**REGULAR MEETING**

FEBRUARY 11, 2013

# The Board of Trustees held the Regular Meeting of February 11, 2013 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, Trustee Joan Stoddard and Trustee Luis Alvarez. Also Present: Robert Krahulik, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO** David Ohman (Delaware Engineering), Police Chief Scott Kinne, Ronald

**PRESENT:**  Stabak, Police Detective Steven D’Agata, Daniel Ratner Sr., Henrich

Strauch,Matthew DeFrank, Peter Parks, Town Supervisor Charles Barbuti, Gary Putter and Kenny Mandel

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

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

**MINUTES:**

REGULAR MEETING – JANUARY 14, 2012

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

PUBLIC HEARING – JANAURY 14, 2013 RE: CULVERTS

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

PUBLIC HEARING – JANUARY 14, 2013 RE: ANNEXATION/IDEAL SNACKS

**CORRES-** Mayor Winters said the Village has received the following correspondence

**PONDENCE**:and it is available in the Clerk’s Office:

INCOMING

* Letter from NYMIR Re: Updated Appraisal 1.14.13
* Overview of 2013 Projects and Programs – CDBG

OUTGOING

* Letter to A. Pagan Re: Lake Street 1.16.13

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

**COMMENTS**:

Henrich Strauch – Liberty CDC

Henrich discussed the overview of the 2013 Projects that are being planned by the Liberty Community Development Corporation. The projects include a “Touch a Truck” which he said has become very popular in other areas with children. It includes many different organizations bringing vehicles in equipment to a location (in this case, White Sulphur Springs Fireman’s Field) and people can actually sit in them and experience the workings of them.

Henrich also informed the Board that the Main Street Grant will come to a close in the spring, which includes the Liberty Theater building.

Gary Putter – Sureway Taxi

Mr. Putter discussed his business which has been in Liberty for approximately sixty-five years. He said within the last five years he has seen a decline in his business since the Village expanded the amount of taxi medallions to thirty (30) and raised their hack license application fee to $80.00. He said this decline, he feels, is a direct result of having too many licenses in the Village.

Mr. Putter also stated that he does not feel all the hack licenses are processed in a reasonable turnaround time. The Village law states that they must be investigated and signed off by the Police Chief and the Village Clerk. He said considering the Village gets approximately $24,000 in revenue each year from these licenses he would like to see an amended law so that other supervisors in charge could sign off on the licenses and expedite the handling of these licenses.

The Board agreed with the amendment and said they would begin the process to revise the law.

**ATTORNEY**  Robert Krahulik discussed the following issues:

**COMMENTS:**

* Said a Public Hearing will have to be set to adopt a new local law to override the tax levy limit established in General Municipal Law. He explained that it has to be done yearly.
* Said he would discuss, in Executive Session, the tax certiorari for Tax Map #111-1-33.
* Explained that Langdon recommended the Ideal Snacks matter of annexation be addressed at the March 11th Board Meeting and will include an agreement for the grease trap cleaning.
* Said a new agreement has been reached with Charlie’s 2 Restaurant and the repayment of their CDBG Loan, which the Board can pass later in their meeting.
* Said a resolution can be passed, later in the meeting, regarding the Revonah Hill Water Tank right-of-way.

**CONSIDER BANKRUPTCY ATTORNEY – DAYTOP VILLAGE**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to have bankruptcy attorney Warren Greher review the Daytop bankruptcy matter at a cost not to exceed $300.00.

**TREAS.** TREASURER’S REPORT FROM JANUARY 11, 2013

**REPORT:**

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

* List of Current Taxes, which as of 01/31/2013 is $381,893.50 uncollected
* List of Delinquent Taxes, which as of 01/13/13 is $517,253.87
* Starting and Ending Central Check Numbers for January
* Starting January 2013 Central Check #8794
* The Court Revenue received from the Town of Liberty for December, which is $820.00
* List of CDBG loans, the payment status of each one and recommendations.

Treasurer Zurawski also said NY State will be coming on February 19th for another audit – this one will have emphasis on Financial Controls – such as budgeting.

**TABLED UPDATE ON RENOVAH HILL WATER TANK PROJECT – D. OHMAN/**

**BUSINESS: DELAWARE ENGINEERING:**

David Ohman of Delaware Engineering updated the Board and Public on the Water Tank Project:

* Received Letter of Conditions (dated November 27, 2012 and letter dated December 21, 2012 advising Village of what has to be done before bidding and construction can take place.
  + Updated matrix spreadsheet with tasks and schedule of work to be done is completed.
  + Developed draft matrix spreadsheet with tasks and schedule that we are continuing to develop.
  + Judy and Mark Blauer have worked through and submitted a number of the items required prior to bidding
    - Outstanding pre-bid items mostly related to bond counsel and village attorney.
* Design work and preparation of plans and specifications for the project is underway
  + This is a key element as USDA RD and NYSDOH needs to review and approve the design and contract documents (plans and specifications) before project can go out to bid.
  + Obtaining updated tank design information from DN Tanks and requesting tank design information from Preload (second supplier).
  + Reviewing site layout and needs with Ken Hessinger
* Anticipated funding is as follows:
* $731,000 grant
* $289,000 loan – 38 years at 2%
* $11,000 local
* Ken Hessinger developing some pricing to put in 4’ diameter x 60’ long culvert, backfill and rip rap in stream between existing and new tanks – to provide access to the new tank.
  + Recommend to add in some cost for this Village work to the upcoming budget.

**WWTP IMPROVMENTS PROJECT – OXIDATION DITCH – EMERGENCY REPAIR WORK – PHASE 1 – INITIAL WORK**

David Ohman reported on the following:

* Work by TAM Enterprises and Ross Electric is complete
* Signed executed copies change orders with final payment AIA forms were assembled and forwarded to Judy and contractors for records.
* All payments for Phase 1 have been made.
* Total project cost was $139,096, which was $5,904 less than the budgeted $145,000.

**WWTP IMPROVEMENTS PROJECT – ADD’L EMERGENCY WWTP WORK – PHASE II**

* Work by Ross Electric – Electrical Construction
* Almost all planned work is complete.
  + New submersible mixer VFD for Ox Ditch 2 and alarm enclosure complete, ran new conduit and conductor from the Sludge Building to Mixer locations.
  + Disconnected the remaining brush aerator for Ox Ditch 2 and connected up mixer VFD and can connect leads to the mixer now that mixer has been installed.
* Work by TAM Enterprises – General Construction
* Work progressing well
  + Last existing brush aerator from Ox Ditch No. 2 removed with the crane
  + All exterior air supply piping now in place
  + Diffused aeration grids and second submersible mixer (Mixer 3) installed in Oxidation Ditch 2 and connected to air piping
  + New Blowers are installed on new pads inside the Influent Building – did not need to overcut/remove existing hatch opening to get blowers in.
  + Interior air piping work underway
  + SCADA PLC panel mounted and working on running conduits and conductors to equipment.
* Equipment Items – estimated Date of Delivery to site:

|  |  |  |
| --- | --- | --- |
| Item | Vendor/TAM | Anticipated Date  To site |
| Stainless Steel Piping | TAM | On-site |
| Submersible Mixer | Sanitaire | On-site |
| Diffused Air Grid | Sanitaire | On-site |
| Blowers | Sanitaire | On-site |
| SCADA/PLC | Sanitaire | Enclosure and internals on-site |

**Anticipated completion date = mid-March 2013 per TAM.**

**Contractor Payment Requests:**

**Ross Electric**

* Ross will be submitting Payment Request No. 2 (Final) soon for the balance to finish of $2,940.26.
* Plan to process at next meeting.

**TAM Enterprises Inc.**

* TAM has submitted Payment Request No. 2
  + Pay application submittal and recommendations to be sent to Judy under separate cover.
* We have reviewed their submittal and agree with the level of work completed to date (approximately 75% complete) and the costs presented therein. **Therefore we recommend that Village resolve to authorize the Village Clerk to provide payment to TAM in the amount of equal to $309,429.25 – for a total contract cost paid to date of $554,152.10 (71% of the contract price) with a balance to finish, including retainage, of $224,159.90.**

**NEAR TERM WWTP IMPROVEMENTS – OXIDATION DITCH AERATOR AND INFLUENT SCREENS**

* CDBG Application submitted on July 12 for a $600,000 grant was successful
* Work follows through with emergency work (Phase 1 and 2) to complete the Near Term Improvements.
* 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.)
* Mark Blauer developing items to go back to CDBG and overall schedule – draft schedule Form 7-2
  + - Environmental work and design/bid – now thru May 2013
    - Contract Award/Shop Drawings – May – July
    - On site Work – July 2013 – June 2014
      * New influent screens take four months to manufacture after shop DWGS get approved
* Delaware preparing project cost summary (work completed to date plus what’s left to do) and description of remaining work to be completed for Mark
* Remaining construction work will need to be bid
* Delaware working with Mark to determine bid document requirements
  + Small Cities will need to review and approve the project specs
  + No NYSDEC review or approval needed

**DELAWARE RIVER BASIN COMMISSION (DRBC) NEEDS**

* The original WWTP was not registered with the DRBC system
* When the Near Term Improvements were submitted to NYSDEC, DRBC was advised of the work by NYSDEC and DRBC requested that the WWTP be registered and they would review the Near Term Project.
* We filled out DRBC WWTP application and submitted Near Term project information to them in April 2012.
* Received a response on December 5, 2012 – requesting more plant monitoring date (TDS) and that the Village prepare and submit an “application for A Ground and/or Surface Water Withdraw from the Delaware River Basin”.
* Added WWTP monitoring requirements were conformed with DRBC and John Picard and added quarterly effluent TDS sampling is now underway.
* Water Supply Application was prepared and submitted to DRBC on February 1, 2013 and they received it on Monday February 4 (deadline was Feb. 3)

**LILY POND WATER TREATMENT PLANT FILTER BACKWASH POND**

Dave Ohman of Delaware Engineering reported as follows:

* Delaware is working with Dave Harman, the Water Treatment Facility’s Chief Operator, to come up with a solution to improve solids retention in the facility’s filtration backwash pond.
* Delaware developed some details and costs to install a suspended certain (fine mesh) across the backwash pond to increase baffling and slow down eater flow across the pond to allow solids longer time to settle out.
* Working on concept design for staking/support system and then will estimate some pricing and provide to Village
* Recommend Village add some cost to upcoming budget add the curtains – rough budget number = $20,000.

**GRIEBEL PARK DAM – UPDATE FROM DELAWARE ENGINEERING**

Dave Ohman of Delaware Engineering reported as follows:

* Delaware is working with Sullivan County Soil and Water Conservation District (SCSWCD) and NYSDEC Dams Department reviewing the information that SCSWCD has submitted NYSDEC.
  + NYSDEC needs hydraulic analysis and steam bed design conducted to confirm that the new steam bed will convey the 100 year storm event
  + Need to move the embankment into the current pond area and establish the new streambed – may not have enough on-site material.
    - Plan to conduct site visit to gather some elevation information so that we can run Hydro CAD and to gather some pond depth and berm data since Village does not have funds to hire a surveyor.

**WATER CODE UPDATE FOR WATER METERS AND SERVICES**

David Ohman of Delaware Engineering reported on the following:

* Gathering information from other municipalities
* Talking with and plan to meet with Ken Hessinger to draft up revisions.

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

David Ohman of Delaware Engineering said there was not anything new to report relative to wastewater.

**CONSIDER PROPOSED LOCAL LAW #1-2013 – CULVERTS**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving local law #1-2013 which will amend Section 74 of the Code of the Village of Liberty entitled Culverts. The local law was put to a vote, which resulted as follows:

MAYOR RICHARD WINTERS - YES

TRUSTEE CORINNE MCGUIRE - YES

TRUSTEE SHIRLEY LINDLSEY - YES **ADOPTED**

TRUSTEE JOAN STODDARD - YES

TRUSTEE LUIS ALVAREZ - YES

**CONSIDER PROPOSED LOCAL LAW #2-2013 – ANNEXATION OF IDEAL SNACKS**

This matter will be addressed at the Regular Meeting of the Board of Trustees which will be held March 11, 2013.

**NEW CONSIDER SETTING WORKSESSION FOR 2013/14 BUDGET**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to set a Budget Worksession meeting for Tuesday, March 12th at 6:00 p.m. to begin discussions on the 2013/14 Village Budgets.

**CONSIDER SETTING PUBLIC HEARING FOR 2013/14 BUDGET**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to set a Public Hearing on the 2013/14 Village of Liberty Budgets on Monday, April 8, 2013 at 6:45 p.m.

**CONSIDER ELECTION INSPECTORS FOR MARCH 19, 2013 VILLAGE ELECTIONS**

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

**#3-2013** unanimously carried approving Resolution #3-2013.

**RESOLVED**, the Village of Liberty Board of Trustees approves the following Election Inspectors for the March 19, 2013 Village Elections:

**REPUBLICAN** **DEMOCRATIC**

John Lorincz Matthew Frumess

Glen Kaempf William Liblick

**CONSIDER CONTRACT WITH BLAUER ASSOCIATES RE: CDBG**

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

**#4-2013:** unanimously carried approving Resolution #4-2013.

**WHEREAS,** the Village of Liberty wishes to engage Mark Blauer, an individual, trading as Blauer Associates with offices located at 18 West Hollow Road, Nescopeck, Pennsylvania 18635 to provide administrative services to the Village to assist in the implementation and administration of Office of Community Renewal (OCR) Small Cities CDBG Project #642PR10-12 and

**WHEREAS**, the Village agrees to pay Mark Blauer at an hourly rate of $100.00 per hour, billed monthly. Fees will not exceed $24,000 unless approved by the Village

**NOW, THEREFORE BE IT RESOLVED,** the Village approves the Agreement for Administrative Services Small Cities CDBG between Village of Liberty and Mark Blauer dba Blauer Associates entered into this 11th day of February 2013 and authorizes Mayor Winters to execute said agreement.

**CONSIDER RESOLUTION – MUSIC IN OUR SCHOOLS MONTH**

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

**#5-2013:** unanimously carried approving Resolution #5-2013

**WHEREAS,** the study of music is basic to a complete education, provides the competitive edge for successful educational reform, engages students in individual and group activity, develops creativity, problem solving, critical thinking and evaluative skills; and

**WHEREAS,** music education helps students acquire skills in the production and performance of music, as well as an understanding of history and culture; and

**WHEREAS,** the Village of Liberty is concerned with maintaining and improving school music programs for all students, regardless of their socio-economic status or their abilities; and

**WHEREAS,** the Village of Liberty strives to instill a higher level of awareness and knowledge of music; and

**WHEREAS,** the Village of Liberty strives to support fine musical experiences through the participation of over 1100 students in the school's music program; therefore

**BE IT RESOLVED,** that the Village of Liberty, with Mayor Honorable Richard Winters, strongly support quality music education in the Liberty Central School District and that all students should have access to a well-balanced, comprehensive, high quality, sequential program of music taught by teachers certified in music education; and

**BE IT RESOLVED,** that the Board of Trustees recognizes and commends the Liberty Central School District for their concern and efforts to enhance the quality of music education in the Village of Liberty;

**THEREFORE,** the Village of Liberty Board of Trustees and Mayor Honorable Richard Winters hereby proclaim the month of March, 2013 as

**"MUSIC IN OUR SCHOOLS MONTH"**

and endorses this observance as an opportunity to support the purpose and practices of music education and encourages teachers, parents, students and all citizens to participate.

**CONSIDER RESOLUTION – HAZARD MITIGATION PLAN**

The Board tabled this resolution until the attorney has time to review the plan. The resolution will be voted on at the March 11, 2013 Regular Meeting of the Board of Trustees.

**CONSIDER RESOLUTION – SUPPORT FOR NYS – CONTACT INFORMATION FOR VACANT STRUCTURES**

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

**6-2013:** unanimouslycarried approving Resolution #6-2013.

**RESOLVED TO SUPPORT NEW YORK STATE REGARDING THE**

**PROPOSED LAWS CONCERNING CONTACT INFORMATION FOR**

**VACANT STRUCTURES**.

**WHEREAS**, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years;' and

**WHEREAS**, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties;

**WHEREAS**, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

**WHEREAS**, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions, to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

**WHEREAS,** the Village Board of the Village of Liberty supports the passage of said Bills;

**NOW THEREFORE, BE IT RESOLVED** that the Village of Liberty hereby

supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Village of Liberty support the passage of said bills.

**CONSIDER VOTE ON CSEA CONTRACT**

Motion by Trustee Alvarez, seconded by Mayor Winters and unanimously carried to have a roll call vote on the Memorandum of Understanding between the CSEA and the Village of Liberty dated August 10, 2012. The vote was as follows:

MAYOR RICHARD WINTERS - YES

TRUSTEE LUIS ALVAREZ - YES

TRUSTEE JOAN STODDARD - NO

TRUSTEE CORINNE McGUIRE - NO

TRUSTEE SHIRLEY LINDLSEY - NO

The vote failed to pass the Memorandum of Understanding (dated August 10, 2012).

Trustee Lindsley asked that the two sides come together and come up with an acceptable agreement.

Peter Parks (Working Supervisor and Union Representative) said the employees will be meeting February 13th to discuss the contract.

**CONSIDER THE SURPLUS OF TWO VILLAGE VEHICLES**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to surplus the following Village vehicles:

2005 Ford Crown Victoria

VIN#2FAHP71WX5X115004

1996 – International Garbage Truck – 4700 Series #13

VIN#1HTSCAAR8TH267253

Bids will be accepted until March 7, 2013 at 11:00 a.m.

**CONSIDER EMERGENCY WORK PROPOSAL FROM OBRIEN AND GERE**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving O'Brien and Gere of North America proposal for technical services associated with the Lily Pond Water Treatment Facility’s SCADA system and authorized the Mayor to execute said agreement. The amount of the proposal will be in an amount not to exceed $5,600.00.

**CONSIDER APPROVAL OF CUSTOMER SERVICE ORDER FOR TIME WARNER CABLE FOR THE WATER DEPARTMENT AT LILY POND.**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to authorize Mayor Winters to execute the agreement with Time Warner Cable for High Speed Internet at the Water Treatment Facility located at 425 Lily Pond Road, Parkville, New York. The monthly cost for the internet service will be $79.90 per month.

**CONSIDER PUBLIC HEARING FOR CULVERT SPECIFICATIONS**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to set a public hearing on Monday, March 11, 2013 at 6:40 p.m. to discuss the Culvert Specifications relating to local law #1-2013, which was adopted at this meeting.

**CONSIDER NEW PAYMENT SCHEDULE FOR CHARLIES 2 RESTAURANT CDBG LOAN**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to accept the settlement agreement for the CDBG loan for Charlie’s 2 Restaurant with will be $433.90 per month.

**CONSIDER REVONAH HILL WATER TANK – RIGHT OF WAY**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving – satisfactory title report.

**CONSIDER PUBLIC HEARING – OVERRIDE THE TAX LEVY LIMIT**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried to set a Public Hearing on Monday, March 11, 2013 at 6:45 p.m. to consider Local Law # -2013 which is a local law to override the tax levy limit established in General Municipal Law Section 3-C.

**CONSIDER APPROVAL OF PAYMENT TO TAM ENTERPRISES INC FOR WORK PERFORMED AT WWTP**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize the Village Clerk to provide payment to TAM Enterprises Inc. in the amount of $309,429.25 for payment request No. 2 on Phase II of the Emergency Work performed at the Waste Water Treatment Plant.

The total contract cost paid to date is $554,152.10 (71% of the contract price) with a balance to finish, including retainage of $224,159.90.

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

**COMMENT:**

There were no comments from the Public.

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

**REPORTS:**

Trustee Alvarez said he attended Officer Brust’s DARE graduation and he is proud of him and the extra time he is putting in for this program. He said the DARE program is now entitled “KEEP IT REAL”.

Trustee Stoddard said she thought the “TOUCH A TRUCK” was a great idea, as the kids really like it. She said if it is promoted well it should also get a lot of traffic thru Liberty.

Trustee McGuire said she was happy to see that this summer will be the target opening date for the Skate Park. She asked if it will be fenced in.

Henrich said it will not be fenced in.

Trustee McGuire thanked Peter Parks and his DPW workers for the good job they did with the drainage spots by Ideal Snacks.

Trustee Lindsley briefly discussed the overview of the Liberty CDC projects.

Mayor Winters said he was happy to see all the projects that are moving forward.

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

**OF BILLS** unanimously carried approving Voucher #14-757 to Voucher #14-835 in the

**FOR PYMT:** amount of $428,551.87.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving Post Audit Voucher #14-750 to Voucher #14-756 in the amount of $253,362.83

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

**SESSION:** unanimously carried to go into Executive Session at 8:25 p.m. to receive

Attorney-Client Advice.

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to come out of Executive Session at 9:00 p.m.

**CONSIDER TAX REFUND – 111-1-33**

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving the tax refund for tax map #111-1-33 in the amount of $390.21 to Josephine and Ritter Finn for the 2012/13 Village Tax. This is pursuant to the order from Honorable Mark J. Meddaugh dated July 25, 2012 - Index#2192-11/RJI No. 52-32049-2011.

**ADJOURN:** Motion by Trustee Lindsley, seconded by Trustee Stoddard and

unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:02 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**

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