

REGULAR MEETING

JULY 11, 2011

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

ALSO PRESENT: David Ohman (Delaware Engineering), Daniel Ratner Sr., Edward Philpot, Henrich Strauch, Elizabeth Montag, Joseph Lansing, William Cogswell, Steven D'Agata, Ricky Nichols, Marion Nichols and Steven Goodfellow of Access Systems.

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

WORKSESSION MEETING - June 27, 2011

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 SC Re: Civil Service Rules 7/27/11
- NYCOM News 6/29/11
- Letter from TJ Chin Re: Sewer Hookup

OUTGOING

- E-Mail from A. Gonzalez Re: TJ Chin/Sewer Program

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

William Cogswell asked about crosswalks in the new entrance and exit to the school. He said he had inquired at the school and they said the Village and Police had an objection them.

Mayor Winters said he had no objections to the crosswalks and said he would talk to Mr. Vanyo (School Superintendent) and the Police Chief.

William Cogswell said the land that Larry's Food Wagon is parked on is a disgrace and he feels there are some Code Enforcement Issues with the property.

Mayor Winters said he would talk to the Code Enforcement Officer in the morning.

Joseph Lansing (Wawanda Avenue) said he recently had an accident at the Liberty Street/Wawanda Avenue intersection and as a result he complained to the Police Department that it should be a four-way intersection. The Police Department suggested he contact the Board to see if this is something they would like to do.

Trustee Stoddard said she did think it would be a good idea and the Board should do their due diligence and discuss the issue further.

Ed Philpot (Ferndale Resident) asked if any progress has been made on a new taxi local law.

The Board said they had just received some new wording from the Attorney for the Village, which they will be reviewing, and setting a Public Hearing.

Ricky Nichols, Marion Nichols and Elizabeth Montag inquired about the future paving plans for Winslow and Wawanda Avenue.

STEVEN GOODFELLOW - ACCESS SYSTEMS

Steven Goodfellow gave an overview of the recently completed Disaster Recovery Grant that his company prepared for the Village. He explained the Village records room is overcrowded with exposed wiring. He said the Village does have some backup with the Town of Liberty, however some departments, such as Code Enforcement does not even have a program for their work. He suggested the Village formalize a Recovery Team of four to five people and twice a year update the document. It has been provided to the Village in digital form as well as a hard copy.

Mr. Goodfellow said with the economic times there is not much grant money available to continue with these types of projects, however he recommended the following three funding sources:

- ❖ NYS Archives for an Inventory and Purging Grant
- ❖ A Shared Services Grant thru the Department of State
- ❖ Homeland Security for additional IT Hardware, however this grant can only be applied for by the County.

Mayor Winters said he would head the Recovery Team with the Department Heads and the Village is looking to combine the Code Enforcement Office with the Town of Liberty so they have a software program to work with.

ATTORNEY No Comment
COMMENTS:

TREASURERS

REPORT: Treasurer Zurawski said her main focus for the past several weeks has been Tax collection and the 2011/2012 taxes are 77% processed and collected.

TABLED BUSINESS: UPDATE ON REVONAH HILL WATER TANK

David Ohman of Delaware Engineering said the engineering report for this matter is complete and he will be submitting it to the Village for review by the end of July 2011. He said the long form SEQR is completed but the Village will still have to go thru the steps. He said the next step is to try to obtain funding, possibly through USDA. He explained that there is no outside funding services readily available and the Village needs to consider its path forward.

DAVID OHMAN – DELAWARE ENGINEERING – UPDATE ON GREEN LANE SEWER ISSUE

David Ohman gave the following update on the Green Lane Sewer Issue:

- Sanitary sewer repairs needed to address a failing gravity sewer which runs along the stream just upstream of Green Lane off Chestnut Street
- Replacing the failing section of existing line will allow for removal of temporary pump station, eliminate pump station maintenance and overflows and avoids having to build and operate a permanent pump station
- NYSDEC requiring action and Village committed to the repairs in a May 5, 2011 response to NYSDEC [see attached]
- Schedule:
 - Village authorizes work: June 2011
 - Surveying services: June 2011
 - Engineering design: June > July 2011
 - Bid/Award: July > August 2011
 - Construction: August > September 2011
- **Update on Work progress:**
 - Fulton will provide plan drawing needed for design [no existing sewer drawings can be located] and will develop map/plan and descriptions needed for establishing the limits of the sewer right of way with two [2] property owners
 - Their deeds allude to an existing sewer right of way but no limits or details can be found as part of this project, establish ROW limits and file deeds so that it is recorded at the County Clerk's office for on-going maintenance and future access
 - Site surveying [George Fulton] to gather location and topographic and property information **completed**
 - **Site map drafted**

- Finalize limits of the permanent and construction right of way (ROW) limits with the Village then Fulton can finish the drawings and ROW descriptions.
- Existing permanent easements exist for Goldstein property (50' wide permanent) and for Green Lane (16' wide permanent).
- Delaware Engineering proceeding with preparation of plans and specs
 - Will be ready to bid by month's end
 - Meetings/discussions with affected property owners continue
 - Working with Pete Parks to identify items that DPW may do (e.g., tree clearing, demolition of garage, bypass pumping) and project issues
 - Will review plans and specs with Pete and Mayor and Langdon before going to bid
- Recommend that the Village Board authorize the Village Clerk to advertise for bids so that it can occur before the August Board meeting.
- Village working to put together a bond package to include Green Lane repairs and WWTP improvements to the Oxidation Ditches [see below] to create funding for this project.
- Short Term Bond Anticipation Note (BAN) can be taken out to finance the work; once all work completed, finance the final amount as a bond – only bond what you actually need.
- Recommended BAN amount:

○ Green Lane Sewer work	\$314,000
○ Short Term WWTP Improvements	\$1,700,000
○ Legal & Bond Counsel	<u>included in construction estimate</u>
○ BAN Interest (5%?)	<u>included in construction estimate</u>
○ Estimated BAN Total	\$2,014,000

CONSIDER GOING OUT TO BID FOR THE GREEN LANE SEWER WORK

Motion by Trustee McGuire, seconded by Trustee Stoddard and unanimously carried authorizing the Village Clerk to advertise for bids for the work needed to complete the Green Lane Sewer Project.

DAVE OHMAN/DELAWARE ENGINEERING – REPORT ON OXIDATION DITCH AERATOR REPAIRS

Dave Ohman reported on the following:

- Near Term WWTP Improvements - Oxidation Ditch Aerator Repairs and Influent Screens
 - One brush aerator has failed effectively taking one of the two tanks offline

- Delaware developed preliminary design to replace brush aerators [old technology, high energy use] with newer diffused air and mechanical mixers
- Advised by John Picard of rag and roping problem so now adding replacement of influent screens to near term work
 - Remove two mechanical bar screens and install 2 new 1" manual bar racks
 - Replace comminutor with new fine screen (5 mm) with compactor
 - Inside new building to prevent freezing
- John Picard is on vacation but this work follows what we had discussed with him.
- Project brief and estimated project cost soon for this work is attached
- Estimated project cost = \$1,700,000.
- Schedule: will take about 12 months to complete due to need for DEC review and lead-time on equipment up to 3 months.
 - Village authorizes work: August 2011
 - Engineering design/DEC documents: August – Sept 2011
 - DEC Review: October 2011
 - Finalize Design/Bid/Award: Nov – Dec 2011
 - Construction: Jan 2011 – June 2012

DAVE OHMAN/DELAWARE ENGINEERING – REPORT ON IDEAL SNACKS

Dave Ohman reported the following on the Ideal Snacks situation:

- Excessive fats oils and grease coming down their line and clogging up the nearby pump station and causing grease to rise on the oxidation ditches.
- Need to come up with plan to work with Ideal Foods to put in a pretreatment system on their waste line – 12,000 gallons per day versus 900,000 gpd at the WWTP. Reviewing with Mayor and John Picard, and Attorney Chapman.

DAVE OHMAN/DELAWARE ENGINEERING – REPORT ON RED MEAT FACILITY

Dave Ohman gave the following report on the Red Meat Facility:

- Need to get contact at Red Meat to meet with them to discuss their planned activities, pretreatment responsibilities, flows and loads, etc.
- Will have an impact on the WWTP – especially the new aeration system in the Oxidation Ditches so it cannot be ignored.
- Again, cheaper to treat 1,000's of gallons versus 900,000 gpd
- Contacts?

CONSIDER ELIMINATION OF DAM

Mayor Winters said there was not anything new to report on this issue.

NEW BUSINESS: CONSIDER USING MTA GROUP IN THE COLLECTION OF DELINQUENT TAXES

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to finalize the contract with the MTA Group for the collection of delinquent taxes contingent on receiving a contract satisfactory to the Board.

The contract will allow the Village to keep the base of all taxes collected and the MTA Group will receive the penalties. They will also work on the collection of all delinquent taxes.

CONSIDER CORRECTION OF ERRORS – BENADIM/WASHINGTON

RESOL.# Motion by Trustee Stoddard, seconded by Trustee Lindsley and
25-2011: unanimously carried approving Resolution #25-2011.

WHEREAS, In accordance with Section 550-3(a) of the Real Property Tax Law concerning a claimed error in essential fact on the 2011 and 2010 tax roll;

WHEREAS, this clerical error is that the taxable value of tax map 117-3-9 is listed as \$34,100 and should be listed as \$29,400;

WHEREAS, the taxpayer is entitled in a new bill for 2011/2012 in the amount of \$954.74 and a refund of \$98.65 on the 2010/2011 taxes paid;

THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Liberty approves the Correction of Errors on these two years of tax payments on the property known as tax map 117-3-9 with the current owners of Abdelaziz Benadim and Ureka Washington.

CONSIDER MEMORANDUM FROM H. STRAUCH – BIG BELLY SOLAR TRASH RECYLING UNITS

Henrich informed the Board that he had presented this to the Board for informational purposes only.

Mayor Winters said if they got one he would want it in an area where Police cameras could monitor it as he had a concern about vandalism.

Henrich said he could look into grant to obtain one.

CONSIDER SEWER CREDIT ON ACCOUNT #2-15800/89 BUCKLEY STREET

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approver a sewer credit of \$171.14 (average bill) for account # 2-15800 in the name of Tsameicos Glakoumar located at 89 Buckley Street.

This credit is due to water that did not go into the sewer.

CONSIDER SEWER CREDIT ON ACCOUNT #4-7300/267 SOUTH MAIN STREET

Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously carried approver a sewer credit of \$33.84 (or 5,825 gallons) for account # 4-7300 in the name of Carolyn Barley located at 267 South Main Street.

This credit is due to water that did not go into the sewer.

CONSIDER ANNEXATION REQUEST FROM B. ROURKE RE: 1885 ROUTE 52 LLC.

Mayor Winters explained the property referred to in this annexation is the former Warehouse Trading Building, which now has a Sav-Rite, Pizza, Grocery, Doctors Office, etc in it.

The Board said they are very interested in the annexation and at this point the one issue they have to address is the excess cardboard they generate.

The Board said the attorney (Brian Rourke) should move ahead and submit the petition needed.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee Alvarez commented on the following items:

- ❖ Commended Peter Parks (DPW Supervisor) on a job well done.
- ❖ Said he recently had a long conversation with Police Chief Mir about the escalating crime in the Village.
- ❖ Discussed the Public Comment section of the Board Agenda and said he felt at the last meeting there were too many members of the Public speaking out of turn.

Trustee McGuire agreed with him.

The Board discussed the idea of having two Public Comments on the agenda, one at the beginning of the meeting to discuss Agenda Items only and one at the end for any discussion that is necessary.

Trustee Stoddard said she was in the process of reviewing the June bank statements for the Village. Trustee Lindsley said she would go into the office tomorrow to review them.

Trustee Stoddard discussed the Loss Runs received from our insurance company. Trustee Stoddard questioned a couple of them, which will be followed up with the Insurance Agent.

Trustee McGuire mentioned she likes the idea of two public comments.

Trustee McGuire also discussed Ideal Snacks and the items that need to be addressed as well as the Backer property (former Sullivan's).

Trustee Lindsley said the July 4th parade and Street Fair was a huge success. She said it included sixty-nine vendors and the Village Police did a wonderful job. She said she also attended the dedication of the new flag Pole by Police Station.

Mayor Winters discussed the idea of Soap Box Derby coming to Liberty next year. He said the event usually brings 5,000 to 15,000 spectators. He said the issue the Village would have to address it if is held on North Main Street is the access the fire department needs if there is a fire.

Mayor Winters also discussed the possibility of moving a Department of Public Works employee to the Sewer Department so that the Sewer Department could do there own work in the event of a sewer backup, etc.

BILLS FOR Motion by Trustee Lindsley, seconded by Trustee Stoddard and
PAYMENT: unanimously carried approving Voucher #12-087 to Voucher #12-174 in the amount of \$266,105.05.

Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee McGuire and unanimously carried approving post audit Voucher #12-079 to Voucher #12-086 in the amount of \$355,296.11.

EXECUTIVE Motion by Trustee Stoddard, seconded by Trustee McGuire and
SESSION: unanimously carried to go into Executive Session at 9:00 p.m. to the employment history of a particular employee in the Police Department, a pending litigation matter and a contract of a sensitive nature.

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to come out of Executive Session at 9:35 p.m.

CONSIDER SETTLEMENT OFFER FROM EXXON-MOBIL

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to reject the Exxon Mobil offer of settlement that was received.

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

THE MEETING WAS ADJOURNED AT 9:40 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER