

REGULAR MEETING

AUGUST 10, 2009

The Board of Trustees held the Regular Meeting of August 10, 2009 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 Corinne McGuire and Trustee Dawn Green. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee David Simon

ALSO PRESENT: Henrich Strauch, Ed LaGarde, Evelyn LaGarde, William Cogswell, Harold Bauman, Lillian Rubio, Nancy Buck, Elizabeth Montag, Jerry Gorelick, Jeremy Gorelick and residents of School Bell Townhouses.

APPROVAL OF MINUTES: Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following minutes:

REGULAR MEETING – JULY 13, 2009

CORRESPONDENCE: Mayor Winters said the Village has received the following correspondence and it is available for review in the Clerk's Office:

INCOMING

- Fax from Safe Passage Re: National Domestic Violence Awareness Month 8/6/2009
- Letter from B & H Enterprises – Liberty Lanes Re: Liquor License 7/20/09
- Letter from Piccalo Paese Re: Liquor License 8/2009
- Letter from State of New York Re: Time Warner 7/9/09
- Letter from The Pub, Inc. Re: Liquor License 8/2009
- Letter from The Grapevine Re: Liquor License 7/10/2009

PUBLIC COMMENTS: Mayor Winters opened the meeting to comments from the Public.

JEREMY GORELICK – SCHOOL BELL TOWNHOUSES

Jeremy Gorelick (Managing Agent for School Bell Townhouses/Timberwolf Road) discussed the issues he is dealing with at the site of the Townhouses including road ownership. He explained after many meetings with different administrations the Town is taking the position that the Village is responsible for the road and he is looking to the Board to find out the Village's position.

Mayor Winters discussed the issue and said the fact that the main issue to be dealt with is the storm water run off. He said the Village has been plowing, sanding and doing Regular Maintenance of the Road but until they get rid of the water problem the situation will never be rectified. He continued by saying that the construction that took place destroyed the road and could be deemed a violation.

Jeremy said that he takes issue with any problems due to the fact that the Village Engineers reviewed the plans and the Planning Board and the Engineers deemed them O.K.

Attorney Chapman said the law states that the Design Engineer is the responsible one and they are the ones at fault for any negative issues.

Jerry Gorelick said that the property above the Townhouses is also a contributing factor in the water issue and in fact a gully has been created due to this issue. He commented that being in the business he feels a one-inch binder would hold in the road.

Jerry and Jeremy Gorelick asked if it would be possible to set town collectively with the Village in a Worksession Meeting and come up with a solution.

Attorney Chapman said any thing that the Village does to fix the situation would be done in the spirit of cooperation and not an acknowledgement of the ownership.

William Cogswell (Former Director of Public Works/Village of Liberty) said the Village maintained the road as far back as the 1960's as one side was considered inside the Village.

**CDC
REPORT:** **HENRICH STRAUCH – LIBERTY COMMUNITY DEVELOPMENT
CORPORATION**

Henrich Strauch reported on the following:

- Said the revised version of the CDBG Loan Application has been completed which includes a \$150 administration fee.
- Reported that of the seven micro enterprise loans, two are in default.
- Informed the Board that there is approximately \$40,000 left in the sidewalk grant and after the lighting issue is resolved the remainder of the money will be used for sidewalks from Chestnut Street up North Main Street. He explained it would cover approximately 300 to 350 feet of sidewalk.
- Said he has been working with Mr. LaGarde to move forward with a new micro-enterprise grant of \$200,000 and they will be presenting a resolution to the Board when everything is ready.

ATTORNEY Attorney Chapman did not have any comments.
COMMENTS:

TREAS. COUNTY TREASURERS OFFICE – INTERMUNICIPAL AGREEMENT
REPORT:

Nancy Buck (Deputy Treasurer/County of Sullivan) addressed the Board about the work they have done for the Village in the past and will continue to do if the Village wishes to enter into another Intermunicipal Agreement (IMA) with the County. She explained that the next round of foreclosures will include 2007 taxes and older. She explained the out-of-pocket expenses that the Village must absorb are advertising and mailings.

The Board said they did wish to move forward with the County. The Village Attorney said he had reviewed the Intermunicipal Agreement and it was written very well.

Nancy said she would forward all the information to the Board needed to pass the necessary resolutions and move forward.

TABLED UPDATE ON ADA COMPLIANCE
BUSINESS

Henrich Strauch addressed the issue of ADA Compliance. He said part of the work has already been done, including the ramp and side ramp outside. He said he is applying for the second installment in the Justice Court Assistance Grant to convert the old Fire bay to court offices and hopes to be in full ADA compliance by the end of the year.

Mayor Winters said he will be following the Procurement Policy and doing the items in pieces such as bathrooms and countertops.

CONSIDER APPROVAL OF CHEMICAL BIDS FOR WATER DEPARTMENT

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the following bids for the yearly supply of Chemicals for the Water Treatment Facility:

<i>Chlorine Gas</i> <i>54-105CY</i>	<i>Slack Chemical Co.</i> <i>Croydon, PA</i>	<i>\$98.46/Cylinder</i> <i>150 pd/cyl.</i>
<i>Polyalum. Hycl.</i> <i>PAC</i>	<i>Holland Company</i> <i>Adams, MA</i>	<i>.260 per wet pd</i> <i>1,000 gal min.</i>
<i>Hydrated Lime</i>	<i>Slack Chemical Co.</i> <i>Carthage, NY</i>	<i>8.59 bag</i> <i>50 lb bag</i>
<i>Soda Ash</i>	<i>Slack Chemical</i> <i>Carthage, NY</i>	<i>10.98/bag</i> <i>50 lb bag</i>

<i>Ortho-Poly Phosphate Blend</i>	<i>Carus Phosphates Belmont, NC</i>	<i>.72/pd 55 gal drum</i>
<i>Polymer Powder</i>	<i>Slack Chemical Co. Carthage, NY</i>	<i>119.00 bag/ 50 pd bag</i>
<i>Potassium Permanganate</i>	<i>Coyne Chemical Carthage, NY</i>	<i>2.85 pd/ Min 12 pails</i>
<i>Sodium Hydchlorite</i>	<i>Slack Chemical Co. Carthage, NY</i>	<i>1.49/gal 55 gal drum</i>

All bids received were as follows:

**CONSIDER APPROVAL OF CHEMICAL BIDS FOR WASTE WATER
TREATMENT PLANT**

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the following bids for a yearly supply of chemicals at the Wastewater Treatment Plant:

Polymer	-	Atlantic Coast Polymers Baltimore, MD	\$2.04/per pd 3000 pds
Liquid Ferrous Sulfate	-	E.S.C. Environmental Glenville, NY	.80/gallon 4,000 gal. Min.
Hydrated Lime	-	Slack Chemical Co. Carthage, NY	10.98 bag 56 bag pallet

All bids received were as follows:

SODA ASH/			
NAME & ADDRESS	LIQUID FERROUS SULFATE	HYDRATED LIME	POLYMER
Coyne Chemical 3015 State Road Croydon, PA 19021	No Bid	16.30/50# bag Min 150 bags/del	\$145.98/5#bag Zetag 7587 Min 72 bags
Thatcher Co. of NY P.O. Box 118 Williamson, NY 14589	.8581/gal 4000 gal min del	11.00/50#bag Min 2,500 pds	122.50/50lb bag 3,000 pd min
Clean Waters 26808 County Rt 3 Plessis, NY 13675	No bid	No bid	No bid
Atlantic Coast Polymers Inc 6207 Bee Caves Road Suite 180 Austin, TX 78746	No bid	No bid	2.04/pd 3000 lb min ACP-315 Microbead dry
Cochecton Mills 30 Depot Rd. - Drawer A Cochecton, NY 12726	No bid	7.20/pd bag 288.00 ton	no bid
Custom Env			2.96/per pd

Tech 8 Iron Bridge Drive Collegville, PA 19426 Baltimore, Md. 21208	no bid	no bid	3000 pds min Zeta Lyte 21
Slack Chemical Co. 465 S. Clinton Street PO Box 30 Carthage. NY 13619	.899/gallon 4,000 gall min	10.98/per 50 bag 56 bag pallet	177.10 PER 55 POUND BAG 3000 PD MIN
E.S.C. Environmental 6 Redwood Drive Glenville, NY 12302	.80/gallon 4,000 gal loads bulk	.28 lbs delivered 2000 lbs min in 50 lb bags	No bid

CONSIDER BID RESULTS FOR REFUSE PACKER BODY

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the bid received from Vasso Waste System, Inc. in the amount of \$47,866.00 for One New Heil Formula 4000 – 18 cu yd Rear Load Refuse Packer Body.

This was the only bid received.

NEW BUSINESS: CONSIDER RESOLUTION FOR WILLEY AVENUE SIGNAGE

RESOL.# 38-2009: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Resolution #38-2009.

WHEREAS, the Board of Trustees of the Village of Liberty has reviewed the signage on Willey Avenue;

WHEREAS, the signs restrict vehicle traffic of those vehicles weighing no more than $\frac{3}{4}$ ton, with delivery trucks being the exception due to the box culverts on the street;

WHEREAS, present day automobiles mostly exceed $\frac{3}{4}$ ton and the box culverts no longer exist on this street making the signs obsolete;

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees approves the removal of the obsolete signs on Willey Avenue.

CONSIDER PARADE PERMIT RE: BAND PROCESSION ON 9/5/09

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving the ***Parade Permit*** sponsored by VFCW Local 342/Sullivan Performing Arts to have a Band Procession into the Park on September 5, 2009 at 8:00 p.m. This approval is contingent on the Police Chief reviewing the permit and determining the overtime costs.

**CONSIDER CHANGING DATE OF OCTOBER BOARD MEETING
(SCHEDULED FOR COLUMBUS DAY)**

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried to change Octobers Regular Board Meeting to Tuesday, October 13th (2009) at 7:00 p.m. due to the Columbus Day Holiday on October 12th.

**CONSIDER RESOLUTION TO APPLY FOR 2009 JUSTICE COURT
ASSISTANCE PROGRAM**

RESOL. # Motion by Trustee Lindsley, seconded by Trustee McGuire and
39-2009: unanimously carried approving Resolution #39-2009.

RESOLVED THAT, the Village of Liberty Board of Trustees authorizes a Village of Liberty Justice Court application, to request up to the maximum amount of funding under the 2009 New York State Justice Court Assistance program to cover equipment and construction expenses.

**CONSIDER QUOTE FOR CORRECTING LP GAS SITUATION IN
PARKSVILLE**

This item was tabled until after Executive Session to receive advice from the Village Attorney regarding litigation in this matter.

CONSIDER EVENT PERMIT – SHOPRITE

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried approving the ***Event Permit*** sponsored by Shoprite to be held on August 21st and 22nd to raise money for the families of the Iraqi War Veterans in the Community. This approval is contingent on the Police Chief reviewing the permit and determining the overtime costs.

**CONSIDER PAY INCREASE FOR DEPUTY COURT CLERK – VICTORIA
WINCHESTER**

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving a salary increase to \$25,000 per year for Deputy Court Clerk Victoria Winchester (Employee #25) effective immediately.

Attorney Chapman said he would review the Collective Bargaining Agreements to make sure the raise does not violate any terms.

Mayor Winters said although there have been issues in the Court in the past, none of these problems pertain to Victoria Winchester and this raise should not be construed as a reward for failures.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board

Trustee McGuire said she has received the Justice Court Audit Reports from Mr. LaGarde, which she will be reviewing. She said she has been talking with several local attorneys who have all said our court staff does a great job.

Trustee Green discussed on the following issues:

- Said she has been working with Mr. LaGarde on the new Village website, which will be initially funded \$2,500 by the Liberty Community Development Corporation so it will not cost the Village any money.

Trustee Green and Mr. LaGarde said that they would invite the web designers to the next meeting so the Board can review their work and make a decision.

- Discussed the concept of ***Liberty Dollars*** that Mr. Lagarde is working on which would award Village employees on a quarterly basis for ideas that would reduce operating costs for the Village. The committee to decide the awards would be comprised of two trustees and one outside individual.
- Discussed making a Manual of Job Duties for each Village employee.
- Discussed the revamping of the loan structure that is taking place for the Community Development Block Grant loans, which includes establishing collection procedures and reviewing them monthly.

CONSIDER CONTINUED EMPLOYMENT FOR EDWARD LAGARDE AS
BUSINESS ADMINISTRATOR

Motion by Trustee Green, seconded by Trustee McGuire and unanimously carried approving Edward LaGarde to continue on in the capacity of Administrative Consultant for one more month at a salary not to exceed \$3,500. This position will be evaluated on a month-to-month basis.

Mayor Winters abstained from voting on this matter due to a family relationship.

Trustee Green also commented that Mr. LaGardes first bill was \$3,200.00 and not the \$3,600.00 as previously reported by a member of the audience and that his second bill is for \$3,275.00 and there is many times Mr. LaGarde does not charge the Village for his time at all.

Trustee Lindsley said she knows how hard the Village DPW workers have been working due to all the storms that have been happening.

Trustee Lindsley discussed the weeds that are growing in all the Municipal Parking Lots and she would like to see if one worker could possibly take care of them.

Trustee Lindsley said she had recently been on a trip to Florida and talked with residents about their communities, as they looked so well manicured. She said the residents informed her that summons are given on a regular basis for two and one family homes if lawns are not mowed or garbage is strewn around. She said she would like to see something like that happen here.

Code Enforcement Officer Pam Winters said the Village does have fines in place for these Code Violations, however it is very hard to deal with Section 8, as the people do not have the money.

Mayor Winters said the weather has been causing many issues for the Village but as soon as possible the bridge at West Liberty Street will be installed.

APPROVAL Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously
OF BILLS carried approving Voucher #9-172 to Voucher #9-257 in the amount of
FOR PYMT \$223,152.33

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #9-166 to Voucher #9-171 in the amount of \$274,397.74.

DWSRF

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following bill for payment:

McGoey, Hauser and Edsall -1,214.68

EXECUTIVE Motion by Trustee Lindsley, seconded by Trustee McGuire and
SESSION: unanimously carried to go into Executive Session at 9:15 p.m. to discuss a

matter of potential litigation, including School Bell Townhouses and the former Sullivan's property.

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to come out of Executive Session at 9:25 p.m.

ADJOURN: Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 9:26 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER