

SPECIAL MEETING

MAY 5, 2010

The Board of Trustees held a Special (Emergency) Meeting on May 5, 2010 at the Village Municipal Building, 167 North Main Street, Liberty, New York. Mayor Winters opened the meeting with the Pledge of Allegiance. The purpose of the meeting was to address the sewer issue on Green Lane.

PRESENT: Mayor Richard Winters, Trustee Shirley Lindsley, Trustee Luis Alvarez, Trustee Corinne McGuire and Trustee Joan Stoddard. Also Present: Langdon Chapman, Village Attorney and Pam Winters, Code Enforcement Officer.

ABSENT: Judy H. Zurawski, Clerk/Treasurer

ALSO PRESENT: Elizabeth Montag, Alan Goldstein, S. Richard Gross and Peter Parks

NEW BUSINESS: **DISCUSSION OF SEWER ISSUE ON GREEN LANE**

Attorney Chapman asked Peter Parks to describe what he needs to do on a short-term basis.

Peter Parks explained the Village needs to put in a 1,500-gallon concrete tank next to the manhole the Village is pumping out of. The Village will have two underground pumps in the tank. We will then run a short piece of sewer main from the manhole to the tank and when it's full, pump the sewer through a 3 or 4-inch force sewer main from Almond Place, up the bank and once it is onto Chestnut Street, into a manhole.

Alan Goldstein asked if this is temporary?

Peter said it is temporary to stop the Village Employee overtime and avoid any issues we may have with the N.Y.S.D.E.C. It will become permanent service to the two homes that come out of the back of Almond Place. The Village will also have the Sewer Department check the pump stations to make sure everything is working properly. There also will be an automatic dialing system for emergencies that will ring through the Police Department or to Village cell phones.

Trustee McGuire said from what she is understanding after this service has been put into these two homes on Chestnut/Almond Place, the whole line will eventually be deleted and brought out another way?

Alan Goldstein asked if the Village would be building a pump station.

Peter explained that if things go well, the Village would put a pump station on the other side of the creek, behind Yaun Company. It will pick up all the sewage from that area, about one-quarter of the Village's sewer. The sewage will be pumped over the hill, to the railroad tracks and run down behind Agway to Lake Street, then the line from Chestnut Street to Green Lane will be eliminated.

Trustee McGuire asked once the pump station is put in, will there be any chance for overflow again?

Peter said no, that the line would not be hooked up anymore.

Trustee Stoddard said the line would be from Green Lane going toward Crescitelli's and continue down.

Peter said that is correct.

Trustee Stoddard asked if the whole bad spot would be eliminated?

Peter said yes.

Mayor Winters explained a long-term solution is included in the engineering plans; it shows how the pump station will eliminate the entire line through the woods.

Peter said it would mean no more overflows on the ground or in the creek.

Alan Goldstein said the property smells terrible.

Peter said he would have the employees spread more lime over the area.

Alan Goldstein's said he put his attic fan on and it just blows it and if he puts his air conditioner on it just blows the smell around.

Mayor Winters said once we get the pump station put in and the employees have had a little rest he will have them go to the site and collect some of the waste and get it out of there and the smell will go away.

Peter Parks said he would ask John Picard (WWTP Working Supervisor) if there is anything he can suggest to spread on it.

Mayor Winters asked Peter Parks how is making out with the electric company and the pump and tank supplier.

Peter said he just got a twenty (20)-page fax from the Village Engineer on the pump station design. They also sent pictures and quotes, however the quote has an X through it so he will have to call them to get a price.

Trustee Lindsley asked once the work is started, how long will it take?

Peter explained that first the Village needs to settle everything with Mr. Goldstein regarding the easement. The engineers need a copy of the whole scope of the project to give to the private contractor. NYSEG and Electro Electric need copies of the agreement we make with Mr. Goldstein regarding the easement.

Trustee Lindsley asked how long it would take to do the work once we have all these issues settled, all summer? a few weeks?

Peter said once everything is settled with Mr. Goldstein, NYSEG and Electro Electric and they all have copies of the agreement it will be just a matter of finding a contractor. Peter said right now the Village has three in mind and we will go with who ever has the lowest responsible quote.

Attorney Chapman said he thinks Trustee Lindsley wants to know how long Mr. Goldstein's property will be disturbed.

Trustee Lindsley said yes that is what she was trying to figure out.

Mr. Goldstein said the smell was not bad at first but the last few days it has been bad.

Peter said the project should take a week or two. First, they need to set the tank, and then they need to pump up everything, run the power, set the pole and dig to Chestnut Street.

Attorney Chapman addressed Mr. Goldstein, stating that he had spoke to Attorney Richard Gross and he says he does not represent you but he said he would review the language of the easement, if the Village would pay the legal fees. Reviewing the easement should take no more than one to two hours. The Village might be willing to pay no more than \$500.00 to have the review done. Attorney Chapman said he would send the information to him if Mr. Goldstein would like to meet with him to review it.

Mr. Goldstein said he would be meeting Attorney Richard Gorses tomorrow.

Attorney Chapman explained the Village cannot make it a gift. The Village can pay a legitimate value for the easement. The Village cannot take over a road it does not need access to.

Attorney Chapman asked Pamela Winters (Code Enforcement Officer) if it is a buildable lot.

Pamela said it is not.

Attorney Chapman said therefore there is no value to the property. Attorney Chapman explained that he did not mean that in a negative way, it just means that Mr. Goldstein is not losing any value or accessibility to his property.

Mr. Goldstein said the Village would go ahead with this project no matter what he says.

Attorney Chapman said that would probably be the case.

Mayor Winters said there would be only minimum contact with Mr. Goldstein's property.

Peter said the Village would be going 191 feet from the corner of Mr. Goldstein's property and start at that point.

Mayor Winters said the tank would be up near the manhole. It will be in the very corner of Mr. Goldstein's lot, in the ground.

Peter said Mr. Goldstein wanted to know what he would see visually. He explained he would see a control panel - two posts with a piece of plywood and a control panel.

Mayor Winters asked if the Board was done with what they need to do tonight.

Attorney Chapman said he would like to ask the Board to authorize the appraisal of the value of the easement. He said Mr. Goldstein and his attorney (Richard Gross) would have to sign it so we can have the appraisal done.

Mr. Goldstein said he would have it signed and back to the Village by 12 o'clock tomorrow.

Attorney Chapman said once the easement is signed it will take a couple of days or possibly a week or two.

Mr. Goldstein asked again if there was any way to get something done on the road?

Attorney Chapman said the Village couldn't constitutionally do anything.

CONSIDER APPRAISAL FOR EASEMENT ON MR. GOLDSTEIN'S PROPERTY.

RESOL# Motion by Trustee Stoddard, seconded by Trustee Alvarez and
23-2010: unanimously carried approving Resolution #23-2010.

WHEREAS, the Village of Liberty Board of Trustees approves paying for an appraiser and the legal fees on the property owned by Mr. Goldstein – known as tax map #112-1-4 and will pay Mr. Goldstein the appraised value of such easement.

ADJOURN: Motion by Trustee Stoddard, seconded by Trustee Alvarez and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 8:00 P.M.

RESPECTFULLY SUBMITTED

JUDY H. ZURAWSKI, CLERK/TREASURER