

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
January 24, 2011

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

Supervisor John Schmidt
Deputy Supervisor Clarence Barber
Councilperson Maurice Gerry
Councilperson Lynn Killian
Councilperson Chris Austin
Town Attorney Kenneth Klein

Absent:
Councilperson Thomas Hasbrouck

Recording Secretary: Town Clerk Laurie Dutcher

Also present:
Finance Director Earl Bertsch
Water & Sewer Foreman Albert Picard
Budget Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague
CDC Director Heinrich Strauch

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

CORRESPONDENCE

COMPREHENSIVE PLAN UPDATE

PLANNING & ZONING BOARD MINUTES

RECOGNIZE THE PUBLIC

Leo Jones & John Nicolitz

Leo Jones and Mr. Nicolitz came to the Board meeting to speak about relocating the Liberty Scrap Metal to the Sutherland property at Exit 99.

It was determined that they plan on purchasing the Sutherland property to be used for transfer of product to Owego, New York for processing. It would entail cars and scrap metal and removal of fluids. The area would be fully paved with controlled storm runoff.

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The Town Board will look into the possibility of a modification to the junkyard ordinance.

Pat Lubin

Ms. Lubin came to the Town Board and reported on her Neighborhood Watch with regard to 180 Old Loomis Road.

Dan Ratner

Mr. Ratner came to speak to the Town Board regarding the possible dissolution of the Village of Liberty court and the possible repercussions.

RESOLUTION NO 27-11

APPROVAL OF AUDIT

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board approved the following:

- January, 2011 Abstract:
Claims #1 to #134 totaling \$354,156.72

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 28-11

APPROVAL OF MINUTES

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following minutes as submitted:

12/14/1010	Special Meeting
12/21/2010	Special Meeting
12/20/2010	Public Hearing
12/20/2010	Public Hearing
12/20/2010	Regular Monthly Meeting
12/29/2010	End of Year Meeting
1/3/2011	Re-organizational Meeting

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 29-11

ACCEPTANCE OF MONTHLY REPORTS

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Motion by Councilperson Lynn Killian, seconded by **Councilperson Chris Austin**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 12/2010

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

OLD BUSINESS

RESOLUTION NO 30-11

ADOPTION OF THE TOWN OF LIBERTY AGRICULTURE AND FARMLAND PROTECTION PLAN

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby approve the following resolution:

WHEREAS, an Agriculture and Farmland Protection Plan was developed under NYS Agriculture and Markets Circular 1500 Article 25-AAA, Section 324-; and

WHEREAS, the adopted Town of Liberty Comprehensive Plan establishes agriculture as a critical land use to be protected and enhanced in the Town of Liberty; and

WHEREAS, a properly crafted strategic plan assists with the protection of the Towns agricultural resources and promotes farming activities as called for in the Town of Liberty Comprehensive Plan; and

WHEREAS, the Town of Liberty tasked a joint Bethel/Liberty Agriculture and Farmland Planning Committee as a duly appointed committee with membership representing major farming sectors in the town, a Town Board member, a representative from the local agri-business community, and representatives of the community and agricultural organizations to study agriculture and land uses that impact agriculture in the Town, collect data and prepare a draft protection plan; and

WHEREAS, the Town utilized a planning consultant to assist in data collection, mapping, map analysis, and technical help to develop the plan; and

WHEREAS, the Town engaged in an extensive effort to solicit public and farmer input; and

WHEREAS, one public meeting was held by the Bethel/Liberty Agriculture and Farmland Planning Committee to solicit input from the community on the Town of Liberty Agriculture and Farmland Protection Plan; and

WHEREAS, the Town Board held a public hearing as per NYS Agriculture and Markets Circular 1500 Article 25-AAA, and as per NYS Town Law 272-a; and

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WHEREAS, the Town Board has reviewed the draft Agriculture and Farmland Protection Plan; and

WHEREAS, the Town board has forwarded a copy of the Agriculture and Farmland Protection Plan to the Sullivan County Planning Board to receive a GML 239-m review as per NYS 272-a in order to adopt this plan as an addendum to the Town of Liberty Comprehensive Plan; and

WHEREAS, Town Law 272-a requires a State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for approval of this plan and the Town Board has completed this review and made a negative declaration as per 6 NYCRR Part 17;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF LIBERTY, SULLIVAN COUNTY, NEW YORK:

THAT THE Town board of the Town of Liberty hereby approves the Town of Liberty Agriculture and Farmland Protection Plan as an addendum to the Town of Liberty Comprehensive Plan; and

FURTHER BE IT RESOLVED THAT THE Town Board of the Town of Liberty shall forward to the Town of Liberty Agriculture and Farmland Protection Plan immediately for review and approval by the Sullivan County Farmland Protection Board as per Circular 1500 Article 25-AAA, Section 324-a; and

FURTHER BE IT RESOLVED THAT THE Town Board of the Town of Liberty shall forward the Town of Liberty Agriculture and Farmland Protection Plan, upon approval by the Sullivan County Farmland Protection Board to the New York State Commissioner of Agriculture and Markets for final State approval as per Circular 1500 Article 25-AAA, Section 324-a.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

1. Job descriptions
Non-competitive – need criteria – carryover to next meeting
2. Zoning revisions
Sub-committee to meet regarding Joan Kittredge's concerns.
3. Draft Local Law authorizing the Planning Board to waive site plan review requirements.
Planning Board will look at issue at their February 1, 2011 meeting
4. Windmills Attorney Walter Garigliano to obtain Town of Neversink code for example

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NEW BUSINESS:

RESOLUTION NO 31-11

APPROVAL OF THE 2011 SALARY SCHEDULE

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board approved the 2011 salary schedule which is on file in the Town Clerks Office.

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 32-11

APPROVAL TO DISPOSE OF COUCH IN JUSTICE OFFICE

Motion by Councilperson Lynn Killian, seconded by **Councilperson Chris Austin**, the Town Board does hereby authorize the disposal of (1) couch from the Justice Court Office.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 33-11

APPROVAL OF YEAR END BUDGET MODIFICATIONS

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following Year End Budget Modifications:

2010 Budget Transfers

Account Number	To (+)	From (-)
A 1110.1	\$ 989.00	
A 1110.2	\$ 500.00	
A 1110.4		\$ 608.00
A 1220.1		\$ 186.00
A 1220.4	\$ 386.00	
A 1310.1	\$ 203.00	
A 1310.4		\$ 203.00
A 1355.1	\$ 1907.00	
A 1355.2	\$ 590.00	
A 1355.4		\$2,497.00
A 1410.1	\$ 442.00	
A 1410.4		\$ 442.00
A 1620.1	\$ 510.00	

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A 1620.2		\$ 510.00
A 1680.1	\$ 688.00	
A 1680.4		\$ 688.00
A 3510.4	\$ 1,662.00	
A 5010.1	\$ 300.00	
A 5010.4		\$ 300.00
A 5132.2	\$14,639.00	
A 5132.4	\$14,504.00	
A 7020.1	\$ 3,503.00	
A 7020.2		\$ 500.00
A 7020.4		\$2,139.00
A 7110.4		\$1,336.00
A 7510.4	\$ 438.00	
A 7550.4	\$ 34.00	
A 1990.4		\$27,000.00
A 9060.8		\$ 4,886.00
TOTAL:	\$41,295.00	\$41,295.00

DA 5142.4	\$ 3,238.00	
DA 5130.4		\$ 3,238.00
TOTAL:	\$ 3,238.00	\$ 3,238.00

DB 5110.4	\$ 8,355.00	
DB 9060.8		\$ 8,355.00
TOTAL:	\$ 8,355.00	\$ 8,355.00

S1 8110.3	\$ 2,500.00	
S1 8110.4		\$ 2,500.00
TOTAL:	\$ 2,500.00	\$ 2,500.00

S2 8110.3	\$ 4,500.00	
S2 8110.4		\$ 4,500.00
TOTAL:	\$ 4,500.00	\$ 4,500.00

W1 8310.4	\$ 812.00	
W1 8311.3	\$ 12,800.00	
W1 9901.9100		\$11,673.00
W1 9901.9500		\$ 1,939.00
TOTAL:	\$13,612.00	\$13,612.00

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W2 8310.4	\$ 9,748.00	
W2 9901.9100		\$ 9,748.00
TOTAL:	\$ 9,748.00	\$ 9,748.00

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

1. Discussion regarding proposals to install five (5) lighting poles in Swan Lake. Board to ask CDC Director Heinrich Strauch who the third person was.
2. Letter received from Francesco Campione requesting an adjustment to their water bill. After a short discussion it was determined that Supervisor John Schmidt would write them a letter of refusal.
3. Letter received from Mark Blauer offering to submit 2011 Small Cities Grant application at no cost to the Town

RESOLUTION NO 34-11

BLAUER & ASSOCIATES TO SUBMIT 2011 CDBG GRANT

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby accept the submission of the 2011 Small Cities Grant application by Mark Blauer at no cost to the Town.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 35-11

