

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
February 23, 2009**

At the Town Board 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 present:

Supervisor John Schmidt
Councilperson Lynn Killian
Councilperson Clarence Barber
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch
Town Attorney Kenneth Klein
Deputy Town Clerk Sara Sprague
Confidential Secretary Maureen Barber

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

Public Participation

No one from the public attended.

49-09 APPROVAL OF AUDIT

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board approved the following:

- February, 2009 Abstract:
Claims #173 to #359 totaling \$561,007.98

- Post January, 2009 Abstract:
Claims #151 to #172 totaling \$114,797.64

4 AYES - Carried

50-09 APPROVAL OF MINUTES

On a motion by Councilperson Lynn Killian, seconded by Councilperson Clarence Barber, the Town Board approved the following minutes as submitted:

- 1/20/2009 Regular Monthly Mtg.
- 2/2/2009 Dept. Head Mtg.

4 AYES - Carried

51-09 APPROVAL OF MONTHLY REPORTS

On a motion by Councilperson Lynn Killian, seconded by Councilperson Clarence Barber, the Town Board approved the following reports as submitted:

- 1/2009 Town Clerk Monthly Report
- Monthly Revenue & Expense Report as of 12/31/2008
- Tax Collectors January 2009 Report
- Supervisor's December 2008 Report
- Supervisor's January 2009 Report

4 AYES - Carried

52-09 TOWN OF LIBERTY NAMED AS LEAD AGENCY IN SEQR REVIEW

On a motion by Councilperson Clarence Barber, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby name the Town Board of the Town of Liberty as the Lead Agency in the matter of SEQR for Introductory Local Law #5 of 2008 "amending the Zoning Map of the Town of Liberty to remove from the RD Rural Development District those portions of tax map parcels 36-1-131.1, 36-1-55 and 37-1-6.7 that are situate therein and add them to the adjoining IC Industrial Commercial District".

5 AYES – Carried

53-09 FULL EAF ACCEPTED BY THE TOWN BOARD AS ITS OWN AND NEGATIVE DECLARATION MADE

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board does hereby adopt the Full Environmental Assessment Form for Introductory Local Law #5 of 2008, amending the Zoning Map of the Town of Liberty to remove from the RD Rural Development District those portions of tax map parcels 36-1-131.1, 36-1-155 and 37-1-6.7 that are situate therein and add them to the adjoining IC Industrial Commercial District, as its own and does hereby authorize the Town Supervisor to sign the Full EAF on behalf of the Town of Liberty; and

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Be it further resolved that the Town Board of the Town of Liberty does hereby make a negative declaration that Introductory Local Law #5 of 2008 of the Town of Liberty would not have a significant environmental impact.

54-09 ADOPTION OF LOCAL LAW #1 OF 2009

On a motion by Councilperson Clarence Barber, seconded by Councilperson Lynn Killian, the Town Board adopted Introductory Local Law #5 of 2008, amending the Zoning Map of the Town of Liberty to remove from the RD Rural Development District those portions of tax map parcels 36-1-131.1, 36-1-155 and 37-1-6.7 that are situate therein and add them to the adjoining IC Industrial Commercial District, as Local Law #1 of the Year 2009.

4 AYES - Carried

OLD BUSINESS:

1. Discussion regarding logging permits.
2. Legal action against Ironic.
3. Fuel accountability policy.

Councilperson Barber will contact Steve Caulkin and invite him to a Department Head Meeting to discuss fuel accountability.

**55-09 NOTIFICATION FROM JEROME ALTMAN dba LORADO'S OF
INTENT TO RENEW LIQUOR LICENSE**

On a motion by Councilperson Clarence Barber, seconded by Councilperson Thomas Hasbrouck, the Town Board has no objection to a liquor license being granted to Jerome Altman dba Lorado's located at 57 Main St. Parksville.

4 AYES - Carried

1 Abstension- Councilperson Lynn Killian

**56-09 APPOINT TOWN CLERK AS FAIR HOUSING COMPLIANCE
OFFICER**

On a motion by Councilperson Clarence Barber, seconded by Councilperson Lynn Killian, the Town appoints the Town Clerk as the Fair Housing Compliance Officer.

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WHEREAS, the Town of Liberty received an Office for Community Renewal Small Cities Grant in the amount of \$600,000 for improvements to the Loomis Water District; and

WHEREAS, the town of Liberty must make efforts to affirmatively further fair housing; and

WHEREAS, the Town of Liberty has reviewed various actions that would be acceptable to the Office for Community Renewal and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Town of Liberty has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, Be It Resolved that the Town Clerk shall be designated as the Small Cities Program Fair Housing Compliance Officer for the Town of Liberty; and

BE IT FURTHER RESOLVED, that the Compliance Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Town of Liberty.

5 AYES - Carried

57-09 APPOINT MARK BLAUER AS LABOR COMPLIANCE OFFICER

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Clarence Barber, the Town Board does hereby appoint Mark Blauer as the Labor Compliance Officer.

5 AYES - Carried

58-09 RESOLUTION NAMING THE MONTH OF MARCH AS "MUSIC IN OUR SCHOOLS MONTH"

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On a motion by Councilperson Lynn Killian, seconded by Councilperson Maurice Gerry, the Town Board name the month of March as "Music in our Schools Month":

**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 1500 students in the school's music program; therefore

Be It Resolved that the Town of Liberty, with Supervisor Honorable John Schmidt, 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 John Schmidt hereby proclaim the month of March, 2009 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

59-09 REDUCTION OF LETTER OF CREDIT FOR R&M FARMS "THE MEADOWS"

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board approved the reduction of the letter of credit for R&M Farms "The Meadows" in the amount of \$100,729.40, leaving \$78,480.60 for the remaining work.

5 AYES - Carried

60-09 APPROVAL OF SNOW GUARDS FOR HIGHWAY DEPT. BARN

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board approved the installation of snow guards by Town Personnel at the Town of Liberty Highway Department at a cost of \$6,700. If the monies are not available from the Highway Fund it will then be taken from the contingency fund.

5 AYES - Carried

61-09 APPROVAL OF 2009 REFUSE COLLECTION LICENSES

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board approved the following refuse collection licenses:

- Waste Pro, Inc.
- Waste Management
- Thompson Sanitation Corp.

5 AYES - Carried

62-09 SUPERVISOR AUTHORIZED TO SIGN AGREEMENT W/ HUMANE SOCIETY OF MIDDLETOWN

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board authorized the Supervisor to sign the following agreement with the Humane Society of Middletown:

5 AYES - Carried

DESIGNATION OF POLLING PLACES-TABLED

63-09 PAYMENT TO POLLING PLACES

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On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board set the amount of \$200 to be paid to each polling place.

5 AYES - Carried

64-09 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARINGS SET

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board set the (2) following public hearings:

3/16 6:45 p.m. Town Hall, 120 North Main Street, Liberty
4/6 3:45 p.m. Town Hall, 120 North Main Street, Liberty

5 AYES - Carried

65-09 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT W/ BLAUER ASSOCIATES TO APPLY FOR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Clarence Barber, the Town Board does hereby the Supervisor to sign the following agreement with Blauer Associates to apply for the 2009 Community Development Block Grant (CDBG).

5 AYES - Carried

66-09 AUTHORIZATION TO RLA CE 500 FEET OF SEWER LINE AND REPAIR, REPLACEMENT AND INSTALLATION OF MANHOLES IN THE SWAN LAKE/BRISCOE CONSOLIDATED SEWER DISTRICT

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 23rd day of February, 2009 at 7:00 p.m. prevailing time.

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

PRESENT: Supervisor John Schmidt

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Councilperson Maurice Gerry

Councilperson Thomas Hasbrouck

Councilperson Lynn Killian

Councilperson Clarence Barber

ABSENT:

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

A RESOLUTION AUTHORIZING THE REPLACEMENT OF 500 FEET OF SEWER LINE AND REPAIR, REPLACEMENT AND INSTALLATION OF MANHOLES IN THE SWAN LAKE/BRISCOE CONSOLIDATED SEWER DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$45,000, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$45,000 FROM THE TOWN OF LIBERTY SWAN LAKE SEWER CAPITAL RESERVE FUND.

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

Section 1. The replacement of 500 feet of sewer line and the repair, replacement and installation of manholes in the Swan Lake/Briscoe Consolidated Sewer District, at a maximum estimated cost of \$45,000, and the expenditure of the sum of \$45,000 from the Town of Liberty Swan Lake Sewer 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 Unlisted Action as defined in the regulations promulgated pursuant to the State Environmental

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Quality Review Act, for which a short environmental assessment form shall be completed.

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 Swan Lake Sewer 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 John Schmidt voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Lynn Killian voting	AYE
Councilperson Clarence Barber voting	AYE

The resolution was thereupon declared duly adopted.

BOARD DISCUSSION

Councilperson Lynn Killian

Advised the Board that the Town and Village had spent \$100,000 to do a consolidation study between the Village and Town and she feels that the Village residents should have a right to vote on it. She advised that she would like the Town Board write a letter to the Village expressing the Town's feeling that the Village should put it out for referendum and give the Village residents a chance vote on it.

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The Town Board was in agreement and directed Councilperson Killian to draft a letter.

Councilperson Clarence Barber

- Highway Equipment Inventory is not done
- CHIPS \$ will be restored with the stimulus money
- BOCES smoker's liter the Highway Dept. parking lot w/ cigarette butts.

The Supervisor will send a letter to the BOCES administration asking them to be considerate and not liter the parking lot with cigarette butts.

- Would like to request that the DCO gets a stipend for the use of her personal pay phone for Town Business

67-09 DCO TO BE REIMBURSED 50% OF COST OF TOWN PHONES

On a motion by Councilperson Clarence Barber, seconded by Councilperson Lynn Killian, the Town Board of the Town of Liberty does hereby authorize the reimbursement of 50% of the cost to the Town for cell phones to the DCO with her monthly mileage, for use of her personal cell phone for Town business.

On a motion by Councilperson Maurice Gerry, seconded by Lynn Killian the Town Board adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk