABLED UPDATE ON RENOVAH HILL WATER TANK PROJECT – D. OHMAN/**

**BUSINESS: DELAWARE ENGINEERING:**

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

* Received Letter of Conditions (dated November 27, 2012 and letter dated December 21, 2012 advising Village of what has to be done before bidding and construction can take place.
  + Reviewed December 21 letter with USDA’s George Popp and the Village on December 21 to assign tasks.
  + Developed draft matrix spreadsheet with tasks and schedule that we are continuing to develop.
  + We are working with Judy and Mark Blauer to address the tasks.
* Delaware starting design work and preparation of plans and specifications for the project.
  + This is a key element as USDA RD and NYSDOH needs to review and approve the design and contract documents (plans and specifications) before project can go out to bid.
* Anticipated funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2%
* $11,000 local
* Ken Hessinger developing some pricing to put in 4’ diameter x 60’ long culvert, backfill and rip rap in stream between existing and new tanks – to provide access to the new tank.
  + Recommend to add in some cost for this Village work to the upcoming budget

**WWTP IMPROVMENTS PROJECT – OXIDATION DITCH – EMERGENCY REPAIR WORK – PHASE 1 – INITIAL WORK**

David Ohman reported on the following:

* Work by TAM Enterprises and Ross Electric is complete
* Signed executed copies change orders are currently being assembled for distributed for final processing
  + Also following up with contractors and Judy with final AIA forms for record purposes.
* Final Payments have been made for all contracts at the following final contract amounts (including change order amounts):
  + - Xylem Water Solutions USA Inc. (Flygt) $53,700.00
    - Ross Electric $21,498.46
    - TAM Enterprises Inc. $51,890.05
* Total project cost was $139,096, which was $5,904 less than the budgeted $145,000 – See WWTP Phase 1 – Oxidation Ditch Emergency Repairs Cost Summary – Revised 12-10-12

**WWTP IMPROVEMENTS PROJECT – ADD’L EMERGENCY WWTP WORK – PHASE II**

* Work by Ross Electric – Electrical Construction
* Installed new submersible mixer VFD for Ox Ditch 2 and alarm enclosure, ran new conduit and conductor from the Sludge Building to Mixer locations.
* Disconnected the remaining brush aerator for Ox Ditch 2 and connected up mixer VFD and will connect leads to the mixer once it has been installed.
* Work by TAM Enterprises – General Construction
* TAM received the stainless steel aeration piping and has been on-site welding stainless sections/flanges/fittings steel exterior air intake and air supply header piping, installing exterior piping supports, installing diffused aeration grids and poured blower equipment pads.
* Crane on-site today to remove the last existing brush aerator from OX Ditch No. 2 and installing pre-fabricated sections of exterior stainless steel piping.
* Submersible mixer and mast work for the second unit in Ox Ditch No. 2 will follow.
* Plan to finish up outside work over the next week and then move inside
* Equipment Items – estimated Date of Delivery to site:

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| Item | Vendor/TAM | Anticipated Date  To site |
| Stainless Steel Piping | TAM | On-site |
| Submersible Mixer | Sanitaire | On-site |
| Diffused Air Grid | Sanitaire | On-site |
| Blowers | Sanitaire | Week of Jan. 14, 2013 |
| SCADA/PLC | Sanitaire | Last week of Jan. 2013 |

Anticipated completion date = mid-March 2013

**Ross Electric**

* Ross has submitted Payment Request No. 1
  + We are putting together final package now and will be submitted to Judy this week
* We agree with the level of work completed to date and the costs presented therein. **Therefore we recommend that Village resolve to authorize the Village Clerk to provide payment to Ross in the amount of equal to $20,042.14 with a chance to finish to $2,940.26.**

**TAM Enterprises Inc.**

* TAM has submitted Payment Request No. 1
  + We received the remaining paperwork today and will be submitted to Judy this week
* We agree with the level of work completed to date (approximately 31% complete) and the costs presented therein. **Therefore we recommend that Village resolve to authorize the Village Clerk to provide payment to TAM in the amount of equal to $244,722.85 (31% of the contract price) with a balance to finish of $533,589.15.**

**NEAR TERM WWTP IMPROVEMENTS – OXIDATION DITCH AERATOR AND INFLUENT SCREENS**

* CDBG Application submitted on July 12 for a $600,000 grant was successful
* Mark Blauer providing update

**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 improve solids retention in the facility’s filtration backwash pond.
* Dave Harman is working with chemical vendor to determine if chemicals additives can be refined to provide for new rapid settling of solids
* Delaware developing some details and costs to install a suspended certain (fine mesh) across the backwash pond to increase baffling and slow down eater flow across the pond to allow solids longer time to settle out.
* Sent layout/curtain section to curtain vendor for pricing
* Working on concept design for staking/support system and then will estimate some pricing and provide to Village
* Recommend Village add to upcoming budget.

**GRIEBEL PARK DAM – UPDATE FROM DELAWARE ENGINEERING**

Dave Ohman of Delaware Engineering reported as follows:

* Delaware is working with Sullivan County Soil and Water Conservation District (SCSWCD) and NYSDEC Dams Department reviewing the information that SCSWCD has submitted NYSDEC.
  + NYSDEC needs hydraulic analysis and steam bed design conducted to confirm that the new steam bed will convey the 100 year storm event
    - Looking downstream of the dame – at roadway culvert pipes and drainage areas through developed areas to make sure we are not creating a problem
      * Per Village personnel, historically the pond was full and whatever water flowed in flowed out
      * Last 6 years or so the 6’ drain has been kept open so pond is not always full.
    - Our hydraulic analysis results differ from HydroCAD;
      * Hydro CAD appears to require a much larger stream area
      * Reviewing with NYSDEC
  + Need to move the embankment into the current pond area and establish the new streambed – may not have enough onsite material
  + Not as simple as it may seem without topographic and pond depth data
  + Does Village have money in the budget to conduct topo survey with pond cross sections – probably $3,000 to $5,000?

**IDEAL SNACKS – UPDATE FROM DELAWARE ENGINEERING**

* Recent alarm at Elm Street Pump Station caused by grease build up which affected pump float controls.
* Based on meeting with Ideal back in April, Ideal agreed to pay for cleaning the PS and force main once the second grease trap was installed (done in July 2012), and pay for subsequent cleanings as needed.
* Obtained a quote from the contractor who last cleaned the PS and force main (TAM Enterprises), and worked with the Mayor to generate a letter to Zeke at Ideal Snacks requesting them to confirm that they will pay for the cleaning as agreed to in April 2012. Requested that Zeke countersign the letter and return it to Village Hall by December 14 to confirm their agreement to pay for the work.
* Village would pay TAM and then forward payment request to Ideal.
* No contact back from Ideal to date.

The Attorney said he would send a certified letter asking Ideal what their answer is.

**RED MEAT FACILITY – UPDATE FROM DELAWARE ENGINEERING**

David Ohman of Delaware Engineering said there was not anything new to report relative to wastewater.

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

David Ohman of Delaware Engineering reported on the following:

* NYS DOT has completed work to re-reline deteriorating corrugated metal pipe. A smaller corrugated plastic pipe has been installed in existing drainage pipe and 8+/- has been poured full in between the two pipes to help strengthen the drainage pipe.

**CONSIDER POSSIBLE AMENDMENT TO LOCAL LAW RE: WATER METER SERVICE**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to have Delaware Engineering work with Kenneth Hessinger to create an acceptable local law that would cover meter pits and water service to Village customers. Delaware Engineering’s cost will not exceed $500.00

**CONSIDER REQUEST FROM ANGEL PAGAN RE: PROPERTY TAXES 111-1-32**

Mayor Winters and the Board said they were not in a position to acquire the land from Angel Pagan (Tax Map #111-1-32) on West Lake Street. They said if he is abandoning the property it is best to let it go thru the foreclosure process and see if it is purchased by anyone.

**CONSIDER REQUEST FROM LIBERTY MUSEUM RE: SANITATION FEE**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to waive the 2006/2007 and 2007/2008 sanitation fee on tax map #112-4-11 due to the fact that the Museum is a benefit to the Village of Liberty and a not-for profit organization. They also stated they own the neighboring piece of property, which is not tax exempt and pay for the dumpster that is on that property. This motion is subject to review by the Village Attorney Langdon Chapman and it will be up to the Museum Board to approach the MTA group to see if they can work anything out with them regarding the fees they were going to charge for this matter.

**NEW CONSIDER 2013 CONTRACT WITH PARTNERS IN SAFETY**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to continue the contract with Partners in Safety for 2013 for the Village’s random alcohol and drug testing needs. The cost for the 2013 Complete DOT Agreement will be $39.00 per employee.

CONSIDER VOLUNTARY DRUG TESTING

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to request that each Village employee involved in a motor vehicle accident voluntary submit to a drug test after the accident. This would protect the employee involved as well as the Village.

**REAFFIRM RESOLUTION THAT THE VILLAGE ELECTIONS WILL BE HELD AT MUNICIPAL BUILDING 167 NORTH MAIN STREET ON MARCH 19TH 12 NOON TO 9:00 P.M.**

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

**#1-2013:** carried approving Resolution #1-2013.

RESOLVED, the Village of Liberty Elections set for March 19, 2013 will be held from 12 noon to 9:00 p.m. at the Municipal Building at 167 North Main Street.

**CONSIDER RFP FOR ACTUARIES**

Treasurer Zurawski explained that George Popp said the funding with USDA would not be available in the future if we did not use an Actuary Company in our yearly audits.

The actuaries calculate the present value of the potential liability for retiree’s health insurance. They base it on life expectancy etc. Currently the Treasurer is figuring the yearly liability and giving the number to the Village Accountants for the financial statement.

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to seek Request for Proposal from Actuaries for the Village’s financial statements. This is a professional service.

**CONSIDER PROPOSED LOCAL LAW #1-2013 – CULVERTS**

This proposed law will be tabled until a complete copy of the law is available, which includes a spec sheet.

**CONSIDER EVENT PERMIT – SUNDAY APRIL 28, 2013 – 5K WALK/RUN**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the Event Permit for a 5K Walk/Run for Sunday, April 28, 2013. The run will start at the Liberty High School and run through the Village.

**CONSIDER RESOLUTION FOR JONATHAN GRIESBECK – EAGLE SCOUT**

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

**#2-2013**: unanimously carried approving Resolution #2-2013.

# CONGRATULATORY RESOLUTION

## IN RECOGNITION

# OF JONATHAN GRIESBECK

**WHEREAS, JONATHAN GRIESBECK** HAS BEEN AN ACTIVE AND EXEMPLARY MEMBER OF THE CUB SCOUTS AND BOY SCOUTS AND;

**WHEREAS, JONATHAN** HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS NECESSARY FOR **EAGLE SCOUT** DESIGNATION; AND

**WHEREAS, JONATHAN** HAS BEEN AWARDED THE HIGHEST HONOR TO BE BESTOWED UPON A BOY SCOUT, THAT OF AN **EAGLE SCOUT;**

**NOW, THEREFORE, BE IT RESOLVED** THAT THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTY RECOGNIZES THE SIGNIFICANCE OF THE **EAGLE SCOUT HONOR;** AND

**BE IT FURTHER RESOLVED,** THAT THE VILLAGE BOARD OF THE VILLAGE OF LIBERTY URGES ALL OUR RESIDENTS TO JOIN JONATHAN AND HIS FAMILY, FRIENDS AND ASSOCIATES IN THE BOY SCOUTS IN CONGRATULATING **JONATHAN** ON HIS IMPRESSIVE ACCOMPLISHMENT IN BEING AWARDED **THE HONOR OF EAGLE SCOUT**.

**CONSIDER THE SURPLUS OF WATER TRUCK – 2003 FORD F350**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to surplus the 2003 Ford F350 Truck used by the Water Department. The truck is a Four Wheel Drive with a Cab and a half and ten foot utility body.

All offers will be accepted until February 15, 2013.

**CONSIDER TAX AMNESTY FOR BUSINESS TAXPAYERS**

Mayor Winters discussed the possibility of a one-time tax amnesty for the penalties on taxes for Village businesses.

Attorney Krahulik said each would have to be looked at individually and a Public Hearing set for each one individually. He said he would have the businesses send their requests in rather the Board seeking them out.

**CONSIDER APPROVAL FOR MAYOR TO EXECUTE CDBG AGREEMENT – PROJECT #642PR10-12**

Motion by Trustee Alvarez, seconded by Trustee Stoddard and unanimously carried to authorize Mayor Winters to execute the New York State Community Development Block Grant Agreement for Project #642PR10-12 in the amount of $600,000.

This grant is for the WWTP and will upgrade the Oxidation Ditch Aerator and Influent Screens.

**CONSIDER APPROVAL OF PAYMENTS TO TAM AND ROSS ELECTRIC FOR WORK PERFORMED AT WWTP**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize the Village Clerk to provide payment to Ross Electric in the amount of $20,042.14 for payment request No. 1 on Phase II of the Emergency Work performed at the Waste Water Treatment Plant.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize the Village Clerk to provide payment to TAM in the amount of $244,722.85 (31% of the contract price) for Payment Request No. 1 on Phase II of the Emergency Work performed at the Waste Water Treatment Plant.

The payment on the two payments will not be released until all paperwork is in place from Delaware Engineering.

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

**COMMENT:**

Kenny Mandel of Sureway Taxi discussed the process for employees receiving Hack Licenses. He mentioned in other communities they are able to obtain them the same day.

Police Chief Kinne said they do a complete background check and he signs off on all the licenses before they go to the clerk’s office. He said sometimes it could be a matter of a few days depending on schedules. He also showed Kenny the large volume of the applications that have been processed since June, including denied applications.

Kenny did say that Sureway Taxi has a large turnover of help and he thanked the Board and the Chief for the information. He said he would work more closely with the employees so they do everything in a timely manner.

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

**REPORTS:**

Trustee Alvarez said he had no comment and that he would like to discuss contract negotiations in Executive Session.

Trustee Stoddard – No Comment

Trustee Lindsley said she is glad the Village and the School is working together on a School Resource Officer and that Police Chief Kinne has done a great job with this matter.

Mayor Winters thanked Mark Blauer, Dave Ohman and Judy Zurawski as well as everyone else who worked on the grants for all their hard work.

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

**OF BILLS** unanimously carried approving Voucher #14-657 to Voucher #14-749 in the

**FOR PYMT:** amount of $430,723.82.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving Post Audit Voucher #14-651 to Voucher #14-656 in the amount of $245,539.18.

DARE Fund

Motion by Trustee Lindsley, seconded by Trustee Alvarez and unanimously carried approving the following payment from the Dare Fund:

Creative Product Sourcing Inc. - $867.27

DEA Account

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving the following payment from the DEA Account:

New York State DARE Officers Association - $995.00

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

**SESSION:** unanimously carried to go into Executive Session at 8:35 p.m. to receive

Attorney-Client Advice on CDBG Litigation and to discuss Contract Negotiations.

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to come out of Executive Session at 9:30 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:31 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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