**REGULAR MEETING**

JANUARY 14, 2014

# The Board of Trustees held the Regular Meeting of January 14, 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, Trustee Ronald Stabak and Trustee Corinne McGuire Also Present: Judy Zurawski, Clerk/Treasurer.

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

**ALSO** Police Chief Scott Kinne, David Ohman, Robert Mir, Anita Parkhurst,

**PRESENT:** Douglas Yaun, Malek Rabadi and Sal Semola.

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

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

**MINUTES:**

REGULAR MEETING – December 10, 2013

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

PUBLIC HEARING – December 17, 2013

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

SPECIAL MEETING – December 17, 2013

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

SPECIAL MEETING – December 19, 2013

**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 NYSERDA Re; VFD Incentives
* Letter from H. Laufer Re: Thank You to Mayor
* Letter from HCR Re: CDBG Grant 12/11/13

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

**COMMENT:**

Sal Semola (Foxwoods Project Manager) introduced himself to the Board and explained that Foxwoods/Muss Development will be applying for one of the licenses available for casino gaming in New York. He said that they appreciate the support of the community and that a determination of who will get the licenses will be made in Early Fall (2014). He said a Request for Proposal (RFP) will go out in March and that they will have until June to submit their response. He said over the next thirty (30) to sixty (60) days there will be a lot of publicity about the coming events.

Sal went on to explain that they do not want to be a closed environment facility but rather part of the community where they can partner with other venues (such as Bethel Woods) to offer package deals and comps. He said they will only build what the market can support.

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

**COMMENTS:**

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

**REPORT:**

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

* List of Current Taxes and collections thru 12/31/2013 of which there is $380,734.40 outstanding
* List of Delinquent Taxes, which as of 12/31/13 is $513,166.56
* Starting and Ending Central Check Numbers for December
* Starting January 2014 Central Check #9757
* The Court Revenue received from the Town of Liberty for November 2013, which is $1700.00
* Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski also reported on the delinquent tax collection over the past year (2013) and said that MTA (778 Financial) had collected $224,266.22 for the Village (their fees are separate from this amount) and the Village had received $67,730.33 from the County during 2013 from the foreclosure sale.

**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:

* Revised project cost table based on as bid information and likely USDA funding – see attached table also:

Current Proposed

* + 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 – from the table reviewed at the Dec 19 village board meeting - to reflect split of interest rates for original and additional loan amounts.
* 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.
* Estimated added cost to 1583 “Billed” services = $16/year
* 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 preparing this document
  + A revised Form E, Project Budget showing the as-bid costs.
    - Delaware sent to USDA on 12-24-13 – will be resent with first bullet above as well.
  + An updated Operating 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.
    - Original bond resolution that went in with August 2012 Full Application to USDA was in the amount of $1.2 million which remains greater than the revised cost less the grant:

$1,378,389 - $750,000 = $628,389 = Village amount which is less than the $1.2 M in 2012 bond resolution

* + - Mark Blauer reviewed with Orrick’s Tom Myers (Bond Counsel) and Orrick forwarded resolution/statement of increased project cost for Board action:
      * In Orrick’s opinion the 2012 bond resolution remains applicable and all Village needs to do is recognize an increased project cost noting that the amount that the Village needs to finance remains less than $1.2 M
      * no need for new bond resolution.
    - Mark Blauer to 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 ( see attached)
  + **We recommend that the Village Board pass the resolution of increased cost for the Water Tank Project.**
* Optimistic that USDA has the additional funds on hand for the project
* Need them to review the above items and provide a revised funding confirmation before awarding the project and moving ahead.

**WWTP IMPROVEMENTS PROJECT – ADD’L EMERGENCY WWTP 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.
* NYSERDA rebate incentive application for the 50HP VFD’s installed under Phase II was submitted several months ago. NYSERDA technical review consultant has completed technical review and has recommended for the approval of $9,000 in incentives as per NYSERDA PQ Recommendation e-mail attached.

**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 is reviewing TAM’s bonds and insurance for each contract.
  + Once Delaware has determined that forms of bonds (Performance and Labor and Material Payment) and insurances are acceptable, “execution copies” will be forwarded with Notice to Proceed, Agreement, Representative Certification, Non-Collusion Affidavit of Subcontractor and Air and Water Act Compliance Certification to TAM for execution.
  + Once all of these forms return to us we will prepare “execution copies” of the contract for distribution to the contractor, Village and engineer
* Delaware is working with TAM to establish schedule 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).
  + Requesting formal written request from TAM for substitution addressing costs, schedule and performance criteria for the proposed equipment for review with Village.
* 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**

* 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, 21014 – this would be done by the Village
  + Requiring a complete discharge permit application be done for the Lily Pond backwash discharge by June 4, 2014 – we estimate this could cost about $3,000 for Delaware to do.
  + Any expansion beyond current services is subject to DRBC review and approval and required preparation of Non-Point Source pollution Control Plan (“*Prior to allowing connections from any new developments the docket holder shall…)*
  + Elm Street well limited to 175 gpm pumping rate unless increase is requested to DRBC, with concurrence by NYSDEC. Maximum that could be approved to would be 700 gpm (1 MGD).
  + Maximum withdraw limited to 24.0 million gallons month = 0.83 MGD without going back thru DRBC with request
    - Current average day use = 0.4 to 0.5 MGD
    - Estimated current peak day if 0.80 MGD
  + Does Village want us to proceed with preparing a discharge permit application for the Lily Pond backwash discharge (by June 4, 2014) and authorize payment for up to $3,000.

**DRBC Renewal Notice for WWTP**

* January 13, 2014 e-mail received regarding renewal by May 2015 – see attached.
* 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)
  + Does Village want us to proceed with preparing a renewal application for the WWTP (by May 31, 2014) and authorize payment for up to $2,000?

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

Mayor Ratner said that this matter is still being finalized.

**CONSIDER TIME WARNER CABLE FRANCHISE RENEWAL AGREEMENT**

This item will remain on hold until the Franchise Renewal Agreement is finalized and acceptable to the Board.

**CONSIDER BUILDING DEPARTMENT FEES**

Mayor Ratner said that this item will remain on hold until a comparison of fees is received.

**DISCUSS TESTING – SYNAGRO**

Mayor Ratner said that Attorney Silver is handling this matter and the Village is waiting to hear back from Synagro.

**CONSIDER SHARED SERVICES AGREEMENT – TOL HIGWAY**

Mayor Ratner said this matter will remain tabled until the Village Attorney and Town Attorney finalize the agreement.

**NEW** **REAFFIRM RESOLUTION THAT THE VILLAGE ELECTIONS BUSINESS:WILL BE HELD AT MUNICIPAL BUILDING 167 NORTH MAIN STREET ON**

**MARCH 18TH (2014) 12 NOON TO 9:00 P.M.**

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

**#1-2014:** unanimously carried approving Resolution #1-2014.

**RESOLVED**, the Village of Liberty Elections set for March 18, 2014 will be held from 12 noon to 9:00 p.m. at the Municipal Building at 167 North Main Street.

**CONSIDER AUTHORIZATION OF MAYOR TO SIGN ACTUARY SERVICES AGREEMENT (GASB 45) WITH CAPITAL REGION BOCES**

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

**#2-2014:** carried approving Resolution #2-2014:

**WHEREAS,** the Village Board of Trustees of the Village of Liberty approves

the following agreement:

An Intermunicipal Agreement between the Board of Cooperative Educational Services of Albany-Schoharie-Schenectady-Saratoga Counties (Capital Region BOCES) and the Village of Liberty.

**WHERAS**, this agreement will provide GASB 45 services to the Village, in which the actuaries will calculate the present value of the potential liability for retiree’s health insurance;

**WHEREAS**, the contract period for these services will be September 1, 2013 through August 31, 2015 at a cost of $2500.00;

**NOW, THEREFORE BE IT RESOLVED** that the Village Board of Trustees

authorizes Mayor Ratner to execute said agreement with Capital Region BOCES.

**CONSIDER APPLICATION FOR TAXI LICENSE – MEDICAL PERMIT/CAB QUEST**

**Motion by** Trustee Stoddard, seconded by Trustee McGuire and unanimously carried

**#3-2014:** approving Resolution #3-2014.

**WHEREAS**, the application for a 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 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,** one valid application for permit has been reviewed by the Village of Liberty Police and is now pending before the Village Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Liberty hereby issues a taxicab permit (also known as a Taxicab license) for the annexed applicant (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 license/permit is for:

**Cab Quest; NY Reg # 2D4GP44L15 (2005 Dodge Grand Caravan)**

**CONSIDER SANITATION ADJUSTMENTS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving and denying the following sanitation adjustments:

APPROVED

Tax Map # 104-2-9/Wood, Gary – Approved for one pickup per week

Tax Map #108-5-20/Liberty Methodist Church -Approved for one pickup per week

Tax Map #115-1-18/TOLVAC/Mobile Medic – Approved for one pickup per week

Tax Map #114-5-9/Erts, Glenn – Approved for one pickup per week

DENIED

Tax Map #104-10-1/ Dainack Auto Body – Denied for no fee.

Tax Map #104-11-1/Stanton, Vincent – Denied for Minimum commercial bill with no pickups at all.

Tax Map #108-5-1/Greenbaum – Denied for no fee.

Tax Map #108-6-29/Liberty Fitness – Denied for lower fee than Regular Commercial.

Tax Map #108-11-8/FW Forest Corp. – Denied for one pickup per week.

Tax Map #108-12-11/Liberty Real Estate – Denied for a Regular Commercial Fee – Needs a Dumpster.

Tax Map # 124-1-8.1/ P&MF Realty – Denied for one pickup per week

**CONSIDER AGREMENT WITH BELMONT MANAGEMENT**

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

**4-2014:** carried approving Resolution #4-2014.

**WHEREAS,** the Village Board of Trustees of the Village of Liberty approves

the following agreement:

A Partial Tax Exemption Agreement dated January 2, 2014 between the Village of Liberty and Liberty Village Limited Partnership (Belmont Management Corp) located at 215 Broadway, Buffalo, New York.

**WHEREAS**, this agreement will provide a partial tax exemption pursuant to private Housing Finance Law § 125, Subdivision 1 (A-3) on property located in the Village described as Tax Map Parcel No. 117-2-3, which contains low-income housing (32 Units) for the elderly;

**WHEREAS**, the term of this Agreement shall be for fifteen (15) Years, commencing with the 2015/16 Village tax year and expiring in the 2029/2030 Village tax year;

**NOW, THEREFORE BE IT RESOLVED** that the Village Board of Trustees

authorizes Mayor Ratner to execute said agreement with Liberty Limited Partnership – Belmont Development Corporation.

**CONSIDER HIRING PART-TIME EMPLOYEES**

The Board said the part-time applications have been reviewed and they are moving forward with hiring two part time employees for an hourly rate of up to $12.00 for up to twenty (20) hours per week.

**CONSIDER SEWER CREDIT/ACCOUNT #2-2600 - RUSSELL**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a sewer credit in the amount of $919.83 (137,700 gallons) on Water/Sewer Account #2-2600 owned by Cindy Russell. This is due to a leaking hose in the yard which went into the ground.

Water Supervisor Kenneth Hessinger signed off on the credit.

**CONSIDER PLANNING BOARD APPOINTMENTS**

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

**5-2014:** carried approving Resolution #5-2014.

**RESOLVED,** the Board of Trustees of the Village of Liberty approves the

following appointment:

**PLANNING BOARD – MALEK RABADI - APPOINTED UNTIL APRIL 2014** (to fill unexpired term of Carlton Fritz)

**PLANNING BOARD ALTERNATE – JOHN WEBER - FIVE YEAR APPOINTMENT**

**CONSIDER RESOLUTION/INCREASED COSTS/REVONAH WATER STORAGE TANK**

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

**6-2014:** carried approving Resolution #6-2014.

**WHEREAS,** the Board of Trustees of the Village of Liberty adopted a bond

resolution on July 9, 2012 authorizing the construction and appurtenant work and services related thereto for the Revonah Hill Water Storage Tank improvements at a maximum estimated cost of $1,200,000 and authorized the issuance of $1,200,000 serial bonds to pay the cost thereof; and

**WHEREAS**, the maximum estimated cost of such project has now been determined to be $1,379,389; and

**WHEREAS**, the United States Department of Agriculture acting through the Rural Development Agency has indicated that this project is eligible for a grant of up to $750,000 and a loan of up to $617,000 for the purposes of financing this project with the balance of $12,389 to be paid directly by the Village; and

**WHEREAS,** the amount of bonds to be authorized will be reduced by the application of such grant funds and Village contribution, thus the amount of bonds authorized for this project will be substantially less than that previously authorized;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of the Village of Liberty, Sullivan County, New York, as follows:

Section 1. The maximum estimated cost of the Revonah Hill Water Storage Tank improvements project is hereby increased to $1,379, 389, provided that the amount of bonds to be issued therefor shall not exceed that previously authorized and, in fact, shall be reduced by the receipt of grants and any Village contribution therefor.

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

**COMMENT:**

Police Chief Scott Kinne gave the Board a brief overview of his department’s activities, including the following:

* New Year’s Eve resulted in two bar fights which caused injury to an Officer as well as a patron of the bar who had to receive twenty stiches.
* Said a bad snowmobile accident claimed the life of an individual and due to the cut backs in all County Departments the Village was not able to receive any assistance with this matter so it was handled entirely by the Village Police Department.
* Said on a better note, the School Resource Officer has been a great success at the School.

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

**COMMENTS:**

Trustee Stabak – No Commnet

Trustee Alvarez said the D.P.W. and Police did an excellent job during the recent ice storm.

Trustee Alvarez also said that the D.A.R.E. graduation is tomorrow and that the following week there will be publicity on the radio each morning (6:30 a.m.) regarding the D.A.R.E. program which is changing its name to “Keep It Real”.

Trustee Stoddard said that she echoed Trustee Alvarez’s statement regarding the ice storm and the wonderful job the Village employees did.

Trustee McGuire commended the Village Employees as well, for the recent job they did during the ice storm.

Trustee McGuire said with the issues in this world it is very important to support the Police Department.

Mayor Ratner – No Comment.

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

**OF BILLS** unanimously carried approving Voucher #16-632 to Voucher #16-733 in the

**FOR PYMT:** amount of $164,441.77.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #16-623 to Voucher #16-631 in the amount of $271,570.87.

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 (Jerry’s Sport Center) - $935.25

Amchar Wholesale Inc. - $181.10

Bills for Payment from DEA Account

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

Police Chiefs Association of OC - $2,000.00

Bills for Payment from MTA (778 Financial) Account

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

March 2012 - $289.47

April 2012 - $2,392.13

May 2012 - $1,710.17

June 2012 - $4,636.57

July 2012 - $1,348.03

Bills for Payment from CDBG Account:

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the following bills for payment from the Community Development Block Grant Fund:

Gary Silver - $440.36 (Diamond Graphx)

Gary Silver - $668.86 (Natalio Crespo)

Gary Silver - $532.01 (A & A Holdings)

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

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

Contractual Matter with the Police Chief

Motion by Trustee McGuire, seconded by Trustee Alvarez and unanimously

carried to come out of Executive Session at 8:55 p.m.

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

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 8:56 P.M.**

**RESPECTFULLY SUBMITTED,**

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

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