PUBLIC HEARING FOR CDBG 2011 GRANT

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby schedule a public hearing for CDBG Grant for Loomis on March 7, 2011 at 3:50 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

4. Approval to pay Blauer & Associates \$800 and Kelly Engineering \$7,260 for the White Sulphur Springs Water Project.

RESOLUTION NO 36-11

APPROVAL TO PAY BLAUER & ASSOC. / KELLY ENGINEERING

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Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board does hereby grant approval to pay Blauer & Associates \$800.00 and Kelly Engineering \$7,260.00 for the White Sulphur Springs Water Project.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 37-11

APPROVAL OF CHANGE-ORDER TO THE RT. 55/LOOMIS WATER DISTRICT PROJECT

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board does hereby grant approval of the change-order to the Rt. 55/Loomis Water District Project in the amount of \$3,666.20.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

Discussion regarding the Joint Payment Agreement between the Town and Ellis Woodworking and American Builders & Contractors Supply Co. The Town Attorney suggests the Board does not sign.

Memo from Finance Director Earl Bertsch regarding the 2010 retirement incentive for Maureen Barber.

Confidential Secretary Maureen Barber advised the Board that during last years budget process she was told her salary would be \$17,571 annually, now Finance Director Bertsch has told her that a mistake was made and that her salary would now be \$13,174 to be paid as \$16.89 per hour. Mrs. Barber advised that she was not told that she would be paid hourly and has now been in that position for over a month now and was just told that she will be paid \$4,396 per year less than she was originally told. She advised that it wasn't right.

Finance Director Earl Bertsch advised the Board that an error was made and that the \$17,571 was supposed to be the savings not the pay, that it was put in the budget incorrectly. He advised that the error was unintentional.

The Board wanted more time to research the matter and will re-address it at the 2/7/11 meeting.

RESOLUTION NO 38-11

APPROVAL OF REFUSE COLLECTION LICENSES

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board does hereby approve the following refuse collection licenses:

- o Decker Contractors
- o On Time Disposal (2)

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- Jeff Sanitation
- Sims Metal Management (2)
- Thompson Sanitation (2)
- Waste Management (7)
- Waste Pro (2)

4 AYES - Carried .

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 39-11

APPROVAL OF TOWING LICENSES

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby approve the following towing licenses:

- Sam's Towing & Recovery, Inc. (4)
- Robert Wilbur Auto Repairs (2)

4 AYES - Carried .

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 40-11

RE-SCHEDULE FEBRUARY REGULAR MONTHLY MEETING

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian**, the Town Board does hereby re-schedule its Regular Monthly Meeting in February to 2/22 at Town Hall, 120 North Main Street, Liberty, NY at 7:00 p.m.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO 41-11

"CRACOLICI'S ON THE GREEN" GRANTED 30 DAY WAIVER FOR ON-PREMISES LIQUOR LICENSE

Motion by Councilperson Chris Austin, seconded by **Councilperson Maurice Gerry**, **Councilperson Lynn Killian abstaining**, the Town Board of the Town of Liberty does hereby have no objection to an On-premises Alcoholic Beverage License being granted to Salvatore Cracolici dba "Cracolici's On The Green" located at the Sullivan County Country Club, 2514 Route 52, Liberty, New York and do hereby grant the 30 day waiver.

3 AYES - Carried

1 Abstention- Councilperson Lynn Killian

1 Absent-Councilperson Thomas Hasbrouck

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RESOLUTION NO 42-11

ULTRA POWER AUTHORIZED TO RESUME DELIVERIES OF GASOLINE TO TOWN OF LIBERTY HIGHWAY DEPARTMENT

Motion by Councilperson Chris Austin, seconded by **Councilperson Killian**, the Town Board of the Town of Liberty does hereby authorize Ultra Power to resume gasoline deliveries to the Town of Liberty Highway Department and to not interrupt these deliveries without notification of the Liberty Town Board.

4 AYES - Carried

1 Absent-Councilperson Thomas Hasbrouck

BOARD DISCUSSION

Councilperson Lynn Killian conveyed this message from Nancy Levine:

These taxes are outrageous. My taxes will now be well over \$8000 a year for a house assessed at \$189,400 on one acre. I don't know how the town board expects people who live on fixed incomes smaller than mine to stay in Liberty. It's no wonder all the professionals and blue collar workers move out and all the welfare people move in. Lynn, please share my comment with the board.
Thanks.

Nancy

Councilperson Killian also advised that the Zoning Committee is mulling over the info received from Attorney Klein regarding Joan Kittredge's concerns.

ADJOURN

On a motion by Maurice Gerry, seconded by Councilperson Lynn Killian, the Town Board does hereby adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk