**REGULAR MEETING**

FEBRUARY 11, 2014

# The Board of Trustees held the Regular Meeting of February 11, 2014 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 Luis Alvarez, and Trustee Ronald Stabak. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** TrusteeCorinne McGuire

**ALSO** Police Chief Scott Kinne, David Ohman, Robert Mir, Police Officer Michael

**PRESENT:** Barrett, Henrich Strauch, Russell Reeves, Branden Reeves and Barbara

Durbak from Catskill Regional Medical Center.

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

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

**MINUTES:**

REGULAR MEETING – January 28, 2014

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

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

**INCOMING**

* Letter from Time Warner Cable Re: Rates
* Letter from Salerno Brokerage Corp. Re: Cyber Liability 1.22.14

**OUTGOING**

* Letter to NYCOM Re: Shared Services 1.27.14

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

**COMMENT:**

Henrich Strauch – Liberty Community Development Officer

Henrich updated the Board and Public on the Community Kitchen at Cooperative Extension. He said the revised opening date is May 1st.

Henrich said he is in the process of working on a federal grant, in which he will recycle the application for the Waste Water Treatment Upgrade (that was denied by CDBG) and add in some economic development. He said the application is due by March 14th.

Police Chief Scott Kinne introduced the newest member of the Village Police Force, Officer Michael Barrett. He said not only did Officer Barrett complete the twenty-three weeks of training (which is longer than it has been in the past) but he excelled on all the tests as well as receiving the award for the best officer in training with firearms and emergency medical care.

Barbara Durback of Catskill Regional Medical Center approached the Board on behalf of their Cancer Services Program and specifically their colorectal program and the Go Blue Main Street Program. She said they would like to expand the program to the Village of Liberty. The program includes putting blue lights on all the light poles and each store front is given decorations and literature for the Program.

The Board said it was a very good program, which saves lives.

Police Chief Scott Kinne discussed the three quotes that he received for a new garage door and opener for the municipal building.

**ATTORNEY** Attorney Silver discussed the letter received from Dainack regarding his

**COMMENTS:** Sanitation Fees and said he would like to discuss the Barley agenda item

in Executive Session.

**TREAS.** TREASURER’S REPORT FROM JANUARY 31, 2014

**REPORT:**

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

* List of Current Taxes and collections thru 01/31/2014 of which there is $347,235.99 outstanding
* List of Delinquent Taxes, which as of 12/31/13 is $500,156.67
* Starting and Ending Central Check Numbers for January
* Starting February 2014 Central Check #9859
* The Court Revenue received from the Town of Liberty for December 2013, which is $1510.00
* Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski said that it is time to start setting dates for the review of the upcoming budget (2014/15) so she will put it on the agenda and at the Worksession Meeting some dates can be set.

**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:

* Construction as-bid costs exceeded the original budget
* USDA requested the following items for them to consider a revised funding package for higher than planned costs:
  + A letter documenting why there is a need for additional funding, how much is needed, and what remediation has been done to offset the cost (alternatives, value engineering, etc.)
    - Delaware prepared this document and Village signed and sent it out on January 22 to USDA’s Brenda Smith, George Popp and others
  + A revised Form E, Project Budget showing the as-bid costs
    - Delaware sent to USDA on 12-24-13
  + An updated Operation Budget, Form 442-7 which supports the additional loan funds being borrowed from Rural Development.
    - Draft prepared by Mark Blauer and Judy and sent to USDA for comment on January 10, 2014, with same form signed by the Mayor sent on January 14 – used August 2012 form values and adjusted for increased debt service
  + Updated Bond Resolution that reflects the increased loan amount and increased total project costs.
    - Mark Blauer forwarded the draft resolution of increased cost and revised Operating Budget Form 442-7 via e-mail on January 13 to USDA George Popp and Brenda Smith to review and determine if this is sufficient.
* February 3, 2014 USDA Letter of Conditions (attached) provides the revised funding proposal to finance the increased project cost – this is the same as anticipated/discussed at the last Board meeting and matches what is set forth below.

Current Revised 02-03-2014 – based on bid costs

* + USDA Grant: $731,000 $750,000 $750,000 = max amount
  + USDA Loan (38 years @ 2.125%): $289,000 $289,000 original loan amount
  + USDA Loan (38 years @ 2.625%): 0 $327,000 add’l loan amount
  + Village Share: $11,800 $12,389 adjusted since USDA rounds theirs off

Total $1,031,800 $1,378,389

* + Revised funding scenario due to higher costs would result in the Village’s bond (for 38 years) increasing from $289,000 to $616,000.
  + Estimated annual debt service for $616,000 for 38 year loan equals $24,863 depends upon final interest rate.
  + Estimated added cost to 1583 “Billed” services = $16/year
* The February 3, 2014 Letter of Conditions is an updated version of the LOC executed in 2012. Items that are different include:
  + Item 5 – interest rate is listed at 2.625% versus 2.125% - actual % will be the lower of the rate in effect at the time of loan approval or the time of loan closing, whichever is lower
  + Item 7 – Number of users – revised to include numbers from 2012 analysis
  + Item 10 – Position Fidelity Bond – minimum bond coverage for Village person(s) handling receipt and/or disbursement of funds if $25,000 versus $12,000
  + Item 22 – Central Contractor Registration (CCR) has been revised to be System for Award Management (SAM) – Village is registered under SAM.
* For the revised funding application to move forward, the Village needs to agree with the conditions set forth in the letter (essentially the same items that we agreed to previously) and complete and return
  + Form RD 1942-46, “Letter of Intent to Meet Conditions” – See Attached
  + Form RD 1940-1, “Request for Obligation of Funds” – see attached – Mark Blauer will fill out form and provide to Village for signing after receiving clarification from USDA on date to input.
* In addition, within 10 days of the February 3 letter (by February 13), Village needs to sign and return a completed form RUS Bulletin 1780-12, “Water and Waste System Grant Agreement”. (Mark Blauer checking with USDA to conform that we need to do this and if so Mark and Judy working on completing the form.)
* If the Village desires to move forward with the project and pursue the increased project funding package proposed by USDA in the February 3, 2014 letter, then we recommend that the Village Board resolve to:
  + Authorize the Mayor to execute the required forms (i.e., Form RD 1942-46, “Letter of Intent to Meet Conditions” and Form RD 1940-1, “Request for Obligation of Funds”) and have the Village Clerk return these forms to USDA for their further consideration, and
  + Authorize the Mayor to execute RUS Bulletin 1780-12, “Water and Waste System Grant Agreement” prior to February 13, 2014 and have the Village Clerk return the completed and signed form to USDA for their further processing.
* Mark Blauer has requested that USDA clarify what of the 28 items list in the revised LOC are needed now since the Village has responded to most of these items as part of the previous 2012 LOC.

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

* 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 then proceed to provide final payment to TAM.

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

* Work follows through with emergency work (Phase 1 and 2) to complete the Near Term Improvements at an estimated project cost of $1,000,653
* 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.)
* At the December 19th Board Meeting, the Village resolved to award bids for General, Electrical and HAVC contracts to TAM Enterprises, Inc.
* Delaware has determined that forms of bonds (Performance and Labor and Material Payment) and insurances are acceptable and contractor and Village have signed Notice to Proceed, Agreement, Representative Certification, Non-Collusion Affidavit of Subcontractor and Air and Water Act Compliance Certification.
  + “execution copies” of the contract for distribution to the contractor, Village and engineer have been generated and will be distributed at preconstruction meeting.
* Delaware will hold a Pre-Construction meeting soon with Village WWTP Personnel, Contractors, Grant Administrator (Blauer Associates) to distribute project contact list, and addresses: processing of payments and CDBG grant program payment requirements (Blauer Associates), submittals, change orders, site restrictions, safety, project schedule, etc.
* Delaware is working with TAM to establish schedules of values (breakdown of bid items for partial payment) and overall project schedule.
* TAM proposing to substitute the mechanical screening equipment
  + Proposing to use Duperon unit rather than specified Hydro Dyne.
  + Have taken WWTP staff to visit three installations (Harriman WWTP, Kiryas Joel WW pump station and WWTP)
  + Requested formal written request from TAM for substitution addressing costs, schedule and performance criteria for the proposed equipment for review with Village.
  + Meeting held on January 22 at the WWTP with WWTP Personnel, TAM, Tasco Associates (Duperon sales representative) and Duperon staff person to discuss the proposed substitution as well as define what criteria will expected/required in TAM/Duperon’s Technical review of the proposed equipment substitution.
  + Delaware has reviewed and responded on February 5 to TAM/Duperon’s January 31 equipment substitution proposal and will review with Village and WWTP Personnel once all of our questions have been addressed.
  + If there is no cost change, can the decision to accept or reject the proposed change be made by the WWTP staff, Mayor and Delaware or does the Village Board want to make the final determination?
* Overall schedule
  + Contract Bid/Award – December 2013 – January 2014
  + Shop Drawings – January – March 2014
  + On-site Work – March – September 2014
    - New influent screens take 4 months to manufacture after shop dwgs get approved

**DRBC Water System Application**

David Ohman reported on the following:

* Application was adopted by DRBC at December 3, 2013 meeting.
* Key Items:
  + Requiring annual water audit by March 31 of each year as well as water audits for 2012 and 2013 by March 31, 2014 – this needs to be done by the Village.
  + Requiring a complete discharge permit application be done for the Lily Pond backwash discharge by June 4, 2014
  + As authorized at the January 14 Board Meeting Delaware is preparing a contract for preparation of the DRBC application for a not to exceed cost of $3,000 and will forward contract to the Village.
    - Delaware has begun work on the application.

**DRBC Renewal Notice for WWTP**

David Ohman reported on the following:

* January 13, 2014 e-mail received regarding renewal by May 2015 Contacted DRBC (David Lovach 609-883-9500 x 264) on January 14, 2014
  + Need to get complete application and fee to them by May 31, 2014
  + DRBC Fee would be about $1,100 if we are not planning to do any more significant WWTP upgrade work ($500 for public project renewal fee plus $619 for NTI work difference in cost from application to final cost) to better understand what is required, fees, etc.)
  + Docket term/Renewal would likely be for five years (to line up with SPDES permit renewals)
* As authorized at the January 14 Board meeting, Delaware is preparing a contract for application preparation for a cost not to exceed $2,000 and will forward to the Village.
  + Delaware has begun work on the application.

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

Mayor Ratner said that this matter is still being finalized.

**CONSIDER TIME WARNER CABLE FRANCHISE RENEWAL AGREEMENT**

Attorney Silver said he has been in contact with David Whalen of Time Warner and he is looking into our questions so we can make an informed decision on a renewal agreement.

**DISCUSS TESTING – SYNAGRO**

Mayor Ratner said that Synagro has agreed to split the costs and that Working Supervisor (WWTP) is working on this matter.

**CONSIDER SHARED SERVICES AGREEMENT – TOL HIGWAY**

Attorney Silver said he is still working with Attorney Ken Klein on this matter.

**CONSIDER SANITATION ADJUSTMENT – YAUN COMPNAY**

Mayor Ratner said he has made several attempts to meet with Dan Yaun regarding his sanitation billing concerns. He said this item will remain tabled until Mr. Yaun has time to meet with him.

**NEW** **CONSIDER ELECTION INSPECTORS**

**BUSINESS:**

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

**9-2014:** unanimously carried approving Resolution #9-2014.

**RESOLVED**, the Village of Liberty Board of Trustees approves the following Election Inspectors for the March 18, 2014 Village Elections:

**REPUBLICAN** **DEMOCRATIC**

John Lorincz Matthew Frumess

Alyssa Wolcott William Liblick

Clerk-Treasurer Zurawski said that the Village is still in need of a Spanish speaking inspector/person at the polls for Election Day.

**CONSIDER PUBLIC HEARING TO OVERRIDE THE TAX LEVY LIMIT**

This item will remain tabled until the budget process is underway and the Village can determine if the override local law is needed.

**CONSIDER REIMBURSEMENT – JOHN BARLEY – 25 VISTA DRIVE**

This item will be discussed in Executive Session.

**CONSIDER AUTHORIZATION FOR MAYOR RATNER TO SIGN LOCAL GOVERNMENT EFFICIENCY PROGRAM CONTRACT**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously

carried authorizing Mayor Ratner to execute Contract C1000172 with the

New York State Department of State – Entitled Local Government Efficiency RFA #12-LGPEP-01 – Government Efficiency Program.

This grant will give the Village $99,000 over three (3) years.

**CONSIDER THE RETENTION OF 207-C LEGAL COUNSEL**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously

carried approving the retention of Attorney John Black, at a cost of $250 per hour, for a conference call on a Police Department 207-C issue.

Attorney Black will assist with resolution of a matter.

**CONSIDER THE TRADE-IN OF 2003 FORD F350 TRUCK**

Motion by Trustee Alvarez, seconded by Trustee Stabak approving the even trade-in of the 2003 Ford F350 Box Truck (VIN #1FDWX37P63EB78914) for a 2008 Ford Ranger Truck at Immaculate Concepts. This trade-in is contingent on Attorney Silver confirming that there will not be any problems with a trade-in situation.

**CONSIDER INSTALLATION OF GARAGE DOOR IN MUNICIAPL BUUILDING**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving the bid from Hudson Valley Overhead Doors of Rhinebeck, NY in the amount of $2603 for the garage door and $950 opener, for a total of $3553.

All bids received were as follows:

Dutchess Overhead Doors $4584.00

Poughkeepsie, NY

Sullivan Overhead Doors $4650.00

Jeffersonville, NY

Mayor Ratner discussed the bidding process and the lowest bidder versus a local provider, which plays heavy in the bid process.

**CONSIDER RESOLUTION FOR INCREASED FUNDING PACKAGE FROM USDA**

**RESOL. #**Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously **10-2014**:carried approving Resolution #10-2014.

**WHEREAS,** the Village of Liberty Board of Trustees authorizes Mayor Ratner to execute the required forms (Form RD1942-46 – “Letter of Intent to Meet Conditions” and Form RD 1940-1 – “Request for Obligation of Funds” and;

**WHEREAS**, the Village of Liberty Board of Trustees authorize Mayor Ratner to execute RUS Bulletin 1780-12, “Water and Waster System Grant Agreement” and;

**THEREFORE BE IT RESOLVED**, once executed by the Mayor these documents will be returned to the USDA by the Village Clerk for their further consideration.

**CONSIDER AUTHORIZATION TO WORK IN CONJUNCTION WITH DELAWARE ENGINEERING RE: MECHNICAL SCREENING EQUIPMENT**

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried authorizing Mayor Ratner to work in conjunction with Delaware Engineering regarding the mechanical screening equipment and a possible substitution. If there is no cost change, the decision to accept or reject the proposed change will be made by the Mayor, Delaware Engineering and the WWTP staff. The decision will not have to be brought back to the Board.

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

**COMMENT:**

There were no comments from the Public.

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

**COMMENTS:**

Trustee Stabak re-opened the discussion to change the term of elected Village officials. He said not only does it take a year or two to get acclimated to the position but it is more costly to run two year elections.

Attorney Silver said he would resend the information on the matter. He said the change is subject to permissive referendum.

Trustee Alvarez discussed the Police Academy training and said it is very demanding on DARE officers. He said that School Resource Officer Devin Brust is doing a fantastic job at the school.

Trustee Alvarez said that Thunder County 102 does a wonderful job promoting the DARE program and Officer Phil Program. He said he would like the Village to consider a Resolution to thank the radio station for their service.

Trustee Stoddard said she was pleased with the Foxwoods Presentation on a possible casino/resort at Grossingers.

Mayor Ratner said it is very important to promote and support the owner/officers of Foxwoods Casino/Muss Development.

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

**OF BILLS** unanimously carried approving Voucher #16-742 to Voucher #16-827 in the

**FOR PYMT:** amount of $134,655.79.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried approving Post Audit Voucher #16-734 to Voucher #16-741 in the amount of $378,345.45.

Bills for Payment from DA Account

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

Everyday Apparel & Awards - $39.00

Everyday Apparel & Awards - $168.00

Bills for Payment from DARE Account

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

Creative Product Sourcing - $ 11.52

Creative Product Sourcing - $194.40

Bills for Payment from MTA (778 Financial) Account

Motion by Trustee Stoddard, seconded by Trustee Stabak and unanimously carried approving the following bills for payment from the MTA (778 Financial) Fund:

August 2012 - $ 391.30

September 2012 - $ 889.75

October 2012 - $2,895.18

November 2012 - $1,332.33

December 2012 - $9,388.11

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

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

receive Attorney Advice and to discuss contract negotiations.

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously

carried to come out of Executive Session at 9:20 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:20 P.M.**

**RESPECTFULLY SUBMITTED,**

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

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  | **De** |  |  | |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |