

REGULAR MEETING

FEBRUARY 8, 2010

The Board of Trustees held the Regular Meeting of February 8, 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 and Trustee Dawn Green. Also Present: Robert Krahulik, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee David Simon

ALSO PRESENT: Joan Stoddard, Henrich Strauch, Elizabeth Montag, Luis Alvarez, William Cogswell, Edward LaGarde, Evangelia Fitzpatrick, Shannel Patterson, Nathaniel Serrano, Felix Colon, Malcolm Strother, Jasmin Serrano, Cristian Sercipio, Dontrea McLauin, Sam Miller, Scott Kaplan, Kayla Campbell, and Thomas Campbell.

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

PUBLIC HEARING – JANUARY 11, 2010 Re: Fines

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

REGULAR MEETING - JANUARY 11, 2010

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

- Flyer – Conference of Mayors 2010 Winter Legislative Meeting February 21 - 23
- Letter from SC Partnership Re: Thank You 1/19/2010
- Letter from SC Managers Office Re: Solid Waste User Fee 1/19/2010
- Letter to Police Department Re: Thank you for Good Work 1/25/2010
- Letter to Police Department Re: Hat/Mitten Drive 12/22/2009
- Letter to Police Department Re: Thank You for Traffic Assistance 1/31/2010
- Flyer – Keeping Pace with Energy Options – February 27th

OUTGOING

- Letter sent to State Comptrollers Office Re: Consolidation 2/5/10

RESOLUTION OF RESPECT FOR SEAN TIMOTY HANOFEE

Mayor Winters read the following **Resolution of Respect** for Sean Hanofee.

RESOLUTION OF RESPECT

SEAN TIMOTHY HANOFEE JUNE 5, 1964 – JANUARY 23, 2010

WHEREAS, the Village Board of the Village of Liberty was greatly grieved to learn of the untimely death of Sean Timothy Hanofee and;

WHEREAS, his career of Public Service included several terms as a Town of Liberty Councilman, District Coordinator for the 98th Assembly District; Town of Liberty Democratic Chairman and Trustee of the White Sulphur Springs United Methodist Church;

WHEREAS, throughout a lifetime career of public service, he earned the respect, admiration and high regard of all those whom he came into contact with;

BE IT THEREFORE RESOLVED, that the Honorable Mayor and Village Board of the Village of Liberty take public and official cognizance of his long and faithful service to the citizens of the Village and Town of Liberty, and express to his sorrowing family our sincere appreciation of his dedicated performance of the duties of his office and our deep realization of this loss;

BE IT FURTHER RESOLVED, that an official copy of this Resolution, signed by the Mayor will be published in the official newspaper of the Village of Liberty and sent to his family.

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

Tim Shera (Nature Lane) asked the Board to consider a name change for LaPolt Park. He said thanks to a Sullivan Renaissance grant he was able to construct a Peace Pole and do additional landscaping in the Park. He informed the Board that Hillside Greenhouses has taken on the maintenance of the Park and at this point he would like the Board to consider a name change to **LaPolt Peace Park**.

Mayor Winters said the Board would think about his request and discuss it at the next meeting.

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

Henrich Strauch addressed the following issues:

- Informed the Board that he has applied for an Archives Grant to conduct a study to set a Disaster Recovery Plan of Village records. This study would evaluate and make recommendations regarding the storage of Village records.
- Said he will be applying for a Justice Court Grant and asked the Board to consider the Resolution of Support on the agenda for this grant.
- Said he plans on working on a Community Development Block Grant for another Microenterprise Program and a Main Street Program.
- Informed the Board that George Popp from the USDA will be here on February 24th to inspect our ADA improvements to date.

Mayor Winters explained to the public that the USDA is the guardian/steward for ADA compliance and it is their requirement to have two handicapped accessible bathrooms based on the amount of people in the building for Court, etc. He said having one unisex bathroom was not an option for the Village.

ATTORNEY Attorney Chapman was not in attendance at the meeting. Attorney Robert **COMMENTS:** Krahulik was in attendance in his place.

TREAS. REPORT: Treasurer Zurawski reported on the following:

- Said all the Departments are working on the 2010/2011 budget.
- Tax Collection is still lagging from last year this time, with approximately \$66,000 less collected this year.

TABLED BUSINESS: **UPDATE ON ADA COMPLIANCE**

Henrich Strauch informed the Board progress is being made on the ADA compliant bathrooms and the drop down countertop in the Clerk's Office will be done next. He said the doors would also be done as soon as funding is made available for them.

CONSIDER RESOLUTION TO CANCEL UNENFORCEABLE TAXES, PENALTIES AND INTEREST ON A CEMETERY PARCEL LOCATED IN THE VILLAGE OF LIBERTY KNOWN AS TAX MAP # 109-1-12.2, WHICH WAS ERRONEOUSLY PLACED ON THE TAXABLE PORTION OF THE FINAL 2007, 2008 AND 2009 ASSESSMENT ROLLS.

RESO. # 2-2010: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Resolution #2-2010.

WHEREAS, on or about November 19, 2009 the Sullivan County Real Property Services was advised by the Assessor for the Town of Liberty that tax map parcel 109-1-12.3, owned by the Weyrauch Family Cemetery was

erroneously placed on taxable portion of the 2007, 2008 and 2009 final assessment rolls for the Town of Liberty; and

WHEREAS, tax bills for lien years 2008, 2009 and 2010 were generated for this parcel and

WHEREAS, these said tax liens are unenforceable due to the fact this parcel is wholly exempt from taxation pursuant to Section 446 of the Real Property Tax Law; and

WHEREAS, said tax liens against Liberty 109-1-12.3 should be eliminated, cancelled pursuant to Section 550(7)(a) and 558(3) of the Real Property Tax Law of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Liberty and the Assessor for the Village is authorized to cancel the delinquent and/or open tax liens, penalties and interest assessed to Town of Liberty, 109-1-12.3 pursuant to Sections 550(7)(a) and 558(3) of the Real Property Tax Law of the State of New York.

DISCUSS JUSTICE COURT ISSUES

Mayor Winters informed the Public that the Town and Village are working together to try to come up with a solution where both Justice Courts can possibly be housed together to save taxpayer money.

CONSIDER REQUEST FROM PARKS CONSULTING RE: VILLAGE SEWER

Mayor Winters said that Granite Associates is not interested in pursuing Village sewer services at this time.

UPDATE ON PREPLANNING GRANT FOR WASTE WATER TREATMENT PLANT

Edward LaGarde said the contract from Delaware Engineering has come in and is being sent to the Village Attorney and the Department Head for review. He said that Delaware Engineering had agreed not to bill us unless the grant is received. Mr. LaGarde also said that he would be meeting with Liz Tetra (Rural Water) and Candice Bommer later in the week.

NEW BUSINESS: CONSIDER REQUEST FROM H. RAMPE RE: BUILDING LOT SALE ON ALBION STREET

Mayor Winters explained that Mr. Rampe would like to buy a fifty-foot strip of land next to his house (on Albion Street), which is owned by the Village.

Attorney Krahulik said if the Village has absolutely no use for the land it can be declared as surplus.

Mayor Winters said he would want a permanent easement on the land with a No Build Policy, as the Village may still need to put a water storage tank on the other portion of the property.

Mayor Winters said this item would remain tabled until a resolution can be drawn up with all the stipulations that would be required by the Village.

The Board said they would send him a letter letting him know the review was favorable, however, there are some legal issues that have to be addressed before we can move forward. They said he could request an appraisal on the land if he wishes to get started on the matter.

CONSIDER REQUEST FROM KUSAR GRACE RE: BASKETBALL COURT IN MUNICIPAL PARKING LOT

Mayor Winters explained that Mr. Kusar would like to construct a basketball court in the parking lot behind the Fleet Bank building, which is owned by the Village.

Mayor Winters said the Board would consider Mr. Grace's request if the following conditions are met:

- He must pay for the entire project
- It must be fenced in and locked when not in use
- He must carry full insurance
- It must be supervised at all times.

Mayor Winters said there are four basketball courts at the Liberty High School, which can be used by the local youths.

CONSIDER SETTING A SPECIAL MEETING TO DISCUSS VILLAGE FINANCIAL

Mayor Winters said he would like to hold a Pre-Budget Special Meeting to solicit public comments on the Village's financial situation.

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried to set a tentative date of Thursday, February 25th at 7:00 p.m. to discuss the Village's financial situation with the residents of the Village.

CONSIDER GOING OUT TO BID FOR LOGGING REVONAH LAKE

Motion by Trustee McGuire, seconded by Trustee Lindsley and unanimously carried to go out to bid for Timber Sales (Logging) on the following parcel of land:

Tax Map #18-1-1 – 226-acre parcel located at Revonah Hill Road

A detailed Timber Sales Prospectus may be obtained at the Village Clerk's Office, 167 North Main Street, Liberty, New York.

Sealed bids will be opened on Tuesday, March 23, 2010 at 11:00 a.m.

CONSIDER ELECTION INSPECTORS FOR MARCH 16, 2010 VILLAGE ELECTIONS

RESOL.# Motion by Trustee Lindsley, seconded by Trustee Green and
3-2010 unanimously carried approving Resolution #3-2010.

RESOLVED, the Village of Liberty Board of Trustees approves the following Election Inspectors for the March 16, 2010 Village Elections:

REPUBLICAN

John Lorincz
Chris Schiff
Glen Kaempf

DEMOCRATIC

Matthew Frumess
Barnaby Frumess
Barbara Walker

CONSIDER APPLYING FOR JUSTICE COURT GRANT "LIBERTY MUNICIPAL COURTS COOPERATION"

RESOL.# Motion by Trustee Lindsley, seconded by Trustee Green and unanimously
4-2010: carried approving Resolution #4-2010.

WHEREAS, the New York State Department of State has issued a Notice of Funding Availability for General Efficiency Planning Grants under its Local Government Efficiency Grant Program; and

WHEREAS, the Village of Liberty Board of Trustees is determined to identify opportunities to improve the financial and procedural efficiency of the municipal administration of the Village of Liberty; and

WHEREAS, it is proposed to conduct a "Liberty Municipal Courts Cooperation Study" project to identify the potential for efficiency gains through a closer collaboration between the Justice Courts of the Village of Liberty and the Town of Liberty; and to propose actions to realize those efficiency gains; and

WHEREAS, the Town of Liberty has agreed to collaborate with the Village on this project;

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

- (a) Agrees for the Village of Liberty to act as lead applicant for a grant application of up to \$25,000 to the New York State Department of State's Local Government Efficiency Grant Program;
- (b) Designates the Mayor of Liberty, Richard Winters, as the Lead Applicant Contact Person, and Edward LaGarde as his designee, and authorizes the Lead Applicant Contact Person and/or the designee to submit an application to the Local Government Efficiency Grant Program for the 2009-2010 program year;
- (c) Authorizes the Lead Applicant Contact Person and/or the designee to execute all financial and/or administrative processes relating to the grant program;
- (d) Commits to provide a required cash match of up to \$1,250 for the grant application;
- (e) Agrees to enter into an inter-municipal agreement with the Town of Liberty with respect to the future improved collaboration between the Justice Courts of the Village of Liberty and the Town of Liberty.

CONSIDER RESOLUTION NAMING THE MONTH OF MARCH AS "MUSIC IN OUR SCHOOLS MONTH"

RESOL. 5-2010: Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Resolution #5-2010.

**Resolution naming the
Month of March
"Music in our Schools Month"**

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 1,100 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 2010 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 REVIEWING CEDARHURST JUSTICE COURT PROGRAM AND IMPLEMENTING IN THE VILLAGE OF LIBERTY COURT SYSTEM

Edward LaGarde said he has been discussing the collection of parking tickets with the Village of Cedarhurst (Long Island). He said he is seeking an adequate way to collect the revenue from these tickets issued by the Village of Liberty, of which there is \$182,000 outstanding since 1995 (\$30,000 is from the last two years). He said he looked at the Village of Cedarhurst as they process 3,000 tickets a month and have a 98% recovery rate. He said they seek civil judgments after the person does not show up in court, which ends up on their credit report and can be renewed every ten years. He said the \$75 to \$100 for each ticket is recoverable from the violator and they also charge 12% interest per year.

Mr. LaGarde said he would like to take five or six accounts and try this program on them and see our success rate.

Motion by Trustee McGuire, seconded by Trustee Green and unanimously carried to implement this test program on several Justice Court subjects to see its success rate.

CONSIDER SEWER CREDIT FOR WATER/SEWER ACCOUNT #5-33300/GONZALEZ

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving a sewer credit of \$217.06 for Water/Sewer Account #5-33300 (50 Winslow Place) in the name of Barbara Ramos Gonzalez. Ms. Gonzalez found a hose running in her yard causing her quarterly bill from September 1 – December 1, 2009 to be 38,900 gallons more than her average bill.

**TRUSTEE
REPORTS:**

Mayor Winters opened the meeting to comments from the Board.

Trustee McGuire thanked Edward LaGarde for doing a great job with the Village finances and the hard work he has put into the court collections. She said the Justice Court had an excellent month in January collecting more than \$24,000 in fines. She said they have processed a lot more bench warrants and the restitution account has been reconciled.

Trustee McGuire also thanked Trustee Lindsley for her phone calls on behalf on the Justice Court.

Trustee Green said she would like to consider Ed LaGarde in the 2010/2011 as he is an asset to the Village.

Trustee Green also said Lillian and Vicki are doing a great job.

Trustee Lindsley thanked Edward LaGarde for the good job he is doing. She said she would like to see him on the payroll for next year.

Trustee Lindsley thanked the Liberty High School students for attending the meeting.

Mayor Winters said he thinks the Village's relationship with the Town is getting stronger each day.

Mayor Winters said he was deeply saddened by Councilman Sean Hanofee's death, way before his time.

APPROVAL Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving Voucher #9-784 to Voucher #9-855 in the amount of **OF BILLS** \$118,738.23. **FOR PYMT**

Post Audit Vouchers

Motion by Trustee Lindsley, seconded by Trustee McGuire and unanimously carried approving Post Audit Voucher #9-778 to Voucher #9-783 in the amount of \$246,689.78.

K-9 Bills for Payment

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following K-9 Bills for Payment:

Liberty Pet Center - \$429.29
K.J.B.L. Electronics - 375.50

Federal Drug Money Account Bill for Payment

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following Federal Drug Money Account Bill for Payment:

ProBuild East LLC - \$87.04

DWSRF Bill for Payment

Motion by Trustee Lindsley, seconded by Trustee Green and unanimously carried approving the following DWSRF Bill for payment:

McGoey, Hauser and Edsall - \$581.96

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

THE MEETING WAS ADJOURNED AT 7:30 P.M.

RESPECTFULLY SUBMITTED,

JUDY ZURAWSKI, CLERK/TREASURER