

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
January 22, 2014 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on January 22, 2014 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Alan Werlau
Cheryl Gerow
Sara Sprague
Eli Ruiz
Eric Taylor
Amy Amaral
Carol Montana
Debbie Lyden

After the Pledge of Allegiance, Supervisor Barbuti called the meeting to order at 7:00 p.m.

CORRESPONDENCE

1. A letter from the Sullivan County Chamber of Commerce regarding nominations for the Sullivan County Pride Award.
2. A letter from the NYS Dept. of Transportation regarding the speed limit reduction for Parksville Rd.
3. A letter from Nancy Levine on behalf of the Swan Lake Renaissance.

PUBLIC PARTICIPATION

Wes Illing gave a presentation on behalf of the Parksville Priorities Committee

PLANNING & ZONING BOARD MINUTES

None received

RESOLUTION NO 24-14

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- January, 2014 Abstract:
Claims #1 to #125 totaling \$437,122.98
- December, 2013 Post Abstract:
Claims #2511 to #2513 totaling \$6,483.71
- December, 2013 General Ledger Abstract:
Claims #430 to #484 totaling \$537,948.01

5 AYES - Carried

RESOLUTION NO 25-14

APPROVAL OF MINUTES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Brian McPhillips**, the Town Board approved the following minutes as submitted:

Dept. Head Mtg. 10/21/13
Regular Monthly Mtg. (Meeting cancelled due to inclement weather)

5 AYES - Carried

RESOLUTION NO 26-14

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 12/2013

5 AYES - Carried

OLD BUSINESS

- | | |
|---|------------------|
| 1. Proposed changes to Zoning District Intent Charts-EAF | CARRYOVER |
| 2. White Sulphur Springs R1 Zoning Change | CARRYOVER |
| 3. Summer Parking Enforcement | CARRYOVER |
| 4. Loomis Phase 1, DEC (Mtg. 1/22 ask for extension until 2/28 April to be fully operational) | |

RESOLUTION NO 27-14

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$660.00 for administrative services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

RESOLUTION NO 28-14

APPROVAL OF TOWING LICENSES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the following towing licenses:

- Moriggia Inc. dba Mike's Tires (4)
- Sam's Towing & Recovery
- Robert Wilbur(1)
- Sullivan County First Recycling (3)

5 AYES - Carried

RESOLUTION NO 29-14

APPROVAL OF REFUSE COLLECTION LICENSES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the following refuse collection licenses:

- Sims Metal East LLC (2)

5 AYES - Carried

RESOLUTION NO 30-14

APPROVAL OF 2013 BUDGET TRANSFERS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the following 2013 budget transfers:

Account	To (+)	From (-)
	\$	
A 1330.4	34	
A 1420.1	\$ 6,785	
A 1420.4		\$ 3,000
A 3510.2	\$ 550	
A 3510.4		\$ 550
A 5132.4	\$ 2,140	
A 5182.4	\$ 1,272	
A 7110.4	\$ 1,132	
A 7111.1		\$ 632
A 7111.2		\$ 500
A 7150.4	\$ 48	
A 7310.4		48
A 1440.4		5000
A 1620.4		\$ 2,231
B 3620.2	\$ 52	
B 3620.4		\$ 52
DA 5130.4	\$ 4,834	
DA5142.4	\$ 1,342	
DA 5142.1		\$ 6,176
Total:	\$ 18,189	\$ 18,189

5 AYES - Carried

RESOLUTION NO 31-14

APPROVAL OF STIPULATION OF SETTLEMENT WITH PARTH CO., LLC

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the following:

TO SETTLE THE LITIGATION INITIATED BY

PARTH CO., LLC, PETITIONER,

AGAINST

TOWN OF LIBERTY, ITS ASSESSOR AND BOARD OF
ASSESSMENT REVIEW, the LIBERTY SCHOOL DISTRICT
and the VILLAGE OF LIBERTY, RESPONDENTS

WHEREAS, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the year 2012 and 2013 with respect to a certain parcel owned by the Petitioner located in the Town of Liberty ("Town"); and

WHEREAS, the Town has appeared in said proceedings through Walter F. Garigliano, Esq.; and

WHEREAS, Petitioner has appeared in said proceedings through Hubert J. Brandt, Esq., of Brandt, Steinberg & Lewis LLP; and

WHEREAS, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner's complaint with respect to the 2012 and 2013 assessment roll.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Walter F. Garigliano, Esq. be authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing on this date; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq. and/or Kathy Sprague, Assessor, be, and they hereby are, authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town thereto; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq., be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to finalization of this settlement.

Moved by Councilperson Brian McPhillips, Seconded by Councilperson Thomas

Hasbrouck and

a roll call vote thereon as follows:

Charles Barbuti	voting AYE
Dean Farrand	voting AYE
Thomas Hasbrouck	voting AYE
Brian McPhillips	voting AYE
Russell Reeves	voting AYE

5 AYES - Carried

RESOLUTION NO 32-14

APPROVAL OF STIPULATION OF SETTLEMENT WITH FIRST CLASS MANAGEMENT OF NY LLC

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the following:

TO SETTLE THE LITIGATION INITIATED BY
FIRST CLASS MANAGEMENT OF NY LLC, PETITIONER
AGAINST
TOWN OF LIBERTY, RESPONDENT

WHEREAS, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the year 2013 with respect to a certain parcel owned by the Petitioner located in the Town of Liberty ("Town"); and

WHEREAS, the Town has appeared in said proceedings through Walter F. Garigliano, Esq.; and

WHEREAS, Petitioner has appeared in said proceedings through Jay L. Zeiger, Esq.; and

WHEREAS, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner's complaint with respect to the 2013 assessment roll.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Walter F. Garigliano, Esq. be authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing on this date; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq. and/or Kathy Sprague, Assessor, be, and they hereby are, authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town thereto; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq., be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to finalization of this settlement.

Moved by Councilperson Thomas Hasbrouck

Seconded by Councilperson Dean Farrand,

and a roll call vote thereon as follows:

Charles Barbuti	voting AYE
Dean Farrand	voting AYE
Thomas Hasbrouck	voting AYE
Brian McPhillips	voting AYE
Russell Reeves	voting AYE

5 AYES - Carried

RESOLUTION NO 33-14

APPROVAL OF STIPULATION OF SETTLEMENT WITH JACK BODOLOSKY

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the following:

TO SETTLE THE LITIGATION INITIATED BY

JACK BODOLOSKY, PETITIONER

AGAINST

TOWN OF LIBERTY, RESPONDENT

WHEREAS, Petitioner has served and filed a notice of petition and petition for review and reduction of assessment found in the year 2013 with respect to a certain parcel owned by the Petitioner located in the Town of Liberty (“Town”); and

WHEREAS, the Town has appeared in said proceedings through Walter F. Garigliano, Esq.; and

WHEREAS, Petitioner has appeared in said proceedings through Steven H. Kurlander, Esq.; and

WHEREAS, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner’s complaint with respect to the 2013 assessment roll.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Walter F. Garigliano, Esq. be authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing on this date; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq. and/or Kathy Sprague, Assessor, be, and they hereby are, authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town thereto; and, be it further

RESOLVED, that the said Walter F. Garigliano, Esq., be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to finalization of this settlement.

Moved by Supervisor Charlie Barbuti,

Seconded by Councilperson Thomas Hasbrouck,

and a roll call vote thereon as follows:

Charles Barbuti	voting AYE
Dean Farrand	voting AYE
Thomas Hasbrouck	voting AYE
Brian McPhillips	voting AYE
Russell Reeves	voting AYE

5 AYES - Carried

RESOLUTION NO 34-14

APPROVAL & AUTHORIZATION FOR SUPERVISOR TO SIGN PARTIAL TAX EXEMPTION AGREEMENT WITH THE LIBERTY VILLAGE LIMITED PARTNERSHIP (BELMONT MANAGEMENT)

Motion by Councilperson Thomas Hasbrouck, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby give its approval and authorization for Supervisor Barbuti to sign partial tax exemption agreement with the Liberty Village Limited Partnership (Belmont Management)

5 AYES - Carried

RESOLUTION NO 35-14

APPROVAL OF PROPOSAL SUBMITTED BY MARK BLAUER OF BLAUER ASSOCIATES FOR ADMINISTRATIVE SERVICES FOR THE LOOMIS SEWER DISTRICT WASTEWATER TREATMENT FACILITY UPGRADE PHASE II PROJECT

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the proposal submitted by Mark Blauer of Blauer Associates for Administrative Services for the Loomis Sewer District Wastewater Treatment Facility Upgrade Phase II Project.

5 AYES - Carried

RESOLUTION NO 36-14

A RESOLUTION AUTHORIZING THE RETENTION OF AN ENGINEERING FIRM TO SURVEY, DESIGN, PREPARE SPECIFICATIONS AND ENGINEER'S REPORTS, AND PREPARE BID AND CONTRACT DOCUMENTS FOR PHASE II OF THE LOOMIS WASTEWATER TREATMENT PLANT UPGRADE PROJECT AT A MAXIMUM ESTIMATED COST OF \$30,000, AND PAYMENT OF SUCH COST BY THE EXPENDITURE OF THE SUM OF \$30,000 FROM THE TOWN OF LIBERTY LOOMIS SEWER DISTRICT CAPITAL RESERVE FUND

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize the retention of an engineering firm to survey, design, prepare specifications and engineer's reports, and prepare bid and contract documents for Phase II of the Loomis Wastewater Treatment Plant Upgrade project a maximum estimated cost of \$30,000, and payment of such cost by the expenditure of the sum of \$ 30,000 from the Town of Liberty Loomis Sewer district Capital Reserve Fund.

5 AYES - Carried

RESOLUTION NO 37-14

LOOMIS SEWER DISTRICT WASTEWATER TREATMENT PLANT RECLASSIFIED FROM AN UNLISTED ACTION TO A TYPE II ACTION

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 21st day of January, 2014 at 7:00 p.m. prevailing time.

The meeting was called to order by Supervisor Barbuti and upon roll being called, the following were:

PRESENT: Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

ABSENT:

The following resolution was introduced by Councilperson Thomas Hasbrouck, who moved its adoption, and seconded by Councilperson Brian McPhillips, to wit:

WHEREAS, the Town of Liberty has undertaken a project to upgrade the Loomis Sewer District Wastewater Treatment Plant (“the Action”); and

WHEREAS, the Town Board classified the Action as an Unlisted Action pursuant to the regulations promulgated pursuant to the State Environmental Quality Review Act and caused a Short Environmental Assessment Form to be prepared; and

WHEREAS, by resolution of the Town Board duly adopted on February 6, 2012, the Town Board, acting as Lead Agency, issued a Negative Declaration that the Action will not have a significant impact on the environment and caused the same to filed; and

WHEREAS, the Action, in its entirety, has been undertaken and is proceeding pursuant to an Order on Consent made by the New York State Department of Environmental Conservation, dated August 19, 2012 in Case No. R3-20110621-73 and is a mandated course of action in an administrative enforcement proceeding specifically required to be undertaken therein.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, that the Action be and the same hereby is reclassified from an Unlisted Action to a Type II Action pursuant to §617.5(c)(29) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor Charlie Barbuti voting	AYE
Councilperson Thomas Hasbrouck voting	AYE

Councilperson Dean Farrand voting	AYE
Councilperson Russell Reeves voting	AYE
Councilperson Brian McPhillips voting	AYE

The resolution was thereupon declared duly adopted.

5 AYES - Carried

BOARD DISCUSSION

Councilperson Brian McPhillips

- Attended the P&R meeting, discussed the West Lake St. Ice Skating Rink

Councilperson Russell Reeves

- Had a question about Loomis but it was already answered

Councilperson Dean Farrand

- Worksession after next meeting we should talk about marketing

Councilperson Thomas Hasbrouck

- Discussion regarding plows hitting light poles

Supervisor Charlie Barbuti

- Would like to send Chris Austin a Certificate of Appreciation
- Would like to have a Mission Statement which reaffirms the Comp Plan
- The Mysteryland concert would like to have homes available for guest to stay at
- A guy was stealing electric and Supervisor had him arrested
- Reminder about meeting on 2/10 at the High School
- Town Personnel Committee liason is Councilman Reeves
- Weitsman submitted his response to the appeal and is going forward w/ project
- Will send agreement to secure funds at Zalkins
- Fireman did an excellent job on Main Street and did an amazing save

RESOLUTION NO 38-14

EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby go into Executive Session at 8:15 p.m. to discuss a personnel issue.

5 AYES - Carried

RESOLUTION NO 39-14

OUT OF EXECUTIVE SESSION

Motion by Councilperson Russell Reeves, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 8:45 p.m.

5 AYES - Carried

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Dean Farrand, the Town Board does hereby adjourn the meeting at 8:48 p.m.

Respectfully submitted,

Laurie Dutcher

Laurie Dutcher, Town Clerk