

## **REGULAR MEETING**

**MARCH 12, 2012**

The Board of Trustees held the Regular Meeting of March 12, 2012 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 Joan Stoddard, Trustee Shirley Lindsley, Trustee Corinne McGuire and Trustee Luis Alvarez. Also Present: Langdon Chapman and Judy Zurawski, Clerk/Treasurer.

**ALSO PRESENT:** David Ohman (Delaware Engineering), William Cogswell, Steven D'Agata, Scott Kinne, Town of Liberty Supervisor Charles Barbuti, John Reyes, Matthew DeFrank, Owen McKane, Mike Viner, John Picard and Steven Green.

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

### **REGULAR MEETING - FEBRUARY 13, 2012**

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

- ❖ Liquor License Renewal for Charlie 2 Corp.
- ❖ Planning Board Minutes 2/9/12
- ❖ Letter from McGoey, Hauser and Edsall Re; Professional Services 2/9/2012
- ❖ Letter from NYSDOH Re: Revonah Hill Reservoir 2/17/12

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

### **JOHN REYES - N.Y.S.E.G. ENERGY EFFICIENCY PROGRAM**

John Reyes (N.Y.S.E.G. Energy Efficiency Program) submitted his lighting assessment for the four areas of the Village that he had contracted to complete. These four areas are in the Police Department at 159 North Main Street, Municipal Building at 167 North Main Street, Department of Public Works at 46 Elm Street and Water Department at 49 Revonah Hill Road. The yearly savings at each location ranged from twenty-two (22%) percent to forty percent (40%) and it would cost the Village \$6,824.33 to complete the upgrade at Prevailing Wages. Mr. Reyes also explained that it takes minimal time to complete as they bring in two to six contractors to work on the project.

## CONSIDER ENTERING INTO THE SMALL BUSINESS ENERGY EFFICENCY PROGRAM

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to enter into the Small Business Energy Efficiency Program, in conjunction with N.Y.S.E.G. at the four locations indicated above and to authorize Mayor Winters to sign the Customer Authorization Form for each location. The cost of this program at Prevailing wages is \$6,824.33.

## OWEN MCKANE - UTILITY PROGRAM

Owen McKane and Michael Viner re-approached the Board about the alliance that was formed called Energy Price Management Group (EnergyPMG) to help consumers (municipalities and businesses) save on their annual energy (electric) consumption.

Mr. Viner explained that EnergyPMG manages the price by using the Smart Buy Program. Under the Smart Buy Program, EnergyPMG continuously monitors the market, provides industry guidance to the customer and makes recommendations for conversions to fixed process during low price periods in the forward market.

The price they quote has two components. The first is the pure wholesale index price published by the NYISO and the second is a fixed price of kWh to cover all other costs including capacity and ancillary services.

Mr. Viner said after reviewing the Village of Liberty's bills he found the annual consumption to be approximately 2,915,900 kWh and at the present market he could bring the Village a savings greater than \$23,770 (with Direct Energy) over a twenty-four (24) month period. He said natural gas prices are at a 7.5 year low and the savings could be even deeper.

The Board said they were very interested in the program and asked that they refresh the prices and present the revised prices at the April 2, 2012 meeting. The Village Attorney also suggested that the Village look to form an alliance with the Liberty School District and possibly the Town to receive the greatest savings possible.

**ATTORNEY** Attorney Chapman had no comments.  
**COMMENTS:**

## **TREAS.** TREASURER'S REPORT FROM FEBRUARY 29, 2012 **REPORT:**

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

- ❖ Financial Comparison for General, Water, Sewer and Sanitation Fund as of 2/29/12

- ❖ List of Current Taxes outstanding, which as of 2/29/2012 is \$408,263.72
- ❖ List of Delinquent Taxes, which as of 2/29/2012 is \$431,374.50
- ❖ Starting and Ending Central Check Numbers for February
- ❖ Starting March 2012 Central Check # 7812
- ❖ The Court Revenue received from the Town of Liberty for December, which is \$1300.00
- ❖ List of CDBG loans and the payment status of each one

Treasurer Zurawski also said she is busy working on the new budget.

**TABLED BUSINESS: UPDATE ON REVONAH HILL WATER TANK**

Dave Ohman reported the following regarding the Revonah Hill Water Tank:

- Per U.S.D.A.'s George Popp, all required application materials have been sent to U.S.D.A. and the application process is complete.
- U.S.D.A. hopes to be able to have a funding determination from the State Office within the next thirty (30) days.

**UPDATE ON GREEN LANE SEWER ISSUE**

David Ohman reported the following on the Green Lane Sewer Issue:

- Contract construction work onsite is complete, including the new chain-link fence and water diversion swale/additional riprap work (i.e., Change Order 3)
- Payment for the additional work, Change Order No. 3 (authorized during the December 2011 meeting) will be forwarded to the Village when revised AIA form and certified payroll are received from TAM.
- Project Closeout
  - All of the closeout documentation has been signed and distributed.
  - A retained value of \$5,000 has been withheld until all remaining site restoration work is completed in the spring.

**WASTE WATER TREATMENT PROJECT- UPDATE FROM DELAWARE ENGINEERING, P.C.**

David Ohman updated the Board as to the following:

- Near Term WWTP Improvements - Oxidation Ditch Aerator Repairs and Influent Screens
  - The Engineering Report and Contract Documents (plans and specs) are under review by N.Y.S.D.E.C.
  - No specific timeline for them to complete the review – impacting ability for Village to move forward with the project.
  - If N.Y.S.D.E.C. were to approve the improvements plan today, it will be three months before real work could start as we have a bid and award work and then have equipment made and delivered.

- John Sansalone is currently reviewing with his superior to confirm that this does not require a full blown N.Y.S.D.E.C. technical review as this is not a major process change.
  - We have offered to meet with John and others to go over the project to streamline the review process.
  - N.Y.S.D.E.C. environmental review also underway but anticipate that they will say that there will be no impacts because the project will take place predominantly inside the existing confines of the plant there is no impact. Also, the one area that is being disturbed (ground around proposed headworks screen building) is, a previously distributed area, there are no wetlands in the immediate area, will not have an impact on the Archeologically Sensitive Area as our work will occur North of that area.
- DRBC is requiring information and forms on the wastewater treatment because they do not have knowledge of the plant built in 1984. Their last information was from the 1960's.
  - Draft of package containing DRBC desired information has been prepared and we plan to finalize and send out next week.
  - We have gotten DRBC to modify two of the requirements for the DRBC submittal.
    - DRBC is going to consult with N.Y.S.D.E.C. for Q7-10 (8 day low flow that occurs for seven days once in a ten year period, DRBC could not provide a value due to insufficient validated data.
    - DRBC will allow the Village to utilize present flows and loads for DRBC calculations rather than the required data from 1991.
    - It may take some time for DRBC to review and comment
- Brush Aerator Failure - Options
  - Delaware is working with the Wastewater Plant to come up with options to minimize or mitigate the recent failure (this past week) of one of the two brush aerators in Oxidation Ditch No. 2.
  - That leaves the Wastewater Plant with one brush aerator (rather than two) per ditch – foam and surface solids accumulate at “dead” brush aerator and good tank missing not possible with only one aerator on line.
  - Working with equipment suppliers on delivery dates and costs.
  - N.Y.S.D.E.C.’s John Sansalone has been advised by Delaware and the Village verbally of the situation and the Village is preparing a formal letter as requested by John.
  - Current Options are being considered include:
    - Short Term
    - Get equipment to help tank water moving until new equipment can be installed

- Waiting for DEC approval of plans and specs and then have to bid out the work, go through the equipment submittal review and manufacturing process (4-5 months likely) Replace broken brush aerators in both oxidation ditches so that you have two fully functional ditches.
- Village rent equipment
  - Rent air aspirating mixers (one per tank) to move flow around the tank until new equipment can be installed – remove broken brush aerators that are slowing down tank flow when crane is put air aspirators in as on-site.
  - Rent pumps to move flow around the tank until new equipment can be installed – remove broken brush aerators that are slowing down tank flow when crane to put air aspirators in is on-site.
  - Hire contractor (emergency services) to help with equipment install, brush aerator removal, electrical hookup of rental equipment.

#### Longer Term

- Replace only the most recent brush aerator that failed and have one ditch with two aerators and the other with one aerator.
- Replace broken brush aerators in both oxidation ditches so that you can have two fully functional ditches
- Purchase direct and move forward with installation of planned new mixers to supplement mixing of one brush aerator per tank and do not replace broken brush aerators in either tank. planned new mixers to supplement mixing of one brush aerator per tank and do not replace broken brush aerators in either tank.

### CONSIDER EMERGENCY PURCHASE FOR W.W.T.P.

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to authorize the direct purchase and install of two submersible mixers (one mixer per ditch) for the Waste Water Treatment Plant for the estimated total cost of \$145,575 due to the Emergency situation as described by Delaware Engineering. This is an eminent threat as the remaining rotors may fail at any time and will immediately become a health and safety issue. This is a **DECLARATION OF EMERGENCY PURCHASE** by the Board of Trustees and John Sansalone of the N.Y.S.D.E.C. will be advised of the situation.

- Engineering Report for WWTP Improvements
  - Report is 80% complete
  - DRBC application has taken longer than anticipated and has impacted work on the report.

### **IDEAL SNACKS – UPDATE FROM DELAWARE ENGINEERING**

David Ohman reported the following on Ideal Snacks:

- Discussed the sampling report that was sent to Ideal Snacks and Glenn Smith.
- Report was reviewed by Glenn and Bipin Gandhi (Both consultants to Ideal). Glenn and Bipin have prepared their own synopsis of the report and submitted that to Zeke Alenick.
  - Per Glenn Smith their submission to Zeke will support our position that further testing needs to occur and that pretreatment must occur.
  - They are also emphasizing that the progress of their addition is directly connected to the resolution of the fats, oil and grease in the Village sewers.
- Reply with a plan forward is supposed to be being formulated.

Trustee McGuire commented on the problem and stated that Ideal Snacks feels that their addition will help elevate the issue. David said he did not feel it would help.

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

David Ohman reported the following on the Red Meat Facility:

- Discussed project with Glenn Smith who has been appointed as IDA consulting engineer.
- At this time IDA has no firm tenant for the facility and no production or waste generation information is available.

### **U.S.E.P.A. CLEAN WATERSHEDS – REPORT FROM DELAWARE ENGINEERING**

David Ohman reported that the Clean Water Act Wastewater/Sewer) needs survey has come out and applies to wastewater and storm water – not potable water.

- Mike Primmer is working with John Picard and Peter Parks to come up with project needs to respond to February 8, 2012 N.Y.S.E.F.C. letter
- Identify projects and give information (7 elements)
- Needs to be to EFC by April 2
- Will development information, review with John and Peter, and then give to Judy for Rich to sign and Judy to send in.

**CONSIDER ELIMINATION OF DAM – GRIEBEL PARK SWIMMING POND/DAM**

Mayor Winters said the Engineer (Plumley) has been hired and once the report is received the Village can go forward. He said that Ken Hessinger feels that the work can be done in-house.

**CONSIDER ADOPTION OF LOCAL LAW #1-2012.**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Local Law #1-2012 which is a local law to override the tax levy limit established in General Municipal law Section 3-C. This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-C, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Village Board.

This local law was put to a vote, which resulted as follows:

MAYOR WINTERS	-	YES	
TRUSTEE MCGUIRE	-	YES	
TRUSTEE STODDARD	-	YES	<b><u>ADOPTED</u></b>
TRUSTEE LINDSLEY	-	YES	
TRUSTEE ALVAREZ	-	YES	

**CONSIDER EMERGENCY SERVICES BID FOR ONE YEAR**

Mayor Winters said that the three department heads would have to come up with a Scope of Work that may need to be done on an Emergency basis so this bid could be written.

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

Mayor Winters said that this local law amendment would have to be developed with the help of Kenneth Hessinger (Working Supervisor- Water Department).

**CONSIDER BID RESULTS FOR SURPLUS POLICE VEHICLES**

There were no bids received on this matter. Acting Police Chief Scott Kinne said the Van does not run and the car would need a lot of work.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to sell the two surplus vehicles for scrap metal. These vehicles are:

1986 – Dodge D150

2000 – Ford Crown Victoria

**CONSIDER LOAN APPLICATION FROM KRATOS CAPITAL  
MANAGEMENT DBA SEARS HOMETOWN STORE**

This item was tabled.

**NEW BUSINESS: CONSIDER BUDGET MODIFICATION FOR POLICE DEPARTMENT**

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

- Increase Expenditure Code A3120.12 (Police/Salaries) \$2970.34
- Increase Revenue Code A2610 ( Justice Court) \$2970.34

Reason: Police Overtime for Town Of Liberty Justice Court

**CONSIDER RESOLUTION FOR EAGLE SCOUT – FRANKIE JOSEPH  
SKINDZIER**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and  
**3-2012:** unanimously carried approving Resolution #3-2012.

**CONGRATULATORY RESOLUTION  
IN RECOGNITION  
OF FRANKIE JOSEPH SKINDZIER**

**WHEREAS, FRANKIE JOSEPH SKINDZIER IS A LIBERTY RESIDENT; AND**

**WHEREAS, FRANKIE JOSEPH SKINDZIER ATTENDED LIBERTY HIGH SCHOOL; AND**

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

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

**WHEREAS, FRANKIE 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  
URGE ALL OUR RESIDENTS TO JOIN FRANKIE'S FAMILY, HIS FRIENDS AND**

ASSOCIATES IN THE BOY SCOUTS AND OTHER FRIENDS AND FAMILY MEMBERS IN CONGRATULATING FRANKIE ON HIS IMPRESSIVE ACCOMPLISHMENT IN BEING AWARDED THE HONOR OF EAGLE SCOUT.

**CONSIDER PLANNING BOARD APPOINTMENT**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee Lindsley and  
**4-2012:** unanimously carried approving Resolution #4-2012.

**RESOLVED**, the Board of trustees of the Village of Liberty approves the following appointment:

**PLANNING BOARD - JACK TOMPKINS – APPOINTMENT EXPIRES  
APRIL 1, 2013.**

(to fill unexpired term of Stephen Green, who is now Chairman of the Planning Board)

**CONSIDER BANNER PERMIT FOR SPRING FLING 5K ROAD RACE**

Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried approving the **Banner Permit** for a 5K Road Race on Sunday, April 29, 2012. The race is sponsored by the Liberty High School and will be raising money for charity.

The race will begin and end at the Liberty High School.

**CONSIDER RESOLUTION, FINDINGS AND ORDER OF VILLAGE BOARD  
APPROVING PETITION FOR ANNEXATION ON PARCEL 30-1-58/MARTCO**

**RESOL. #** Motion by Trustee Stoddard, seconded by Trustee McGuire and  
**5-2012:** unanimously carried approving Resolution #5-2012.

**WHEREAS**, a petition, pursuant to General Municipal Law Article 17, was presented to the Village Board of the Village of Liberty, New York (the "Village") on February 1, 2012 for the annexation of certain territory in the Town of Liberty ("Town" to the Village, said territory being described in said petition which is annexed hereto as Exhibit A and,

**WHEREAS**, a joint hearing on the petition for annexation of the Town Board of the Town and the Village Board of the Village, was held initially on the Petition on February 27, 2012 at the Town of Liberty on February 27, 2012 at 7:00 p.m., and the Village Board's hearing was adjourned due to lack of quorum and held on March 12, 2012 at the Village Hall of the Village of Liberty (167 North Main Street, Liberty, NY 12754) at 6:00 p.m. and

**WHEREAS**, at such time all parties interested in the matter were heard and no objections to the Petition were presented, and

**WHEREAS**, the Village Board of the Village has duly considered said petition and the evidence presented at said hearing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village finds as follows:

- (1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.
- (2) That the proposed annexation of certain territory in the Town to the Village as described in the aforementioned petition is in the overall public interest that it will better enable the property to be utilized in a manner consistent with the health, safety and welfare of the people of both the Town and the Village;

**NOW, THEREFORE**, it is ordered that the consent and approval of the Village Board of the Village is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition (Exhibit 1), to the Village.

**CONSIDER SEWER BILL CREDIT FOR 37 ORCHARD STREET –  
WATER/SEWER #3-900**

No action was taken on this matter. The Board asked that she be contacted and informed of her options when tenants leave and that if she wishes the meter can be sent out for testing, but it will be at her expense if it proves to be accurate.

**CONSIDER GOING OUT TO BID FOR VILLAGE INSURANCE**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to go out to receive sealed bids for request for proposals for Insurance Coverage for the period of July 1, 2012 through June 30, 2013.

Said bids shall be reviewed at the Regular Meeting of the Board of Trustees on June 11, 2012 at 7:00 p.m.

The Board asked that each agent pick three carriers they would like to quote and then they would review them and assign carriers to them.

**CONSIDER MEMORANDUM RE: DAYTOP VILLAGE WATER BILL**

Clerk-Treasurer Zurawski said that Daytop Village Inc. paid their bill (Account #10-1300) for the Period of July 1, 2011 – October 1, 2011 in the amount of \$28,968.05, leaving a balance due of \$12,801.04. The balance will not be due for shut off until April.

**CONSIDER RESOLUTION RE: RED MEAT FACILITY TO BE LOCATED ON WILLOW LANE**

**RESOL.#** Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously  
**6-2012:** carried approving Resolution #6-2012

**WHEREAS**, the Village of Liberty is desirous of disclaiming and abandoning that portion of or all of the lands and premises shown on said subdivision map know and designated as Lots Nos. 1, 2, 3 ,4 ,5 ,7 and 8

**WHEREAS**, more than five years have elapsed after the subdivision of the tract of land into lots, plot or sites, shown on the aforementioned subdivision map files in the County Clerk's Office.

**NOW, THEREFORE**, the said Village of Liberty pursuant to the provision so Section 560 of the Real Property Tax Law, of the Stet of New York, do hereby disclaim and abandon the subdivision of said land or portion of such tract of land, more particularly bounded and described as follows:

**ALL THAT TRACT, PIECE OR PARCEL OF LAND**, situated, lying and being in the Town of Liberty, Village of Liberty, Sullivan County, New York, more particularly bounded and described,a s follows:

Willow Lane, Village of Liberty, Town of Liberty  
Section – 120 Block – 1 Lots – 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.10

**NOW, THEREFORE, BE IT RESOLVED**, the Village of Liberty Board of Trustees authorizes Mayor Winters to execute the Certification of Disclaimer and Abandonment.

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

Martin Gonzalez (Police Officer Village of Liberty) spoke to the Board about the Village website, which he runs. He said he would post anything that they would like him to.

Mayor Winters said he would get a memorandum to all the departments letting them know they should forward any pertinent information so the public can stay informed. He also said that he is having Ken Hessinger (Water Supervisor) write a response to the Department of Health article that was in the paper.

William Cogswell (Village Resident) commented that it is a very nice website.

Charles Barbuti (Town of Liberty Supervisor) commented on the intense problems that often arise in the water and sewer departments. He said many people run for office to help better the community and end up with these difficult problems on their hands.

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

Trustee Alvarez – No Comment

Trustee Stoddard commented on the passing of Leo Spichler, who in the past made it to almost every board meeting.

Trustee Stoddard also informed the Board that after speaking with the Assessor she found that the drop in assessment for the Village's 2012/13 tax year is mostly due to a further reduction to RSS Realty, and the Ahavath Israel subdivision issue. She also said there is litigation pending with School Bell Townhouses.

Trustee Stoddard said the grant writer that the Town of Liberty uses is Mark Blauer.

Trustee McGuire said she also know that Art Hussey is a grant writer.

The Board suggested that proposals be solicited from Mark Blauer, Mark Biaz and Art Hussey for Village grant writing.

Trustee Stoddard said energy prices are at an all-time low and she would call Judy Zurawski tomorrow with another company that she could check into for pricing.

Trustee McGuire commented on the bike patrol the Police Department was looking into.

Commanding Officer Scott Kinne said is researching everything and hopes to talk with Wal-Mart about funding a bike since they were a part of the K-9 funding.

Trustee Lindsley spoke about the delinquent Community Development Block Grant Loans and our options for collection.

Attorney Chapman said he will begin with a lawyer letter to each one of them.

Mayor Winters – No Comment

**BILLS FOR PAYMENT:** Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving Voucher #12-848 to Voucher #12-929 in the amount of \$145,551.90.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire unanimously carried approving post audit Voucher #12-842 to Voucher #12-847 in the amount of \$293,066.69.

**EXECUTIVE** Motion by Trustee Stoddard, seconded by Trustee McGuire and  
**SESSION:** unanimously carried to go into Executive Session at 9:10 p.m.to discuss receive attorney client advice and to discuss pending litigation.

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

**THE MEETING WAS ADJOURNED AT 11:00 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**



