**REGULAR MEETING**

NOVEMBER 12, 2013

# The Board of Trustees held the Regular Meeting of November 12, 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 and Trustee Corinne McGuire Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Luis Alvarez

**ALSO** Police Chief Scott Kinne, Henrich Strauch, Robin DeCarlo, Steven DeCarlo,

**PRESENT:**  Jager DeCarlo, Jeffrey Miller, Jasmine Guara, Erin Kinne and Teà Williams.

**EXECUTIVE** Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously

**SESSION:** carried to go into Executive Session at 7:00 p.m. to receive Attorney Advice

and to discuss a personnel issue in the Police Department.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to come out of Executive Session at 7:25 p.m.

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

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

**MINUTES:**

REGULAR MEETING – October 8, 2013

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

PUBLIC HEARING – October 8, 2013 Re: Taxi Ordinance

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

PUBLIC HEARING – October 8, 2013 Re: Water Ordinance

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

WORKSESSION MEETING – October 22, 2013

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

JOINT MEETING - July 29, 2013

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

JOINT MEETING - September 30, 2013

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

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

**INCOMING**

* Letter from NY Re: Financial Restructuring Board 10.9.13
* Letter from NYSDOT Re: Access Highways 10.21.13

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

**COMMENT:**

Henrich Strauch – Liberty CDC

Henrich informed the Board that an auditor from the Office of Community Renewal came to his office to start the process of closing out the Main Street Grant. He said the money for the Liberty Theater will be gone with this grant close out but may be accessed in the future from the Rural Area Redevelopment Program under a new grant application.

**ATTORNEY** Attorney Silver discussed the following issues:

**COMMENTS:**

* Said the letter from the County regarding the next round of foreclosures means that the Village foreclosures will pay the 2014/15 taxes and the 2013/14 taxes and the other (older) taxes will be split prorata with the County
* Mentioned 61 Champlin Avenue and asked the Board to rescind Resolution 57-2013.
* Asked the Board to consider a Public Hearing for the possible consent of the modification/amendment of the Declarations of Covenants, Conditions and Restrictions of Liberty Mini Storage.

**TREAS. TREASURER’S REPORT FROM OCTOBER 31, 2013**

**REPORT:**

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

* List of Delinquent Taxes, which as of 10/31/13 is $723,246.18
* List of Current Taxes and collections thru 10/31/2013, of which there is $464,972.98 outstanding
* The Court Revenue received from the Town of Liberty for September, which is $970.00
* Financial Comparison of General, Water, Sewer and Sanitation
* Budget Expenses and Revenues for October 2013
* Starting and ending Check numbers for October – Starting Check number for October is Check #9586
* Billable Water/Sewer Gallons

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

**BUSINESS: DELAWARE ENGINEERING:**

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

* Now OK to go out to bid based on October 31 e-mail from USDA’s George Popp.
  + USDA will revisit financials and re-underwrite the project once actual bid numbers are in hand.
  + Related to the number of water connections and equivalent dwelling units
  + Sent summary table and revised USDA Form A to George Popp on September 26. The 2012 analysis resulted in more “Equivalent Dwelling Units” (EDU’s) (1903) than the 2012 version (1723).
* Anticipated funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2.125%
* $11,000 local
* May change due to recent user analysis which indicated more EDUs than 2011 application.
* Delaware revising specs so that base bid reflects starting the construction process as soon as possible after bidding and USDA paperwork and award and completing in 2014. Will get bid notice to Judy ASAP.
* Go out to bid and see where project cost comes in relative to the budget and funding.

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

* Work by Ross Electric – Electrical Construction
* All planned work is complete
* All paperwork now complete
* Work by TAM Enterprises – General Construction
* WWTP continues to run Oxidation Ditch 2 on new equipment
  + All planned work is complete
* Blower Control Issue
  + No further blower issues since the August 26-27 site visit.

**Contractor Payment Requests/Project Closeout Package:**

* **TAM Enterprises Inc.**
  + At September Board meeting Village resolved that the project was Substantially Complete on March 15, 2013, authorizing the Mayor to sign the Certificate of Substantial Completion, and to authorize the Village Clerk to provide payment to TAM Enterprises for Final Payment Application in the sum of $4,739.44 following receipt of executed Project Closeout Package.
  + Waiting for final contract closeout paperwork to come back from TAM, including the signed Certificate of Substantial Completion, release of liens and Certified Payroll for the Final Payment Application.
    - Upon receipts we will send the Certificate of Substantial Completion to the Village for signing and return to our office.
  + Village can than proceed to provide final payment to TAM.
    - * All planned work is complete

**NEAR TERM WWTP IMPROVEMENTS – OXIDATION DITCH AERATOR REPAIRS AND INFLUENT SCREENS PHASE 3 WORK**

* CDBG Application submitted on July 12 (2012) for a $600,000 grant was successful
* Work follows through with emergency work (Phase 1 and 2) to complete the Near Term Improvements at an estimated project cost of $1,027,675.
* Key elements of work includes:
  + Oxidation Ditch 1
    - Put in aeration grid
    - Put in second submersible mixer
  + New Influent Mechanical Bar Screens and Building
  + Minor changes in Influent Building (HVAC mods, etc.)
* Mark Blauer has completed Environmental review req’ts.
* Small Cities (OCR) has reviewed the specifications and provided minor comments – OK to go out to bid once these changes are made.
* No NYSDEC review or approval needed
* Delaware finalizing plans and specs to address OCR comments and adjust dates.
* Board authorized the Village Clerk to publish the legal notice for project bidding so that we can go out to bid at the August Village Board meeting. We will get the bid notice to Judy ASAP.
* Plan on bidding in late-November and awarding the project mid to late-December or at the January 2014 Village Board meeting.
* Overall Schedule
  + - Design – complete in October 2013
    - CDBG review of materials – September/October 2013
    - Contract Bid/Award – November 2013-Janaury 2014
    - Shop Drawings – January – February 2014
    - On site Work – March - September 2014
      * New influent screens take four months to manufacture after shop DWGS get approved

**WATER SYSTEM VULNERABILITY ASSESSMENT AND EMERGENCY RESPONSE PLAN**

David Ohman of Delaware Engineering reported on the following:

* Working through final comments with Ken Hessinger and will have the Village send out to NYSDOH before the end of the month.
* Per Ken, these need to be updated and back into DOH by the end of year.

**SMALL CITIES APPLICATION FOR CDBG GRANT FOR 2013**

David Ohman of Delaware Engineering reported on the following:

* Village has selected new UV disinfection system for the WWTP as the designated project for the Small Cities Grant Application that would benefit the entire Village
* Delaware prepared Technical Engineering Report (details of work, estimated costs, etc.) for new UV disinfection system in the existing post-aeration channel – estimated project cost of $599,000.
* Mark Blauer completed co-funding application package – targeting Small Cities Community Development Block Grant with $600,000 maximum grant – and submitted on August 9 – deadline was August 12.
* Waiting for review and results – probably not know until end of year

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

Mayor Ratner said this matter would remain tabled.

**UPDATED STATUS ON 61 CHAMPLIN AVENUE**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to withdraw Resolution #57-2013 pertaining to 61 Champlin Avenue. The Village is not able to burn that building.

**START PROCESS ON PART-TIME EMPLOYEES**

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried to advertise for two part time laborers for the Village work force. The salary would be based on experience up to $12 per hour.

**NEW CONSIDER MEMORANDUM FACILITIES GRANT PROPOSAL**

**BUSINESS:**

Henrich explained to the Board that if they would like to upgrade the Village Hall to an Emergency Management Center we would have to come up with some expense figures by the end of the month to do this upgrade.

**CONSIDER CDBG LOAN REQUEST – GOZZA GRAPHICS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a Community Development Block Grant loan to Gozza Graphics in the amount of $20,000.00 for a period of seven (7) years at the interest rate of two (2%) percent.

**CONSIDER CDBG LOAN REQUEST – ISHOT STUDIOS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a Community Development Block Grant loan to IShot Studios in the amount of $7,500 for a period of 7 years at the interest rate of two (2%) percent.

The Board will revisit this application in three to six months and advance up to an additional $7,500 based on the business success.

**CONSIDER GAMES OF CHANCE LICENSE – LIBERTY ELKS BPOE 1545**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the Games of Chance License for Liberty Elks BPOE 1545.

This license is for the 2014 Calendar Year.

**DISCUSSION OF PAST DUE TAXES/FORECLOSURES – MTA/COUNTY**

The Board discussed the collection of past due taxes with the MTA Group

and the County. The Mayor said Ira Cohen has been requesting a meeting with him and the Village is the only municipality that does not have a written agreement with the County.

Robin from MTA Group said her focus is to collect all the taxes for the Village and set up payment plans for people who need them. The County guarantees the most current two years but in most cases the older ones get written off, with $112,594.25 being written off from the 2013 foreclosure sale and private sales.

The Mayor thought maybe MTA and the County could partner for the Village, so that MTA is working on the taxes as soon as they become delinquent and the County handles the foreclosures.

Attorney Silver suggested the Mayor and Robin from MTA meet with Ira Cohen, County Treasurer together to discuss the issue.

The Board in general agreed that they have had more positive results with the MTA group as they work on them as soon as they become delinquent.

**CONSIDER TIME WARNER CABLE – FRANCHISE RENEWAL DOCUMENT**

Attorney Silver said this agenda item would remain tabled until he can review the agreement.

**CONSIDER LETTER FROM ATTORNEY KELSON RE: MINI STORAGE/AMENDING COVENANT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to hold a Public Hearing on Tuesday, November 26, 2013 at 6:55 p.m. to discuss whether the Village should consent to the modification or amendment of the Declaration of Covenants, Conditions and Restrictions of Liberty Mini-Storage, Inc. dated December 18, 2013 to provide that the southernmost (and smallest) storage building located on Village of Liberty tax map parcel no. 115-2-13, a portion of which was located at the time of the execution of the Declaration of Covenants, Conditions and Restrictions of Liberty Mini-Storage, Inc. dated December 18, 2003 on former Village tax map no. 115-2-12 (which was merged into tax map parcel no. 115-2-13) and which remains in such location, may remain as presently constructed and located despite the fact that a portion of it is located on former Village of Liberty tax map parcel no. 115-2-12.

**CONSIDER TAX CERT. – S & S WAVERLY/RSS REALTY**

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

**59-2013:** carried approving Resolution #59-2013.

**WHEREAS,** the Village Board of the Village of Liberty has reviewed the ORDERS signed by the Honorable Stephen G. Schick dated August 28, 2013 for Index Number 2051-2012 (Supreme Court, Sullivan County); and

**WHEREAS**, Judge Schick ordered refunds for assessment years 2012 for the 2012/13 School Tax; 2013 Town and County Taxes; and whereas, those assessment rolls correspond to the 2013/2014 Village Tax year (the 2012 assessment roll); Now therefore be it;

**RESOLVED**, that the Village of Liberty Board determines that based on the tax refund application of S&S Waverly LLC (c/o) The Backer Group, 158 North 4th Street, Brooklyn, NY 11211) that the taxpayer is due a refund of $9,124.26 for the 2012 assessment roll (which corresponds with the 2013/2014 Village Tax),

**RESOLVED**, that the Village Clerk/Treasurer is authorized to refund $9,124.26 in satisfaction of the Court Order and said amount shall be payable to “Newberg Law Offices, as attorneys for Petitioner.”

**CONSIDER BID FOR 2004 FORD BOX TRUCK**

This item will remain tabled until an additional bid is received.

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

**COMMENT:**

Chief Kinne discussed his part time dispatchers and the upcoming holidays.

Chief Kinne also made mention of the fact that it would be nice to see the Village do their own ribbon cutting ceremony.

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

**COMMENTS:**

Trustee Stabak said it appears that Henrich is doing a lot for the Village and he would like to see the Village contribute more to the Community Development Corporation in our next budget if possible.

Trustee Stoddard discussed the sign law and asked for verification that the right one was on the web site.

Trustee Stoddard said she wanted to **THANK** Phoenix Enterprises for all the volunteer work they are doing around the village. She said many people are under the impression that they are getting Village contracts but in fact the Village has not bid out any work.

Trustee McGuire said she will be on vacation the week of the next Board meeting (November 26th).

Mayor Ratner said he is looking into empowering a Police Officer or Fire Official to be an Assistant Code Enforcement Officer. He said with the changes coming in the next couple of years with casino gaming we must be ready.

Chief Kinne said he could send a Police Officer (or Officers) one day a week to go with the Code Enforcement Officer to the apartments, etc. to make sure that all violations are rectified.

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

**OF BILLS** unanimously carried approving Voucher #16-447 to Voucher #16-539 in the

**FOR PYMT:** amount of $157,579.35.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #16-438 to Voucher #16-446 in the amount of $3,709,559.50

Bills for Payment from DA Account

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following bills for payment from the DA Account:

JSC - $431.49

JSC - $ 48.84

Bills for Payment from CDBG Fund

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried approving the following bills for payment from the CDBG Fund:

Gary Silver - $341.76 (Crespo)

$488.26 ( A & A Holdings)

$416.00 (Diamond Grapx)

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 10:00 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI, CLERK/TREASURER**

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