

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
FEBRUARY 19, 2013 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on February 19, 2013 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 Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budgeting & Accounting Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague

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

CORRESPONDENCE

1. An email from Andrew Arias of Cooper, Nieman & Co., CPA, LLP regarding the GASB 54 policies that must be adopted.
2. A letter from Audrey Wheeler regarding her approved leave of absence.
3. Copies of Planning Board Minutes from 1/4/12 & 1/18/13.

RESOLUTION NO

APPROVAL OF AUDIT

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

- February, 2013 Abstract:
Claims #182 to #349 totaling \$465,263.59
- January, 2013 Post Abstract:
Claims #158 to #181 totaling \$150,556.79
- January, 2013 General Ledger Abstract:
Claims #1 to #49 totaling \$1,346,753.29

5 AYES - Carried

RESOLUTION NO

APPROVAL OF MINUTES

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

Re-organizational Mtg. 1/7/2013
Department Head Mtg. 1/7/2013
Regular Monthly Mtg. 1/22/2013
Bid Opening 1/6/2013
Bid Opening 2/4/2013

5 AYES - Carried

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 1/2013
- Monthly report of revenue & expense summary as of 1/31/2013
- Supervisor's Report 12/2012

5 AYES - Carried

DISCUSSION ITEMS

1. Loomis Wastewater Treatment Plant grant status report **CARRYOVER**
2. Parking lot grant status report **CARRYOVER**
(Blacktop plant opens in April will put out to bid the first week of April)
3. White Sulphur Springs waterline grant – important dates **CARRYOVER**
(Town Board will score the grant bids and select a firm on 3/4/13 after the Dept. Head Mtg.)
4. Swan Lake WWTF – priorities from visit **CARRYOVER**
(The Town Board agreed the (3) most important issues were (1) variable pumps (2) de-watering / sludge beds (3) UV and spare parts)
5. Update from Attorney on pending legal matters **CARRYOVER**
(Status quo awaiting the DEC)
6. Wind zoning policy **CARRYOVER**
(Dean went through and advised that many items do not agree with the Town of Liberty. He will meet w/ Charlie)
7. Background checks for new employees **CARRYOVER**
8. Part time help for Assessor **COMPLETED**
(Assessor feels she can handle the office herself)
9. Internet use policy **CARRYOVER**
(Board is fine with the policy, now needs to go before the personnel committee)
10. Mitigation plan options **CARRYOVER**
(Supervisor will contact Jill Weyer to speak w/ the board)
11. Zoning Review Committee's request to hire a planner for consulting **CARRYOVER**
(Supervisor will look into the cost of planners/consultants)
12. Set meeting date for Town Board Mtg. on Zoning that was cancelled on 1/28 **COMPLETED**
(See Resolution)

RESOLUTION NO

*JOINT MEETING W/ THE TOWN BOARD, PLANNING BOARD AND ZONING BOARD
RESCHEDULED FOR 3/21/13 AT CVI*

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby reschedule the Joint Meeting with the Liberty Town Board, Planning Board and the Zoning Board for 3/21/13 at 7:00 p.m. at CVI, One Cablevision Drive, Ferndale, NY 12734

5 AYES - Carried

13. Letter from Gail DeCicco regarding removing late charges from her water bill.
(Board said NO the Supervisor will send a letter to Ms. DeCicco)

14. WSS Water District Improvements for engineering & administrative services
(See item #3)

RESOLUTION NO

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2014 INTERNATIONAL 4300 SBA 4X2 DUMP TRUCK, AT MAXIMUM ESTIMATED COST OF \$91,371.90, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$91,371.90 FROM THE TOWN OF LIBERTY WATER AND SEWER MAJOR EQUIPMENT CAPITAL RESERVE FUND

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 19th day of February, 2013 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 Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Chris Austin

ABSENT:

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2014 INTERNATIONAL 4300 SBA 4X2 DUMP TRUCK, AT MAXIMUM ESTIMATED COST OF \$91,371.90, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$91,371.90 FROM THE TOWN OF LIBERTY WATER AND SEWER MAJOR EQUIPMENT CAPITAL RESERVE FUND.

BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The purchase of a new 2014 International 4300 SBA 4X2 Dump Truck, at a maximum estimated cost of \$91,371.90, and the expenditure of the sum of \$91,371.90 from the Town of Liberty Water and Sewer Major Equipment Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

Section 2. The action authorized has been determined to constitute a Type II Action as defined in 6 NYCRR §617.5(c)(18) and (21) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

Section 3. The plan for financing of such maximum estimated cost is by the appropriation and expenditure of monies heretofore deposited in the Town of Liberty Water and Sewer Major Equipment Capital Reserve Fund.

Section 4. Within ten (10) days after the adoption of this resolution, the Town Clerk shall post on the Town sign board and publish in the Sullivan County Democrat, the official newspaper of the Town, a notice in conformance with the requirements of Section 90 of the Town Law of the State of New York.

Section 5. This resolution is adopted subject to permissive referendum.

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	YES
Councilperson Maurice Gerry voting	YES
Councilperson Thomas Hasbrouck voting	YES
Councilperson Dean Farrand voting	YES
Councilperson Chris Austin voting	YES

The resolution was thereupon declared duly adopted.

5 AYES - Carried

RESOLUTION NO

ANNEXATION OF IDEAL SNACKS TO THE VILLAGE OF LIBERTY

At a meeting of the Town Board of the Town of Liberty at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York on the 19TH day of February, 2013, the following Resolution was duly passed; and

WHEREAS, the Petitioner, Ideal Snacks Corporation, has petitioned pursuant to Article 17 of the General Municipal Law to annex territory to the Town of Liberty, Sullivan County, New York, which territory is owned by Petitioner and said territory being described in said Petition which is annexed hereto as Exhibit "A" and more fully described in Schedule "A" attached hereto and more fully described in Schedule "B" annexed hereto and made a part hereof pursuant to a Survey as prepared by Jeff Roberts, L.L.S., dated November 2012; and

WHEREAS, a Public Hearing has been held on said Petition on the 14th day of January, 2013 at 6:45 p.m. in the Village of Liberty Municipal Building, 167 North Main Street, Liberty, New York, at which time said Hearing was attended jointly by the Town Board of the Town of Liberty and the Village Board of the Village of Liberty and at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, at said Public Hearing the Town Board of the Town of Liberty was represented by Supervisor Charlie Barbuti, Councilman Chris Austin, Councilman Dean Farrand, Councilman Maurice Gerry and Councilman Tom Hasbrouck; and

WHEREAS, Laurie Dutcher, Town Clerk of the Town of Liberty was also in attendance as was Judy Zurawski, Village Clerk of the Village of Liberty and Ronald S. Kossar, Esq., the attorney for the Petitioner in these proceedings; and

WHEREAS, the Town Board of the Town of Liberty has duly considered said Petition and the evidence presented at said Public Hearing; and

WHEREAS, ninety (90) days from the date of said Hearing has not elapsed; and

WHEREAS, it appears to be in the overall public interest that the Councilmen of the Town of Liberty consent to such annexation,

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:

1. That it is in the overall public interest that the Councilmen of the Town of Liberty consent to the annexation to the Village of Liberty of certain territory described in the Petition (Exhibit "A") and more fully described in Schedule "A" attached hereto and is also more particularly described in Schedule "A" annexed hereto and made a part hereof pursuant to a Survey as prepared by Jeff Roberts, L.L.S., dated November 2012.

2. That said Petition substantially complies in form and content with the provisions of Article 17 of the General Municipal Law of the State of New York.

3. That it is in the overall public interest to approve such proposed annexation in that the intended future use of the territory to be annexed by the Petitioner, will, inter alia, (i) permit the Petitioner to use the territory to be annexed as a staging ground for its vehicles in the conduct and operation of its business (ii) enable the Petitioner to continue in the conduct and operation of its business; (iii) enable the Petitioner to preserve existing employment; (iv) enable the Petitioner to

create additional employment; (v) enable the Petitioner to engage in the expansion of its existing business; and (vi) generate additional tax revenue to the Town of Liberty and the Village of Liberty.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Town Board of the Town of Liberty is hereby given to the annexation of the territory now situated in the Town of Liberty and described in the aforesaid Petition (Exhibit "A"), and described more fully in Schedule "A" attached hereto and also more fully described in Schedule "B" annexed hereto and made a part hereof pursuant to a Survey as prepared by Jeff Roberts, L.L.S., dated November 2012, to the Village of Liberty.

The adoption of the foregoing Resolution and order was duly put to a vote on motion of Supervisor Charlie Barbuti, Councilman Chris Austin, Councilman Dean Farrand, Councilman Maurice Gerry and Councilman Tom Hasbrouck the vote was as follows:

Supervisor Charlie Barbuti	YES
Councilman Chris Austin	YES
Councilman Dean Farrand	YES
Councilman Maurice Gerry	YES
Councilman Tom Hasbrouck	YES

The Resolution and order was thereupon declared duly adopted.

PETITION TO ANNEX ADJOINING PROPERTY

TO: TOWN BOARD OF THE TOWN OF LIBERTY

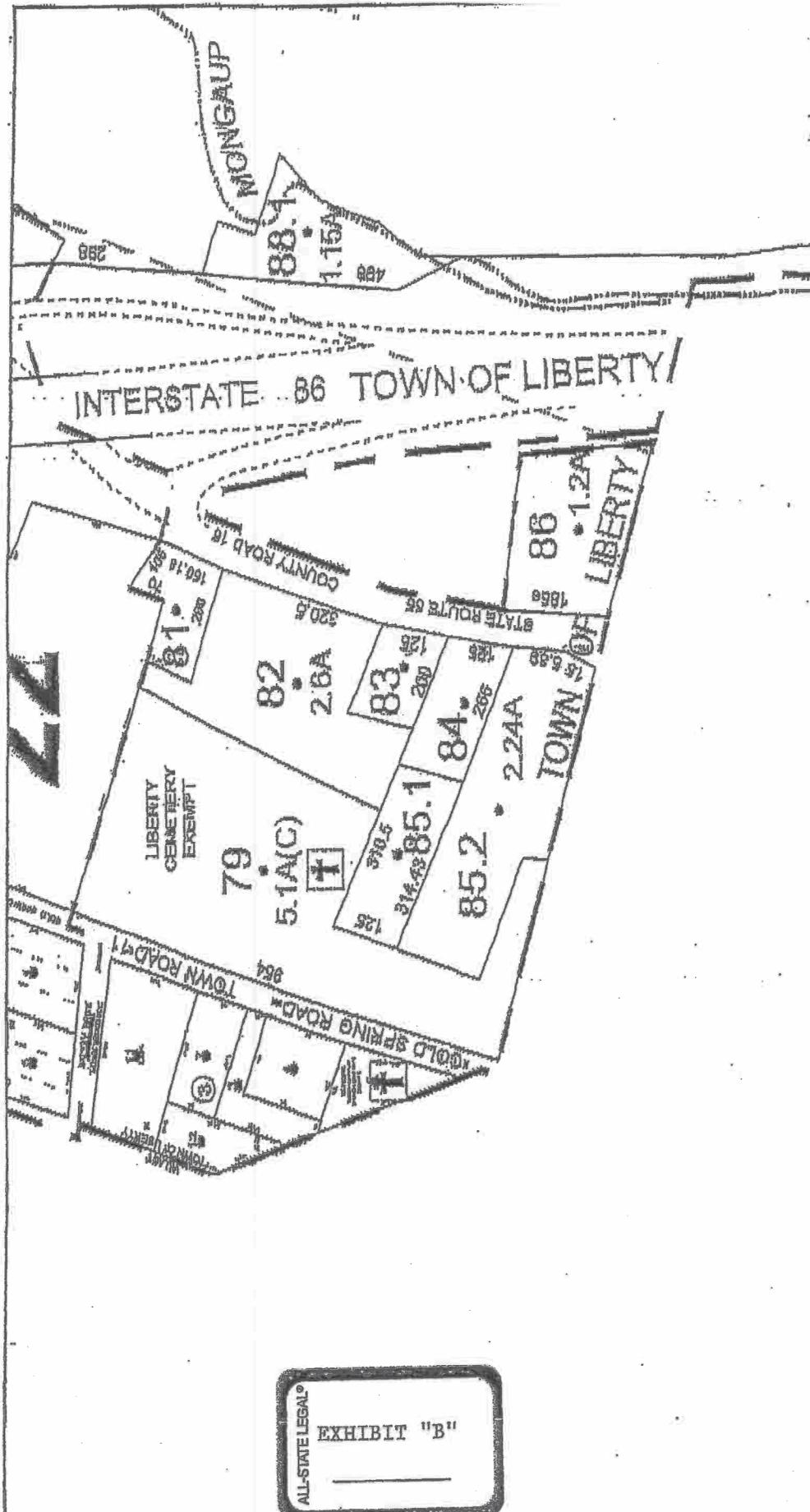
This Petition of the undersigned owner of all of the assessed valuation of the real property subject to this Petition respectfully show:

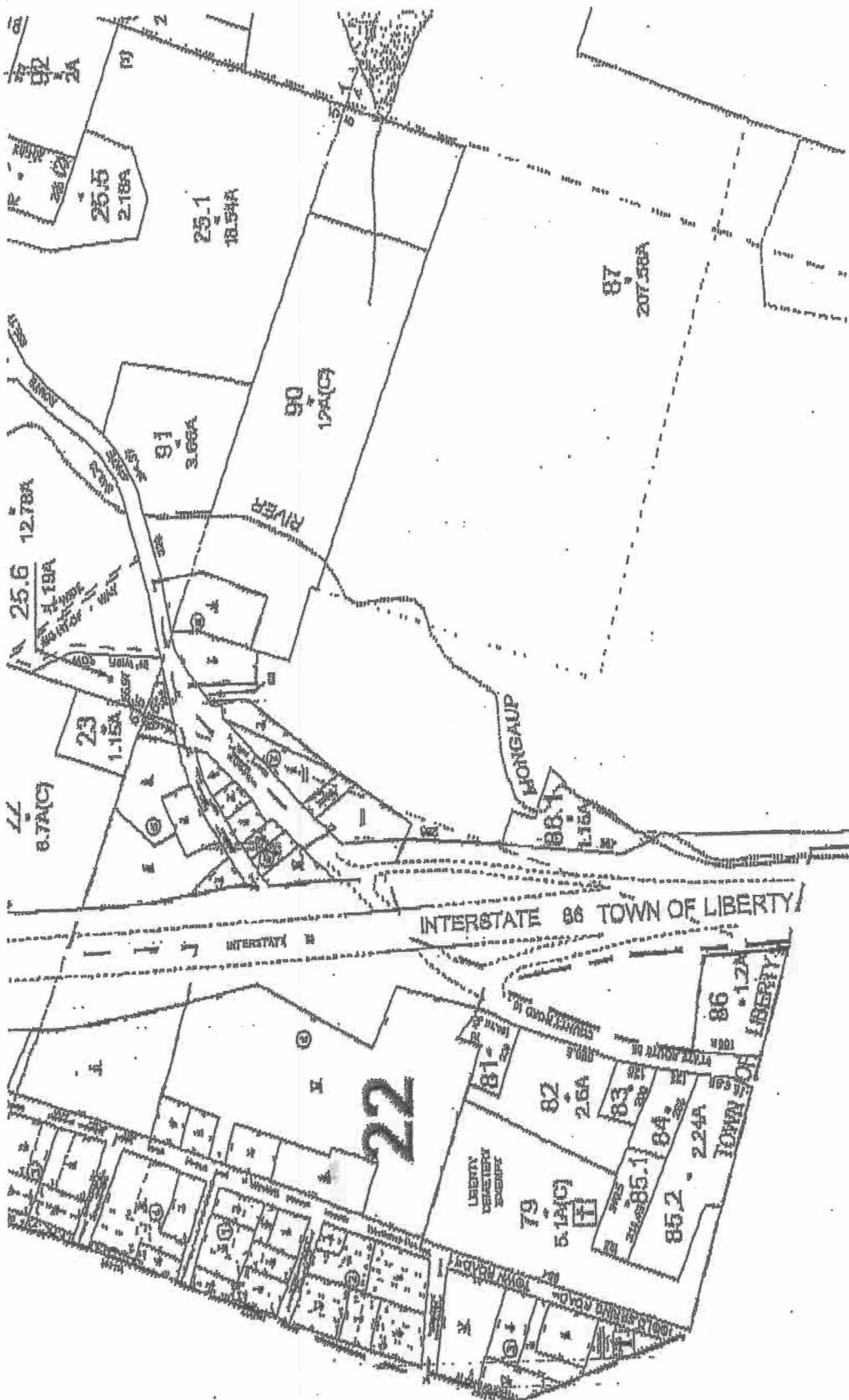
1. That this is a Petition for the annexation of territory known as Section 23, Block 1, Lot 86 located in the Town of Liberty, Sullivan County, New York to the Village of Liberty; that said territory adjoins said municipal corporation and is a portion of the territory described in Exhibit "A", consisting of 1.2 acres more or less, and also more particularly described in Exhibit "B", both of which are annexed hereto and made a part hereof.
2. That there are no inhabitants of said territory; and that the undersigned Petitioner is the owner of all of the assessed valuation of the real property of such territory assessed upon the last preceding assessment roll of, or utilized by, the Town of Liberty in which the property is situated.

3. Petitioner prays that said territory be annexed to said Village of Liberty; and has accordingly signed and presented this Petition, having set opposite his signature, his address, with the assessed valuation of the property, if any, owned by him in said territory;

Name	Address	Assessed Valuation of Property
Ideal Snacks Corp	89 Mill Street	\$69,700

Liberty, NY 12754





Jeff Roberts
~~Licensed Land Surveyor~~
524 Old Route 17
Livingston Manor, New York 12758
Tel. & Fax (845) 439-4303

Land to be annexed into the Village of Liberty
1.44 Acre Parcel
Survey Map No. LI-23-1-86

All that tract or parcel of land situate in the Town of Liberty, County of Sullivan and State of New York and being that portion of lands of Ideal Snacks, Inc. described in Land Record Liber 2624 page 295 not currently lying within the bounds of the Village of Liberty, being bounded and described as follows:

Beginning at an iron pin found on the easterly bounds of Neversink Road, County Road No. 16, said iron pin being at the southwesterly corner of lands of The People of the State of New York described in Deed Liber 1325 page 89, said parcel was annexed into the Village of Liberty in 1987, and runs thence from said place of beginning South 74°-46' East 259.72 feet passing along the southerly bounds of said The People of the State of New York parcel, it being the bounds of the Village of Liberty to an iron pin found; thence South 04°-50' West 249.55 feet passing along the bounds of said The People of the State of New York parcel, it being the bounds of the Village of Liberty to a point on the boundary between the Village of Liberty and the Town of Liberty: thence North 66°-35' West 307.19 feet passing along the boundary between the Village of Liberty and the Town of Liberty, said boundary passes thru lands of Ideal Snacks, Inc. as described in Land Record Liber 2624 page 295, to a point on the easterly bounds of Neversink Road, County Road No. 16; thence North 15°-02' East 201.73 feet passing along the bounds of said Neversink Road, County Road No. 16, to the point or place of beginning containing 1.44 acres of land.

The intention being to annex into the Village of Liberty all the portion of land described in Land Record Liber 2624 page 295 not currently lying within the bounds of the Village of Liberty.

Subject to easements, right of ways, covenants, restrictions and highway use – dedication of record.

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Thomas Hasbrouck, 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 \$1,150.00 for administrative services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$1,875.00 for engineering services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR THE TIMES HERALD RECORD

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for the Times Herald Record in the amount of \$310.00 for advertisement costs for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR LIBERTY PRESS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$1408.10 for binders printed for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR KRISTT COMPANY

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$528.00 for map printing for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF REFUSE COLLECTION LICENSES

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

Waste Management (7)
Robert Wilbur Auto Repair (1)
Kevin Zieres (2)

5 AYES - Carried

RESOLUTION NO

APPROVAL OF THE TOWN OF LIBERTY FUND BALANCE POLICY (GASB 54)

Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby approve of the following Fund Balance Policy:

**Town of Liberty Fund Balance
Policy and
Government Fund Type Definitions
(GASB 54)**

GASB has issued Statement No. 54, Fund Balance reporting and Governmental Fund Type Definitions (GASB 54). The objective of this Statement 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied.

Fund Balance Classifications (pursuant to GASB Statement 54)

Fund balance classifications will be reported by the Town in accordance with accounting standards issued by GASB.

General Policy

Fund balance measures the net financial resources available to finance expenditures within current or future periods. The Town Unassigned General Fund Fund Balance will be maintained to provide the Town with financial stability and a margin of safety to fund unanticipated contingent expenditures that may occur unexpectedly during the fiscal year. The Unassigned General Fund Fund Balance used for these purposes may only be appropriated by resolution of the Town Board unless voter approval is required.

Any portion of Fund Balance may be applied or transferred for a specific purpose either by voter approval if required by law or by formal action of the Town Board if voter approval is not required. Amendments or modification to the applied or transferred fund balance must also be approved by formal action of the Town Board.

The Town Board shall delegate the authority to assign fund balance for encumbrance purposes to the person(s) to whom it has delegated the authority to sign purchase orders.

In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves), the Town Board will assess the current financial condition of the Town

and then determining the order of application of expenditures to which fund balance classification will be charged.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$1,875.00 for engineering services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

5 AYES - Carried

RESCHEDULE BID OPENING FOR THE REMOVAL OF UNSAFE BUILDING LOCATED AT 2 STANTON CORNERS RD. (SBL #47-4-2) CARRYOVER

RESOLUTION NO

ACCEPTANCE OF PETER STETTNER'S RESIGNATION AS AN ALTERNATE MEMBER OF THE PLANNING BOARD

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby accept Peter Stettner's resignation as an alternate member of the Town of Liberty Planning Board.

5 AYES - Carried

APPOINTMENT OF AN ALTERNATE MEMBER TO THE PLANNING BOARD CARRYOVER

RESOLUTION NO

RESOLUTION NAMING MARCH AS "MUSIC IN OUR SCHOOLS MONTH"

Motion by Supervisor Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the following resolution:

**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 Town 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 Town of Liberty strives to instill a higher level of awareness and knowledge of music; and

Whereas, the Town of Liberty strives to support fine musical experiences through the participation of over 1100 students in the school's music program; therefore

Be It Resolved that the Town of Liberty, with Supervisor Honorable Charlie Barbuti , strongly support quality music education in the Liberty Central School District and that all students, kindergarten through 12th grade, should have access to a well balanced, comprehensive, high quality, sequential program of music taught by teachers certified in music education; and

Be It Further Resolved that the Board recognizes and commends the Liberty Central School District for their concern and efforts to enhance the quality of music education in the Town of Liberty;

Therefore, the Town of Liberty Board and Supervisor Honorable Charlie Barbuti hereby proclaim the month of March, 2013 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.

5 AYES - Carried

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby go into Executive Session at 8:07 p.m. to discuss “ the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.”

5 AYES - Carried

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 8:24 p.m.

5 AYES - Carried

BOARD DISCUSSION

Councilperson Chris Austin

- Drug testing can we look into it for Elected Officials and Appointed Officials. Attorney Klein will look into.
- Heard that South End is closing and moving into a mall.

Councilperson Dean Farrand

- Would like the Board to consider Terry Kelly or Glenn Smith to create bid specs for the demolition bid process. The Board decided to consult with Glenn Smith.
- Wanted to know if the refuse haulers could send in pictures of their trucks with the license application because it is becoming too burdensome for CEO VanEtten. The Town Board and the Town Clerk had no problem with this.
- The Farmland Committee continues to plod along.

Councilperson Thomas Hasbrouck

- Daytop in Parksville is closed and there is a For Sale sign up.

Councilperson Maurice Gerry

- Nothing to report

Supervisor Charlie Barbuti

- Had an exit interview regarding the Town Hall grant application. They advised that it was a good application there was just no money for historic preservation.
- Getting an estimate from Terry Kelly to replace the perimeter drain around Town Hall.

ADJOURN

On a motion by Councilperson Dean Farrand, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Laurie Dutcher

Laurie Dutcher, Town Clerk