

**TOWN BOARD OF THE TOWN OF LIBERTY**  
**Regular Monthly Meeting**  
**February 17, 2015 7:00 p.m.**

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At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on February 17, 2015 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

**Present:**

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

**Absent:**

Thomas Hasbrouck

**Recording Secretary:**

Town Clerk Laurie Dutcher

**Also Present:**

Town Attorney Kenneth Klein  
Finance Director Earl Bertsch  
Budget Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Assessor Kathy Sprague  
Town Attorney Walter Garigliano  
Mark Blauer  
Katrina Foster

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

**RECOGNIZE THE PUBLIC**

Mark Blauer Grant Writer-Administration and Engineering Proposals

Katrina Foster-KKPR Marketing & Public Relations-Marketing Liberty

**CORRESPONDENCE**

1. An email invitation from the Office of the State Comptroller regarding a mini seminar on "Board Oversight Responsibilities".
2. An introduction letter from Farr Engineering.
3. A letter from the Sullivan Renaissance congratulating the Town on receiving a matching grant for participation in the "Municipal Partnership Program".

**RESOLUTION NO**

## *APPROVAL OF AUDIT*

**Motion by Councilperson Dean Farrand**, seconded by **Supervisor Charles Barbuti**, the Town Board approved the following:

- February, 2015 Abstract:  
Claims #136 to #294 totaling \$647,582.33
- January Post Audit:  
Claims #111 to #135 totaling \$117,663.08
- January General Ledger Abstract:  
Claims #1 to #31 totaling \$1,334,642.09

4 AYES - Carried  
Councilperson Hasbrouck-Absent

## **RESOLUTION NO**

## *APPROVAL OF MINUTES*

**Motion by Supervisor Charles Barbuti**, seconded by **Councilperson Brian McPhillips**, the Town Board approved the following minutes as submitted:

- Regular Monthly Mtg. 12/10/14
- End of Year Mtg. 12/30/14
- Regular Monthly Mtg. 1/5/15
- Re-Organizational Mtg. 1/5/15
- Bid Opening 1/29/15
- Special Meeting 2/5/15

4 Ayes - Carried  
Councilperson Hasbrouck-Absent

## **RESOLUTION NO**

## *ACCEPTANCE OF MONTHLY REPORTS*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Dean Farrand**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 1/2015
- Revenue & Expense summary as of 1/31/2015
- Supervisor's Report 12/2014

4 AYES - Carried  
Councilperson Hasbrouck-Absent

**NEW BUSINESS**

**RESOLUTION NO**

*APPROVAL OF TOWING LICENSES*

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

- Kevin Zieres (2)

4 AYES - Carried  
Councilperson Hasbrouck-Absent

**RESOLUTION NO**

*APPROVAL OF REFUSE COLLECTION LICENSES*

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

- Waste Pro, Inc. (1)
- Thompson Sanitation (1)
- Sims Metal East LLC (2)

4 AYES - Carried  
Councilperson Hasbrouck-Absent

**RESOLUTION NO**

*RE-APPOINTMENT OF THE FOLLOWING BOARD MEMBERS*

**Motion by Councilperson Brian McPhillips** seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the re-appointment of the following board members:

- |                     |                             |            |
|---------------------|-----------------------------|------------|
| • Robert Werlau     | Alternate to Zoning Board   | 12/31/2015 |
| • Denise Birmingham | Planning Board Member       | 12/31/2019 |
| • Lydia Rolle       | Alternate to Planning Board | 12/31/2015 |
| • Branden Reeves    | Alternate to Planning Board | 12/31/2015 |
| • Lynn Dowe         | Planning Board Chairman     | 12/31/2015 |

4 AYES - Carried  
Councilperson Hasbrouck-Absent

## **RESOLUTION NO**

### *COMPLETION OF ANNEXATION OF 1885 ROUTE 52 LLC OF THE TOWN OF LIBERTY TO THE VILLAGE OF LIBERTY*

**Motion by Councilperson Dean Farrand** seconded by **Councilperson Brian McPhillips,**

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Liberty, New York (the "Town") on or about May 19, 2013, for the annexation of certain territory in the Town of the Village of Liberty, New York (the "Village"), said territory being described in said petition of 1885 Route 52 LLC, which is annexed hereto as Exhibit "A", being Town of Liberty tax lot 30-1-76.1, and

WHEREAS, a joint hearing of the Town Board of the Town and the Village Board of the Village was duly held on said petition for annexation, according to the law in such cases made and provided, on September 10, 2013, at which time all parties interested in the matter were heard and all objections presented, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town finds as follows:

- (1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17; and
- (2) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest in that the annexed territory thereby has access to municipal sewer service; that all real or personal property and rights in real and personal property, including, but not limited to, streets, avenues, roads, highways, bridges, overpasses, underpasses, culverts, sidewalks, street lighting fixtures, and conduits, pipes, drains, either above or below the ground surface, and appurtenances and appurtenant rights in relation thereto, owned by the Town shall become the property of the Village; and that any

such apportionment of any indebtedness or and any contract or other liabilities or interest shall be a charge to the Village as required by Article 17 of the General Municipal Law.

NOW THEREFORE, IT IS ORDERED that the consent and approval of the Town Board of the Town is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition at Exhibit "A" to the Town.

## **BOARD DISCUSSION**

### **Brian McPhillips**

- Attended transitional meeting for the CDC.
- Those attending the meeting were: Joan Stoddard, Brian McPhillips, Russell Reeves, Dr. Silver, Darlene Fedun, and Peter Rissette.
- Items discussed were cancelling the utilities, trying to decipher the bank accounts, and to pay the outstanding debt of the CDC.
- Councilperson McPhillips advised that the Town, Village, and The Gerry Foundation would each have to contribute \$12,000.00.
- Councilperson McPhillips would like the Town to give \$5,000 to make the monthly payments until the others can give their money.
- Councilperson Reeves feels that we need a commitment within three months before we contribute any money.
- Councilperson McPhillips feels if the CDC dissolves the monies could be taken from the Skate Park or Sullivan Renaissance.

**Councilperson Brian McPhillips** made the following motion:

Motion for the Town to release \$5,000.00 to the CDC to keep them solvent. **NO ONE SECONDED THIS**

### **Russell Reeves**

- Marketing going in right direction.

### **Dean Farrand**

- Councilperson Farrand asked do we know where Joanne is with the parking tickets. Councilperson Farrand advised he would contact her to check on this.
- Councilperson Farrand advised that he and Supervisor Barbuti should meet with Sam Kahn prior to the summer season to see when visitor's days are.

### **Charlies Barbuti**

- Report on Christmas tree
- Should it be taken down?

## **RESOLUTION NO**

*EXECUTIVE SESSION*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby go into executive session at 8:33 p.m. for the following:

- To hear from Walter Garigliano to discuss possible litigation with the board
- To discuss a personnel matter involving a particular employee
- To discuss assessor applicants interviews

**RESOLUTION NO**

*OUT OF EXECUTION SESSION*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby come out of executive session at 9:37 p.m.

**RESOLUTION NO**

*157 SOUTH MAIN STREET CORPORATION STIPULATION OF SETTLEMENT*

*WHEREAS*, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the year 2014 with respect to certain parcels 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 Jacobowitz and Gubits, 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 2014 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 Barbuti, Seconded by Councilperson Reeves and

a roll call vote thereon as follows:

Charles Barbuti	Aye
Dean Farrand	Aye
Thomas Hasbrouck	Absent
Brian McPhillips	Aye
Russell Reeves	Aye

## **RESOLUTION NO**

### *STOCKEL ASSOCIATES LLC STIPULATION OF SETTLEMENT*

*WHEREAS*, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the years 2012 and 2013 with respect to certain parcels 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 Allan S. Moller, 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 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 Supervisor Barbuti, Seconded by Councilperson Reeves and a roll call vote thereon as follows:

Charles Barbuti	Aye
Dean Farrand	Aye
Thomas Hasbrouck	Absent
Brian McPhillips	Aye
Russell Reeves	Aye

## **ADJOURN**

**On a motion by Supervisor Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board does hereby adjourn the meeting at 9:55 p.m.

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Laurie Dutcher, Town Clerk











