

REGULAR MEETING

NOVEMBER 9, 2009

The Board of Trustees held the Regular Meeting of November 9, 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 David Simon, Trustee Corinne McGuire and Trustee Dawn Green. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer

ABSENT: Trustee Shirley Lindsley

ALSO PRESENT: Edward LaGarde, Joan Stoddard, William Cogswell, Jennifer Adamec, Glenn Adamec, Elizabeth Montag, Jeremy Gorelick, Samantha Little, Michelle Cherpanov, Devan Young, John Casanova, Melanine Green, Debbie Manley, John Picard, Zeke Alenek, Henrich Strauch, Brian Rourke, Robert Straut, and Glenn Gidaly.

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

REGULAR MEETING – OCTOBER 13, 2009

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

INCOMING

- Letter from D. Thomson Re: Thank You 10/18/09
- Planning Board Agenda Re: November 12, 2009 Meeting
- Planning Board Minutes Re: October 8, 2009

OUTGOING

- Letter to Liquor Authority Re: Charlie's Rest 10/13/09

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

Jeremy Gorelick (School Bell Townhouses) thanked the Board of Trustees for all that was done on Timberwolf Road. He said significant progress has been made.

Jeremy Gorelick (School Bell Townhouses) suggested another way to notify the residents of the Village when there is a water emergency is thru e-mails. He said the next round of water bills could request resident's e-mails so we have them on file.

Joan Stoddard (Winslow Place) presented each Board member with the brochure from New York State Committee on Open Government – ***Your Right To Know*** so they would understand the proper way to go into Executive Session.

Joan Stoddard (Winslow Place) said the recent newsletter is a good idea. She made the following suggestions regarding it:

- Suggested that the outside member of the loan committee be a Village resident or taxpayer. She said although Roger Horihan owns a business in the Village, he is neither.
- Asked about the ***First Ever Summit*** between the Village and Town and when it was held and who attended it.

Henrich Strauch told her it is scheduled for Friday, November 13th from 12 noon to 4:15. He said it would be attended by himself, Ed LaGarde, Trustee Lindsley, Councilwoman Lynn Killian, and the Sullivan County Planning Commissioner Luiz Aragon. He said the Chamber has also been invited, as well as the Planning and Zoning Chairman's and Sullivan Renaissance.

- Said the newsletter should have been proof read before it was put out.

Ed LaGarde said the newsletter has been successful, as all the places it was left throughout the community are out of copies. Mr. LaGarde also told Joan that she most likely has a draft version of the newsletter and that all the errors have been corrected.

Debi Manley (Dalton Avenue) asked if Edward LaGarde's position was budgeted.

Mayor Winters said \$23,400 had been budgeted for a Director of Public Works and that was reallocated to Mr. LaGarde's position. He said once that money is expended the position will be finished for this fiscal year.

Amy Hambrosky (Liberty Business Owner) introduced her concept of billboards along the Route 17 corridor to promote businesses in the Village of Liberty.

Mayor Winters said he is in favor of promoting the businesses in the Village of Liberty and he would visit the proposed site.

Joan Stoddard (Winslow Place) reminded the Board that new billboards are prohibited in the Village Sign Law and any changes to the law would require a Public Hearing.

Attorney Chapman said that he would pursue the legalities of the Sign Ordinance.

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

Henrich presented a letter to the Mayor and Board of Trustees that he received from County Manager David Fanslau regarding the proposed Solid Waste User Fee System the County is looking to implement with their next budget.

ATTORNEY Attorney Chapman discussed the following issues:

COMMENTS:

- Said he has reviewed the Intermunicipal Agreement with the County of Sullivan regarding tax collections and everything is in order. He said the Village of Liberty is responsible for software costs. He explained that the Agreement will expire July 1, 2010 and should be placed back on the agenda in May or June of next year.
- Discussed the request from Attorney Brian Rourke, on behalf of Jennifer and Glenn Adamec, regarding the encroachment on Village property.

TREAS. Treasurer Zurawski reported on the following:

REPORT:

- Said she will be working with the Department Heads over the next month to review their budgets and set up some budget modifications for some of the budgets that are starting to see overdrawn line items.
- All the CHIPS paperwork has been filed and we are awaiting the check from the NYSDOT in the amount of \$81,000.

**TABLED
BUSINESS:** **UPDATE ON ADA COMPLIANCE**

Henrich said he had hoped to report to the Board the two quotes he had solicited but the numbers are not complete.

He said he would get the information to the Board as soon as possible so they can review them before the next meeting.

**NEW
BUSINESS:** **CONSIDER TAXI LICENSE (#15) – A RELIABLE TRANSPORTATION
TRANSPORTATION SERVICE**

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried approving the following taxi licenses for the 2009/2010 fiscal year

A Reliable Transportation Services – Taxi License #15

This license will expire May 31, 2010.

**CONSIDER GAMES OF CHANCE LICENSE – LIBERTY ELKS LODGE
BPOE 1545**

Motion by Trustee Simon, seconded by Trustee Green and unanimously carried approving the ***Games of Chance License*** for ***Liberty Elks Lodge BPOE 1545***.

This license is for the time period of January 1, 2010 to December 31, 2010.

CONSIDER BINGO LICENSE FOR ST. PETER’S CHURCH

Motion by Trustee McGuire, seconded by Trustee Simon and unanimously carried approving the ***Bingo License*** for ***St. Peter’s Church***.

This license is for the time period of January 4, 2010 thru July 5, 2010.

CONSIDER GAMES OF CHANCE LICENSE – ST. PETER’S CHURCH

Motion by Trustee McGuire, seconded by Trustee Simon and unanimously carried approving the ***Games of Chance License*** for ***St. Peter’s Church***.

This license is for the time period of January 1, 2010 to December 31, 2010.

**CONSIDER BARTON AND LOGUIDICE ENGINEERS FOR WATER/SEWER
SERVICES**

Glenn Gidaly and Robert Straut of the engineering firm Barton and Loguidice discussed the opportunities that are currently available to secure funding under the Stimulus Program for municipalities, particularly for Water and Waste Water Treatment Plant facilities.

They explained they had toured our Waste Water Treatment Plant, which was last upgraded twenty five (25) years ago and discussed with the Board some of the deficiencies that were found. They said there are multiple funding sources available under the Stimulus Program and that with Green Technologies that are now available there could be a lot of energy (and money) saved with new equipment.

Glenn explained that the first step in applying for these grants is an application for a preplanning grant which would cost the Village \$1,500.00.

Mayor Winters thanked them for their time and said the Board would discuss the matter and be in touch with them.

CONSIDER CONGRATULATORY RESOLUTION RE: JUSTICE BAUMAN

RESOL. # Motion by Trustee Simon, seconded by Trustee Green and unanimously
45-2009: carried approving Resolution #45-2009.

WHEREAS, On October 19, 2009 the 100th year of the New York State Magistrates Associates was celebrated at their historic annual meeting at Lake Placid, New York;

WHEREAS, at this meeting they elected Harold Bauman, Village of Liberty Justice as Director of this organization;

WHEREAS, Justice Bauman will coordinate Federal and Legislative matters between the organization and the New York Bar Association and House of Delegates;

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Liberty extends their congratulations on this honor.

CONSIDER LOAN TO SEWER FUND (FROM GENERAL) FOR WORKING CAPITAL

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried approving a loan of up to \$40,000 to the sewer fund from the general fund.

This loan is for working capital.

CONSIDER MEGA ELECTRIC EXTENSION ON AGREEMENT

Motion by Trustee McGuire, seconded by Trustee Simon authorizing Clerk/Treasurer Zurawski to notify Mega Electric that the Board wishes to extend their agreement with them until November 30, 2011.

CONSIDER CDBG LOAN FOR CURVES

Motion by Trustee Trustee Green, seconded by Trustee McGuire and unanimously carried approving a Community Development Block Grant Loan to Curves of Liberty (principal Jennifer E. Smith) in an amount of \$4,500 for three (3) years. The interest rate will be at the rate of two (2%) percent with a monthly payment of \$128.89.

This loan is for a computerized upgrade to the Curves Business, called Curves Smart.

CONSIDER INTERMUNICIPAL AGREEMENT WITH COUNTY OF SULLIVAN

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried approving the Intermunicipal Agreement dated November 1, 2009 between the County of Sullivan (North Street, Monticello, New York) and the Village of Liberty (167 North Main Street, Liberty, New York. The Agreement shall permit the County to act as an agent for the Village and enforce the Village's authority and powers under Article 11 of the Real Property Tax Law and the County's local laws and/or customs ("Article 11").

CONSIDER PROPOSED LOCAL LAW #3-2009 RE: FINES

CONSIDER THE VILLAGE AS LEAD AGENCY IN THE PROPOSED LOCAL LAW #3-2009 AMENDING THE FINES AND FEE SCHEDULE OF VILLAGE OF LIBERTY CODE

Motion by Trustee Simon, seconded by Trustee McGuire and unanimously carried declaring the Village as lead agency in the proposed local law (#3-2009) amending the Sign Law of the Village of Liberty.

NEGATIVE DECLARATION

Motion by Trustee Simon, seconded by Trustee McGuire and unanimously carried to issue a Negative Declaration in this matter, the possible adoption of Local Law#1-2009 amending the fines and penalties imposed by the Code of the Village of Liberty

See SEQR attached.

CONSIDER VOTE ON PROPOSED LOCAL LAW #3-20009 RE: FINES

Motion by Trustee Simon, seconded by Trustee Green and unanimously carried approving local law #3-2009 updating the fines and penalties imposed by the Code of the Village of Liberty. This local law was put to a vote, which resulted as follows:

MAYOR WINTERS	-	YES
TRUSTEE SIMON	-	YES
TRUSTEE LINDSLEY	-	YES <u>ADOPTED</u>
TRUSTEE MCGUIRE	-	YES
TRUSTEE GREEN	-	YES

DISCUSSION OF REQUEST FROM THE LAW ROUKE, FINE & JANUSAS
RE: EASEMENT

The Board discussed a request from the Brian Rourke (Law firm of Rourke, Fine & Janusas) to grant an easement to a prospective purchaser (Jennifer/Glenn Adamec) of a property in the Village. The stairway and a portion of the property's porch (Tax Map #112-4-5) is situated on Village owned property shown at tax map #112-4-24.

Attorney Chapman said a Formal Appraisal or Statement of Value would have to be done.

RESOL. # Motion by Trustee McGuire, seconded by Trustee Simon and unanimously
46-2009: carried approving Resolution #46-2009.

BOUNTRY LINE AGREEMENT

WHEREAS, this Agreement is between the Village of Liberty, a Municipal Corporation having its principal office at 167 North Main Street, Liberty, New York 12754, hereinafter referred to as "VILLAGE" and Sullivan County Management, LLC, 1438 42nd Street, Brooklyn, New York 11219, hereinafter referred to as "SULLIVAN",

WHEREAS, VILLAGE is the owner in fee simple of real property described in a deed recorded in the Sullivan County Clerk's Office in Liber 2497 at Page 5, said premises being designated as Village and Town of Liberty Tax Map NO. 112-4-24,

WHEREAS, SULLIVAN is the owner in fee simple of real property described in a deed recorded in the Sullivan County Clerk's Office in Liber 3490 at Page 458, said premises being designated as Village and Town of Liberty Tax Map No. 112-4-25,

WHEREAS, an issue of fact has arisen regarding the location of the boundary line separating the properties of VILLAGE and SULLIVAN, and

WHEREAS, VILLAGE and SULLIVAN desire to compromise, fix and establish the boundary line between the respective parcels of real property,

NOW THEREFORE, in consideration of One Dollar paid by each to the other in hand paid, the mutual covenants and agreements herein contained, the conveyances and cross conveyances herein described, and other good and valuable consideration, the receipts and sufficiency of which is hereby described, and other good and valuable consideration, the receipts and sufficiency of which is hereby acknowledged. The parties do hereby agree and covenant as follows:

1. The parties declare that they are the sole owners of the property above described, which property is contiguous to the following described proposed line between their properties;
2. The parties represent to each other that their respective properties are not encumbered by a mortgage, judgment, lien or any other encumbrance which would render their title unmarketable or require the approval or consent of any third parties to the cross conveyances hereinafter described.
3. The parties do hereby accept the following described boundary line as the boundary line separating their properties:

Beginning at an iron pipe found at the southeasterly corner of Sullivan County Management, LLC (Liber 3490, Page 458) and a corner of lands of the Village of Liberty (Liber 2497, Page 5); thence S 52 – 36' W 88.91 feet to a point at the back of the sidewalk at the northeasterly bounds of Orchard Street.

Said boundary line was determined after a boundary survey by Michael J. Woods, L.S. dated October 2009, updated November 2009, a copy of said boundary survey being annexed hereto and made a part hereof marked SCHEDULE "A".

And the parties do hereby grant, release and forever quit claim each to the other as follows, namely:

- (1) VILLAGE does hereby grant, release and forever quit claim unto SULLIVAN, its successors and assigns forever, all and singular the land and premises, if any, owned by Village lying northerly of the boundary line as hereinbefore fixed and determined, and which property is contiguous to the property presently owned by VILLAGE as hereinbefore described, together with the appurtenances and all the estate and rights of VILLAGE in and to the said premises, to have and to hold the same unto SULLIVAN, its successors and assigns, forever.
- (2) SULLIVAN does hereby grant, release and forever quit claim unto VILLAGE, its successors and assigns forever, all and singular the land and premises, if any, owned by SULLIVAN lying southerly of the boundary line as hereinbefore fixed and determined, and which property is contiguous to the property presently owned by SULLIVAN as hereinbefore described, together with the appurtenances and all the estate and rights of SULLIVAN in and to the said premises, to have and to hold the same unto VILLAGE, its successors and assigns, forever.

IT IS MUTUALLY COVENANTED AND AGREED by and between the parties to these presents that this agreement shall run with the land and be binding upon and enure to the benefit of the respective heirs, executors, administrators, successors and assigns or each of the parties hereto.

NOW, HEREBY BE IT RESOLVED, that the Board of Trustees authorizes Mayor Winters to execute said agreement.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee Simon - No Comment

Trustee McGuire said that Mr. LaGarde is making phone calls every week and that the Justice Court fine recoveries are improving every month. Trustee McGuire also stated that the Court Clerks are working extremely hard.

Trustee Green commented on the following issues:

- Said she has been working with Liberty High School principal Jack Straussman to come up with a program where seniors clean up garbage and do some weeding around the Village. She said she hopes to have a schedule in place by the next meeting.
- Thanked Mr. LaGarde for the newsletter, the Liberty Village Voice and thanked Joan Stoddard for pointing out the errors that need to be corrected.
- Said thanks to Mr. LaGarde's and Trustee McGuire's help in the court the Village hopes to improve the revenues enough to break even in this fiscal year.
- Said the website has been installed on time and there will be training for Mr. LaGarde and Cindy Atkins next week. The website is ***villageoflibertyny.org***.

Mayor Winters said that Peter Parks (DPW Working Supervisor) is having trouble getting the Town's cooperation in finishing the bridge on West Liberty Street. He said the blacktop plants close on November 20th and asked the Village residents in attendance to consider contacting the Town on this matter.

Mayor Winters said that he would be going to Albany on Tuesday, November 10th to meet with Senator Bonacic to discuss any stimulus money that may be available to the Village of Liberty.

APPROVAL Motion by Trustee McGuire, seconded by Trustee Simon and unanimously
OF BILLS carried approving Voucher #9-475 to Voucher #9-574 in the amount of
FOR PYMT \$197,728.75.

Post Audit Vouchers

Motion by Trustee Simon, seconded by Trustee McGuire and unanimously
carried approving Post Audit Voucher #9-466 to Voucher #9-474 in the
amount of \$413,889.23.

EXECUTIVE Motion by Trustee McGuire, seconded by Trustee Simon and
SESSION: unanimously carried to go into Executive Session at 8:45 p.m. to discuss
the employment history of a particular employee in the Department of
Public Works and personnel issues in the Police Department.

Motion by Trustee Simon, seconded by Trustee Green and unanimously
carried to come out of Executive Session at 9:30 p.m.

CONSIDER TERMINATION OF MATTHEW RIVERA (EMPLOYEE #418)

Motion by Trustee Simon, seconded by Trustee Green and unanimously
carried approving the termination of the employment of Matthew Rivera
(DPW Employee #418) effective November 10, 2009.

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

THE MEETING WAS ADJOURNED AT 9:32 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER