

REGULAR MEETING

OCTOBER 18, 2011

The Board of Trustees held the Regular Meeting of October 18, 2011 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 Corinne McGuire, Trustee Joan Stoddard, and Trustee Shirley Lindsley. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Luis Alvarez

ALSO PRESENT: Daniel Ratner Sr., Gary Putter, Dale Vandenberg, Carol Vandenberg, Roger Hourihan, Etta Barbanti, Edward Philpot, Peter Belgard, Steven Green, Gary Campbell, Scott Kinne (Police Department), Steven D'Agata (Police Department) and Dave Ohman (Delaware Engineering).

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

REGULAR MEETING - SEPTEMBER 12, 2011

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

- ❖ Thank You note from Roger Hourihan 9/14/2011
- ❖ Letter from VFW Re: Ceremony 11/11/11
- ❖ Letter of Acknowledgement Re: Audit 10/6/11

OUTGOING

- ❖ Letter to OSC Re: Audit 9/28/11

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

ROGER HOURIHAN - BUSINESS OWNER COMMITTEE

Mr. Hourihan said he recently was a victim of attempted fraud; however he has relocated his family business back in the Village and would know like to possible design a **BILL OF RIGHTS** for business owners.

Mayor Winters said he thought that would be more an issue he would take up with the Chamber.

ATTORNEY COMMENTS: Attorney Chapman had no comments.

TREAS. REPORT: Treasurer Zurawski informed the Board that she received the proceeds of the foreclosure sale in June from the County in the amount of \$115,011.04.

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

- ❖ The closing for the Green Lane Sewer Project is October 20th with an interest rate of 1.97%
- ❖ Financial Comparison for General, Water, Sewer and Sanitation Fund
- ❖ Fund Balances for General, Water, Sewer and Sanitation Fund
- ❖ List of Current Taxes outstanding, which as of 9/30/2011 is \$578,041.61.
- ❖ List of Delinquent Taxes, which as of 9/30/11 is \$834,421.76
- ❖ Starting and Ending Central Check Numbers for September. The starting October check is #7363.
- ❖ The Status of the CDBG loans
- ❖ Billable water/sewer gallons for 2011/12 and 2010/11.
- ❖ Copy of the Liberty Joint Fire District 2012 Budget Summary.
- ❖ A copy of the Villages Internet/Email Policy, which the Board had expressed an interest in updating.

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

Dave Ohman reported that the Engineering Report is complete and has been forwarded to the Village. He said Delaware Engineering is wrapping up the U.S.D.A. Pre-Application.

UPDATE ON GREEN LANE SEWER ISSUE

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

- Construction work onsite continues
- All demolition and site preparation work is complete
- All water diversion measurers are installed
- The Contractor plans to begin installing modular block retaining wall on October 21 and 24.
 - Stone Strong Block submittal and review process underway; submittal for alternative block supplier had been rejected.
 - Plans to remove retaining wall in lengths that can be restored within a day or so (will not remove it all at once) to minimize potential for slope failure.
- Contractor will not have work complete on the contract completion date of October 21, 2011
 - Recommend that the Village resolve to grant the contractor an extension with a new substantial completion date of November

2011; this will be formalized by a no cost change order which will be executed by the Village, Contractor and Engineer.

- Easements:
 - All easements were mailed and received by the impacted residents
 - The Village Attorney is working to secure and coordinate the execution of the final easements.
 - Work is being conducted under the pre-existing sewer easement.
- Schedule:
 - Village authorizes work: June 2011 (Complete)
 - Surveying services: June 2011 (Complete)
 - Engineering design June < July 2011 (Complete)
 - Bid/Award July < August 2011 (Complete)
 - Construction September < November 2011

CONSIDER CHANGE ORDER #1 – GREEN LANE SEWER IMPROVEMENT PROJECT

Project: Village of Liberty – Green Lane Sewer Improvements Project

Contractor: TAM enterprises, 384 Onion Ave, New Hampton, NY 10958

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried approving Change Order #1 on the Green Lane Sewer Improvements Project. This change order includes an adjustment to the final contract completion date, changing the completion date from October 21, 2011 to November 25, 2011 at no additional cost to the Owner. This increases the duration of the contract by twenty-seven (27) business days.

Original Contract Sum	\$293,000
Net Change	----
New Contract	\$293,000

CONSIDER ELIMINATION OF DAM

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to accept the proposal from Plumley Engineering to complete a preliminary assessment of the scope of the work required to breach the dam to meet DEC requirements. The cost estimate for the project is as follows:

Scope of Rehabilitation Project	\$1,000
Scope of Dam Breaching Project	\$1,000
Preliminary Cost Estimates	\$1,900
TOTAL ESTIMATED PROJECT COST	\$3,900

WASTE WATER TREATMENT IMPROVEMENTS PROJECT

David Ohman reported on the Waste Water Treatment Improvement Projects, as follows:

- Near Term WWTP Improvements – Oxidation Ditch Aerator Repairs and Influent Screens
 - The Engineering Report is under review by John Sansalone. Have sent him a message that design work is well underway.
 - Investigated the DRBC paperwork required. It will take approximately two (2) days to complete the required forms and estimates. In doing this request for a “docket number” for the wastewater plant information on the potable (drinking) water treatment plant will have to be included. This will lead to the DRBC requesting that paperwork be filled out for water treatment plant “docket number”.
 - 50% of design drawings for the Near term WWTP Improvements are done and preparation of the specifications are underway.
 - Influent screen selection still underway with WWTP staff following site visit to Saratoga Co. WWTP to view Duperon screens – want to look at more options
 - Design review meeting with WWTP staff on October 18, 2011 to go through the drawings and review screen alternatives and make a selection.
 - Schedule
 - Village authorizes work: August 2011 (Complete)
 - Engineering design/DEC documents Aug<Oct 2011
 - DEC Review (ongoing) November 2011
 - Finalize Design/Bid/Award (ongoing) Nov-Dec 2011
 - Construction Jan 2011 – June 2012
- Engineering Report
 - Working on comprehensive plant evaluation authorized in 2010
 - Have been addressing most pressing Village needs ahead of report activities (ex. Chemical Bulk Storage issues, UV disinfection (for Red Meat plant issues) CDBG application technical info, Oxidation ditch aerator repairs which will be integrated into the report next summer.

ENGINEERING REPORT ON IDEAL SNACKS

Dave Ohman reported on the following:

- Ideal Foods and consultants and John Picard met at Ideal Snacks on September 20th
- October 3, 2011 Bipin Gandhi, P.C. letter to Ideal Foods recommends that Ideal Snacks install more pretreatment tanks to mitigate grease pass through

- Recommend that the Village send a letter requesting that Ideal Snacks provide their plan forward and a schedule to undertake the plan recommended by Mr. Gandhi or an alternative plan to mitigate grease past through
- A sampling plan and a budget proposal to collect data upstream and downstream of Ideal Snacks has been developed and submitted for review by the Village
 - Cost to do two days of composite sampling and work described in the proposal is \$2,541
 - If Village desires to do the sampling (for BOD, TSS and Fats, Oil Grease) we can wait to do sampling once a plan forward and timeline is presented by Ideal Snacks for additional pretreatment or it can be conducted now.

CONSIDER USING DELAWARE ENGINEERING FOR TWO DAY COMPOSITE SAMPLING

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to accept the Engineering Services Contract Proposal from Delaware Engineering, P.C. to have them conduct composite sampling at Ideal Snacks to determine sewer discharge. This sampling will be for two days at a cost of \$2,481 (which Ideal Snacks has agreed to share the cost of) and will assess the Fats, Oil and Grease (FOG), Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). The Board also authorizes Mayor Winters to execute the contract with Delaware Engineering dated October 14, 2011.

DATE ON ANNEXATION REQUEST -1885 ROUTE 52 LLC

Mayor Winters said there was nothing new to report on this issue.

NEW BUSINESS: CONSIDER VOTE ON PROPOSED LOCAL LAW #4-2011 - GROSS RECEIPTS TAX

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving Local Law #4-2011 to add a section (Chapter 74) on Gross Receipts Tax entitled “An Act to Provide for a Gross Receipts Tax on Electrical Utilities”.

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

MAYOR WINTERS	-	YES	
TRUSTEE MCGUIRE	-	YES	
TRUSTEE LINDSLEY	-	YES	ADOPTED
TRUSTEE STODDARD	-	YES	
TRUSTEE ALVAREZ	-	ABSENT	

**CONSIDER SETTING PUBLIC HEARING FOR PROPOSED LOCAL LAW
#5-2011 – AMEND SECTION 87 – LIVE/WORK UNITS**

Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried to set a Public Hearing Monday, November 14, 2011 at 6:55 p.m. to repeal Chapter 87-4 of the Village Code and replace it with a new definition of a “Live and Work Unit”.

CONSIDER BINGO LICENSE FOR LIBERTY ELKS 1545

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approving the *Bingo License* for *Liberty Elks Lodge BPOE 1545*.

This license is for the time period of October 2, 2011 to September 30, 2012.

CONSIDER COMMITTEE TO NEGOTIATE CSEA CONTRACT

The negotiating committee for the upcoming CSEA contract (current one expires May 31, 2012) will consist of:

MAYOR RICHARD WINTERS
TRUSTEE LUIS ALVAREZ

ALTERNATE: TRUSTEE JOAN STODDARD

**CONSIDER PROPOSAL FROM CATSKILL HUDSON BANK RE: TAX
COLLECTION**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to accept the offer made by Catskill Hudson Bank for the Village Tax Collection of 2012. This proposal includes the following:

- ❖ Tax Collection processing to include walk in payments and lock box processing through Allen Tunnel at the Liberty Branch. Proceeds from Tax Collection will be deposited to the existing Village General Fund account.
- ❖ The Bank will provide the Lock Box at no charge. The Bank will have access to the lockbox and will retain the keys.
- ❖ The Village of Liberty will mail the receipts
- ❖ The Bank is not required to retain envelopes. Envelopes will remain intact for any payment or any envelope received with a discrepancy.
- ❖ Payments will be processed within a \$1.00 variance threshold.
- ❖ Escrow payments will be handled by the Village
- ❖ For the collection year of 2012 the Catskill Hudson Bank will absorb the cost of the Allen Tunnel Software.

CONSIDER RENEWAL OF COMPUTER INFORMATION SYSTEMS AGREEMENT WITH THE TOWN OF LIBERTY

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the Contractual Agreement with the Town of Liberty for Computer Information Processing for the period of November 1, 2011 thru October 31, 2016 (5 years). This contract will be at a cost of Eleven Thousand Dollars (\$11,000.00) per annum.

Trustee Stoddard said the Town provides a very good service at a reasonable price.

CONSIDER HOLIDAY PARADE - DECEMBER 2, 2011

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving a Holiday Parade on December 2, 2011 (Snow Date December 3, 2011). This parade is sponsored by the Town of Liberty Parks and Recreation and will begin at the Liberty Elks Lodge and proceed up North Main Street to the Elementary School.

CONSIDER SEWER CREDIT FOR NICOSIA - ACCOUNT #5-10100

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the sewer credit of \$580.71 (99,950 gallons) for Kenneth Nicosia - Account #5-10100.

Water Supervisor Kenneth Hessinger said the water leaked into the basement and was pumped out; it did not flow through the sewer.

CONSIDER TAXI LICENSE - MEDICAR #11 / E. PHILPOT #28

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the following Taxi Licenses:

Medicar - Permit #11
Ourway Car Service - Permit #28

CONSIDER RESOLUTION - 10TH ANNIVERSARY OF LIBERTY FITNESS CENTER

RESOL.# 35-2011: Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Resolution #35-2011.

RESOLUTION FOR LIBERTY FITNESS CENTER 10TH ANNIVERSARY IN THE VILLAGE OF LIBERTY

WHEREAS, the Village of Liberty Board of Trustees extends its appreciation and special recognition by joining in the celebration of the Liberty Fitness Center, which has been doing business for ten (10) years on North Main Street in the Village of Liberty;

WHEREAS, during these ten years the Liberty Fitness Center has been bringing customers and providing health programs to benefit the community;

WHEREAS, the center has been providing a venue for many groups, including youth groups, including youth groups and a variety of programs to fit people of all ages;

WHEREAS, this business has been working with government, business groups and civic organizations to foster economic development;

WHEREAS, the Village of Liberty would like to recognize the many contributions to this community and your long hours of dedicated service;

NOW, THEREFORE, BE IT RESOLVED, the Village of Liberty would like to congratulate the Liberty Fitness Center on the fine job that you have done for the past ten years in Liberty and wish you much success in the future.

CONGRATULATIONS ON YOUR TENTH ANNIVERSARY

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

PETER BELGARD - DISCUSSION OF 108-5-3/2009/10 TAXES

Peter Belgard explained to the Board that in 2010 he purchased a parcel (known as Tax map #108-5-3/North Main Street) at the foreclosure auction held at the County of Sullivan. He was told he had to pay the 2010/11 taxes and the 2009/10 taxes to complete the transaction. The 2009/10 taxes holds a relevy in it for the demolition of an unsafe building that was on the property. Originally the demolition charges were on the 2008/09 bill and were removed and added to the 2009/10 bill as the Village had hoped to litigate the matter separately. He asked the Board to consider some sort of agreement for a reduced amount of the relevy as the current amount due (approximately \$28,000) is too much for him to take on and he does have two businesses interested in the property.

The Board said they would discuss the matter and get back to him with a decision.

GARY PUTTER - SUREWAY TAXI

Gary Putter (Sureway Taxi) came to the Board Meeting to discuss the recent change of the Village Ordinance regarding Taxi Licenses and Medicaid medallions. He said the intent of the law is very clear; however he would like to challenge the sources that the Board got their information from. He explained he owns seventeen (17) of the thirty (30) licenses and in the past he had offered to retire five (5) or six (6) medallions as they are not needed in a small community such as Liberty. He said Medicaid transport has evolved into sixty to seventy-five (60 – 75%) percent of his business and at any given time he uses only eight or nine cabs. He said the decision to put out ten more medallions only “cut the pie into much smaller pieces.”

Gary stated he takes a lot of pride into the service he provides, with new clean cabs, uniformed drivers and twenty-four (24) hour – seven (7) day a week service. He also said he employs twenty-five (25) to thirty-five (35) people year round.

Gary went on to state that he does not like the idea of a Medicaid medallion as it allows outside companies to purchase them and take away from the market share of the taxi companies located in Liberty.

Trustee Stoddard said that everyone coming in and out of the Village should be regulated and that was the intent of the law.

Gary said the answer to that is enforcement rather than additional cabs. Gary also said he has been working with the Department of Health on the issue of regulation. Gary also stated that Medicaid transport will not last forever and when it ends, thirty (30) Village medallions will put him out of business.

Gary suggested that Langdon Chapman (Village Attorney) and his Attorney sit down and have a discussion on this matter.

Trustee McGuire said she did feel that thirty (30) medallions may be too many for a small community but Gary should have been here in the past to state his case on this matter.

Gary asked the Village Board to consider putting this matter on hold until everyone can sit down and talk about it.

DALE VANDENBERG - OWNER OF HILLSIDE GREENHOUSES/CHAMBER MEMBER

Dale Vandenberg said it was very hard to hear some of the things that were said at the Board Meeting.

DAN RATNER - PLANNING BOARD MEMBER

Dan Ratner said he feels the Village needs to enforce the Installation Permits so that everyone is aware of the work that is being done.

The Board said they should set a fee for the permit.

SCOTT KINNE - LIBERTY POLICE DEPARTMENT

Detective Scott Kinne of the Liberty Police Department informed the Board of the tragic accident at 210 North Main Street in which a partially constructed building collapsed on Saturday (October 15). He said there were injuries in the accident, including the owner who is critical but stable condition. He went on to commend the Police Officers that responded – Officer Burst, Officer Gonzalez and Police Sergeant McAfee on the great job they did helping to get the victims out of the situation so they could receive medical care. He also said they received great assistance from the Code Enforcement Officer.

Detective Kinne also said the site has been looked at by OSHA and we are awaiting their report.

Detective Kinne suggested the Village honor the Police Officers that helped with a resolution or certificate.

Detective Kinne also explained to the Board the Officer Phil program that is currently soliciting funds. He said it teaches children safety through a puppeteer program etc. He said each year the Police Department gives them a letter of support they can use to collect donations.

The Board discussed the fact that some people are confused by the letter from the Village. The Village Attorney recommended that next year the letter come from the Police Benevolent Association.

TRUSTEE REPORTS:

Mayor Winters opened the meeting to comments from the Board.

Trustee Stoddard suggested that the Village Board make Detective Scott Kinne the Commanding Officer so the residents have a go to person.

The Board discussed the matter and asked that the current Police Chief Robert Mir send a letter to them naming Detective Scott Kinne Commanding Officer (as per the Police Departments Internal Rules).

Trustee Stoddard informed the Board that Mang Insurance declined to quote the Village's health insurance due to the number of retirees that are on

our policy. She did say, however, they would like to quote our liability insurance next year.

Trustee Stoddard also discussed the possibility of some type of traffic control on Winslow, Dwyer and Wawanda Avenues during Halloween Trick or Treating for the safety of the children.

Detective Kinne said he would contact Thunder Country 102.1 and ask them to run a public service announcement suggesting they make those streets No Parking Streets as they can walk from the Municipal parking.

Trustee McGuire commended the Police Department on the great job they did during Saturday's accident.

Trustee Lindsley also commended the Police Department on the wonderful job they did during Saturday's accident.

Trustee Lindsley also commented on the amount of unpaid taxes.

Mayor Winters discussed the reduction of assessment on the RSS Realty property and the impact it has for the Village.

Mayor Winters also discussed the possibility of changing the Yield Sign on Barton Road to a Stop Sign due to the traffic at Liberty Commons.

Attorney Chapman said he would draw up a local law for the Board to review. Attorney Chapman also suggested that the Board sit down with Ken Kearney and discuss some of the issues with the complex.

BILLS FOR PAYMENT: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Voucher #12-369 to Voucher #12-465 in the amount of \$245,587.51.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving post audit Voucher #12-261 to Voucher #12-368 in the amount of \$355,338.56.

EXECUTIVE SESSION: Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to go into Executive Session at 9:20 p.m. to receive Attorney advice on Tax Map #108-5-3.

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to come out of Executive Session at 9:38 p.m.

AJOURN: Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 9:39 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER

