

## **REGULAR MEETING**

**JULY 12, 2010**

The Board of Trustees held the Regular Meeting of July 12, 2010 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 Luis Alvarez and Trustee Joan Stoddard. Also Present: Robert Krahulik, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO PRESENT:** Henrich Strauch, Daniel Ratner Sr., Ronald McGrath, Dale Vandenberg, John Zylstra, Kuszar Grace, Elizabeth Montag and Peter Ehrenberg, Jeremy Gorelick, Susan Hamlin, Rick Nichols, and Marion Nichols

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

### **REGULAR MEETING - JUNE 29, 2010**

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

#### **INCOMING**

- Letter from NYS Office of Community Renewal Re: Monitoring Visit 6/29/10
- Letter from F. Glaser Re: Barricades 7/8/10

#### **OUTGOING**

- Letter to G. Popp Re: Leaky tank 7/8/10

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

Henrich Strauch - Liberty CDC

Henrich reported on the following:

- Said a grant for Enhancement of Walnut Mountain Park has been submitted. This grant will allow for landscaping and bathrooms at the Skate Park.
- Said the Town of Liberty is having a hearing on July 22<sup>nd</sup> to consider Zoning changes.
- Said a response on the Red Meat Facility has been received.

Kuszar Grace (South Main Street) discussed the amount of space that is needed to construct a basketball court in the municipal parking lot.

Rick and Marion Nichols (Wintrop Avenue) discussed assessment issues they are having with their property.

Attorney Krahulik discussed the appeals process they can go thru and Mayor Winters said he would like to write a letter of support on behalf of the Village Board to the Town of Liberty.

Jeremy Gorelick commended the Board for their work on Timberwolf Road.

Jeremy also discussed the recyclable pick-up schedule for School Bell Townhouses.

Daniel Ratner Sr. (Lake Street) commended the Board on the great job they are doing and stated the interaction they have with the other government entities is great.

Dan went on to discuss the contention between the Village of Liberty and the Liberty Central School regarding the water hookup for the new construction that is currently ongoing at the Liberty Central School. He said the size of the water line they are looking to install is much smaller than the size recommended by the Village Engineers and that he has serious objections to the size of the line the school is going to use. He said they are attempting to hook a four-inch line into the Village's eight-inch line by downsizing at various intervals from eight inches to four inches. He said if the school couldn't comply with the Village's request they should not be able to hook into the Village's water system.

***Dan stressed the fact that he does not want to see his family members attend a facility that has unsafe utilities.***

The Board said they would authorize Attorney Chapman address this issue by contacting the school attorney and expressing the Village's opinion on this matter.

**ATTORNEY** Attorney Krahulik said an Executive Session will be needed to discuss the  
**COMMENTS:** Timber Harvest Contract.

**TREAS.      MIKE PRIES INSURANCE - DEDUCTIBLES**  
**REPORT:**

The Board said they would leave the Village insurance as presented by David Bodenstein at the June 29, 2010 meeting.

**CONSIDER USING BLUE PAY RE: CREDIT CARDS**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to authorize Mayor Winters to sign the application from Blue Pay Credit Cards. This would allow the Village to use credit

cards for tax collection.

**TABLED BUSINESS: UPDATE ON ADA COMPLIANCE**

Mayor Winters said that once the wheel chair ramps are installed and the front door is completed we should be fully ADA compliant.

**DICUSSION OF REVONAH HILL WATER TANK – DELAWARE ENGINEERING P.C.**

Mayor Winters said Delaware Engineering P.C. is moving forward on the project, with the roadway being constructed and the borings being worked on.

Mayor Winters said the financing is still being worked on.

**UPDATE ON GREEN LANE SEWER ISSUE**

Mayor Winters said that everything has been completed and the next step is for N.Y.S.E.G. to complete their pumps. He explained that until N.Y.S.E.G. completes their pumps, the diesel pumps are still running.

Mayor Winters also informed the public that the Village was able to find a contractor (TAM Enterprises) that saved the Village over \$50,000 on this project.

**NEW BUSINESS: CONSIDER APPROVAL OF TAXI LICENSE FOR 2010/2011 FISCAL YEAR**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving the following taxi licenses for the 2010/2011 fiscal year:

Cab Quest - Permit # 20

**PRESENTATION OF CERTIFICATE OF APPRECIATION – LIBERTY PRIDE**

**RESOL.# 29-2010:** Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving Resolution #29-2010, a Certificate of Appreciation to Liberty Pride.

**CERTIFICATE OF APPRECIATION**

**WHEREAS, Liberty Pride** is dedicated to the beautification of Liberty; and

**WHEREAS, Sullivan Renaissance** has provided a grant to help with this beautification project; and

**WHEREAS,** many Village residents have made financial contributions to Liberty Pride; and

**WHEREAS,** numerous volunteers have given generously of their time and effort to plant flowers throughout the entire Village;

**NOW, THEREFORE,** by virtue of the authority vested in me as Mayor I do hereby tender this Certificate of Appreciation to

**the present and former members  
of the Liberty Pride Steering Committee,  
namely Ian Cooperstein, Maurice Gerry, Jeremy Gorelick,  
Christine Gozza, Gary Siegel, George Stang, Ronald McGrath  
and Dale VanDenberg**

and the many volunteers of this beautification project commending them on their many contributions to the progress and betterment of this community.

**PRESENTATION OF PROCLAMATION – FIRST PRESBYTERIAN CHURCH**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee Lindsley and  
**30-2010:** unanimously carried approving Resolution #30-2010, A Proclamation honoring the 200<sup>th</sup> Anniversary of the First Presbyterian Church.

**200<sup>TH</sup> ANNIVERSARY  
FIRST PRESBYTERIAN CHURCH  
AUGUST 2010**

**WHEREAS,** August 2010 marks the 200<sup>th</sup> Anniversary of the Presbyterian Church in our Village, which is dedicated to the service of God and humanity; and

**WHEREAS,** we give pause, honor and praise this day for the deep and abiding Christian commitment of those who in faith began this work, and for all those who have given so unselfishly during those many years to help the work grow and thrive, and provide valuable human services where the need was great; and

**WHEREAS,** our entire community has benefited from the fine Christian influence this church has exerted through the years, and the many facets of its outreach and practical assistance to the needy; and

**WHEREAS**, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on the memorable occasion of this Anniversary;

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Liberty Board of Trustees proclaim August 2010 as the First Presbyterian Church's 200<sup>th</sup> Anniversary in our community, and further provide that a copy of this proclamation be presented to the Reverend and congregation in testimony of the high regard in which this church is held in the Village of Liberty.

**CONSIDER PROPOSED LOCAL LAW #2-2010 ZONING ADMENDMENT**

**CONSIDER THE VILLAGE AS LEAD AGENCY IN THE PROPOSED LOCAL LAW #2-2010 AMENDING THE ZONING LAW OF THE CODE OF THE VILLAGE OF LIBERTY, CHAPTER 87-8.**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried declaring the Village as lead agency in this unlisted action known as proposed local law (#2-2010) amending the Zoning Law of the Code of Village of Liberty.

**NEGATIVE DECLARATION**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to issue a Negative Declaration in this matter, the possible adoption of Local Law#2-2010 amending the Zoning Law of the Code of the Village of Liberty.

See SEQR attached.

**CONSIDER VOTE ON PROPOSED LOCAL LAW #2-2010 RE: FINES**

The vote on Proposed Local Law #2-2010 was tabled until the meeting of August 9, 2010 so the Attorney for the Village has proper time to prepare the law.

**CONSIDER PROPOSED LOCAL LAW #3-2010 RE: FIRE LANE TICKETS**

**CONSIDER THE VILLAGE AS LEAD AGENCY IN THE PROPOSED LOCAL LAW #3-2010 AMENDING CHAPTER 80 OF THE CODE OF THE VILLAGE OF LIBERTY.**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried declaring the Village as lead agency in this unlisted action known as proposed local law (#3-2010) amending Chapter 80 of the Code of the Village of Liberty. This proposed law is a law to regulate the movement in front of, parking, standing or stopping in front of the following buildings:

*Liberty Square Mall – 187 Mill Street – Tax Map #115-2-6*  
*Shoprite Mall – 1939 State Route 52 – Tax Map #131-1-1*  
*Great American – 261 North Main Street – Tax Map #108-6-38*  
*Liberty Diner – Sullivan Avenue – Tax Map #121-1-8*  
*Liberty (Sears) Shopping Mall – Sullivan Avenue – Tax Map #121-3-9*  
*Achieve Rehab and Nursing Facility – Lake Street – Tax Map #117-2-21*

### **NEGATIVE DECLARATION**

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to issue a Negative Declaration in this matter, the possible adoption of Local Law#3-2010 amending the Chapter 80 of the Code of the Village of Liberty.

This proposed law is a law to regulate the movement in front of, parking, standing or stopping in front of the following buildings:

*Liberty Square Mall – 187 Mill Street – Tax Map #115-2-6*  
*Shoprite Mall – 1939 State Route 52 – Tax Map #131-1-1*  
*Great American – 261 North Main Street – Tax Map #108-6-38*  
*Liberty Diner – Sullivan Avenue – Tax Map #121-1-8*  
*Liberty (Sears) Shopping Mall – Sullivan Avenue – Tax Map #121-3-9*  
*Achieve Rehab and Nursing Facility – Lake Street – Tax Map #117-2-21*

See SEQR attached.

### **CONSIDER VOTE ON PROPOSED LOCAL LAW #3-2010 RE: PARKING**

The vote on Proposed Local Law #3-2010 was tabled until the meeting of August 9, 2010 so the Attorney for the Village has proper time to prepare the law.

### **CONSIDER GOING OUT TO BID ON SURPLUS EQUIPMENT AND VEHICLES**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried declaring the following vehicles and equipment as surplus:

2001 - Ford Crown Victoria  
Serial #2FAFP71WXIX168173

2001 - Chevy Blazer  
Serial #1GNDT13W91K247366

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried to go out to bid on the above referenced surplus vehicles and equipment.

The bid opening will be Monday, August 9, 2010 at 11:00 a.m.

**CONSIDER LOAN TO WATER FUND FOR DEBT SERVICE PAYMENT**

Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried approving a loan of up to \$45,000 to the Water Fund from the General Fund to cover the August 2010 Debt Service.

**CONSIDER RESOLUTION TO APPLY FOR 2010 NYS CDBG COMMUNITY PLANNING PROGRAM**

**RESOL.#** Motion by Trustee Stoddard, seconded by Trustee McGuire and  
**31-2010:** unanimously carried approving Resolution #31-2010.

**WHEREAS**, the New York State Housing Trust Fund Corporation, Office of Community Renewal, has issued a Notice of Funding Availability for the 2010 NYS Community Development Block Grant Community Planning Program; and

**WHEREAS**, it is proposed to develop a "Academy Theater Revival" project to identify the potential to rehabilitate the Academy Theater Building at 151 North Main Street in the Village of Liberty for use as a performance space; and to create materials to facilitate the raising of funds to realize the proposed improvements;

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

- (a) Authorizes the Mayor of the Village of Liberty, Richard Winters to submit an application to the 2010 NYS CDBG Community Planning Program to secure up to \$40,000 in funding for the "Academy Theater Revival" project on behalf of the Village of Liberty as applicant; and
- (b) Authorizes the Mayor of Liberty, Richard Winters, to execute all financial and/or administrative processes relating to the grant program.

**TRUSTEE** Mayor Winters opened the meeting to comments from the Board.  
**REPORTS:** Trustee Alvarez –No Comment

Trustee Stoddard – No Comment

Trustee McGuire said she noticed that collections in the Justice Court were down slightly in June.

Trustee Stoddard told her it that a new batch of bench warrants have just been issued so it will most likely bring them back up in July.

Trustee McGuire discussed the capabilities of the Justice Court Software.

Trustee Lindsey said she has been working with Henrich regarding the sidewalk lighting and fixing the sidewalks. She said the contractor might be able to do pieces of the sidewalk wherever it is in the worst condition.

Trustee Lindsley said the Code Enforcement Officer Pam Winters is busy with lawn mowing.

Mayor Winters discussed the following issues

- Said the July 4<sup>th</sup> celebration had an excellent turn out.
- Discussed the Fuel Island and the Code violations that it received.
- Said Delaware Engineering P.C. is working on the violations at the Waste Water Treatment Plant received from the N.Y.S.D.E.C.
- Discussed the various sinkholes throughout the Village.

**APPROVAL** Motion by Trustee Lindsley, seconded by Trustee Stoddard and unanimously  
**OF BILLS** carried approving Voucher #10-118 to Voucher #10-189 in the amount of  
**FOR PYMT** \$175,332.79.

#### Post Audit Vouchers

Motion by Trustee Stoddard, seconded by Trustee Lindsley and unanimously carried approving Post Audit Voucher #10-107 to Voucher #10-117 in the amount of \$340,995.33.

**EXECUTIVE** Motion by Trustee Stoddard, seconded by Trustee McGuire and  
**SESSION:** unanimously carried to go into Executive Session at 8:30 p.m. to discuss the Timber Harvest Contract with the Attorney for the Village.

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



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

**THE MEETING WAS ADJOURNED AT 9:01 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI, CLERK/TREASURER**