

TOWN BOARD OF THE TOWN OF LIBERTY  
**DEPT. HEAD/REGULAR MONTHLY MEETING**  
March 1, 2010

At the Dept. Head/Regular Monthly Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor John Schmidt  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian  
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher  
Also present: Finance Director Earl Bertsch  
Highway Superintendent Timothy Pellam  
Water & Sewer Supervisor Albert Picard  
Code Enforcement Officer Mark VanEtten  
Assessor Kathy Sprague  
Budget Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

**CORRESPONDENCE**

1. A letter from Philip Mullen regarding a dangerous road condition on Cold Spring Rd.

*“ For several months in traveling home via the Cold Spring Rd. I have observed a dangerous condition that exist which apparently the Town of Liberty Highway Supt. has either not opened his eyes to or has completely ignored. This letter is putting the T/Liberty on notice of this serious road conditions. “*

*Signed,  
Phillip Mullen*

Councilperson Chris Austin suggested that a letter be sent to Mr. Mullen.

Supervisor Schmidt advised that he would send a letter.

2. A letter from the NYSDOT regarding NYS Route 17 in Parksville Phase II.
3. Information regarding a briefing New Energy Efficiency and Alternative Energy Initiatives and Funding Strategies for Municipalities.

Steve Kalka on behalf of Aero Star Petroleum regarding replacing Tariq Gujar's present store with a new store approximately 3,500 sq. ft.

CEO VanEtten's interpretation of the Zoning Law is that Mr. Gujar cannot build a store larger than 1,200 sq. ft. without a change in the law which would define convenience stores up to the present national average of 5,000 sq. ft..

Mr. Kalka's opinion is that the definition of a convenience store does not change the bulk table for any zone and that a convenience store can be constructed under a special use permit.

## **RESOLUTION NO. 10**

*TOWN BOARD ADVISES TARIQ GUJAR DBA AERO STAR PETROLEUM TO GO BEFORE PLANNING BOARD FOR SPECIAL USE PERMIT*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby advise Tariq Gujar dba Aero Star Petroleum to go before the Planning Board for a special use permit.

4 AYES - Carried

Glen Gidaly and Tims Wells of Barton and Loguidice updated the Board on seeking stimulus funding through the USDA w/ grants and low interest funding to fix the Swan Lake sewer plant.

Mr. Gidaly advised the Board that the USDA will visit next week. The next step would be a letter of determination by the end of March.

Finance Director Bertsch advised that he would never agree to a 38 year loan from the Federal Government. He advised that in 20 years they will have to upgrade the plant and will still have 15 years to pay.

Mr. Gidaly advised that the Town would have the ability to refinance if they so choose.

Water & Sewer Forman Albert Picard advised that no one had consulted him on anything.

A short discussion followed.

## **RECOGNIZE DEPARTMENT HEADS**

Assessor

- March 1<sup>st</sup> taxable status date, last day to file exemptions
- Working on the 2010 Assessment roll
- Board of Assessment Review vacancy
- Very busy

#### Highway Superintendent

- Plowing a lot of snow
- Men did a good job, put in a lot of hours
- Men had to spend 3 hours shoveling snow that had fallen off the roof of the Barn so that they could get the trucks out, Mr. Pellam advised that it was damaging the tracks and doors

Supervisor Schmidt advised that he had prices on the installation of the snow stops.

Attorney Klein advised that they would need to be updated and the contractor would have to pay prevailing wage.

- Roads are a mess

Councilperson Lynn Killian advised that the Highway guys did an excellent job.

#### Water & Sewer

- Cold Spring water issue will flush manually on Wednesday
- No quotes received for lightning protection
- Bids came back in the Town's favor
- Barton & Loguidice have not asked Mr. Picard what he thought

Supervisor Schmidt asked if everyone had gotten a copy of the letter sent by Sam Kurpil requesting that the Town charge by the kilowatt hours used instead of by a flat monthly rate.

The Board will not change the way they bill and Supervisor Schmidt will send a letter to Mr. Kurpil.

#### CEO

- 6 Bldg permits
- 14 Inspections
- 15 complaints
- 3 closed complaints
- DOH invited to Camp Expo in NYC
- Nancy made everyone a new Zoning Books

CEO VanEtten advised that the end result w/ Steve Kalka was what he thought it should be.

#### Park & Rec.

- Excused

Councilperson Chris Austin advised that Mr. Scardefield needs to make a point to come to the Dept. Head Mtgs.

#### DCO

- 76 calls

- 1,100 miles
- 8 dogs picked up
- 2 dogs @ kennel
- 1 adoption

Town Clerk/Tax Collector

- Advised the Board of her frustration w/ tax collection with all the revisions from the County

Finance Director

Advised that the Town Offices closed early on 2/25 and all day on 2/26 and that in the 1994 personnel policy it stated that:

“If the Town Offices are officially closed, those employees that are required to work shall be compensated at rate of one and one half (1 ½ ) times the hourly rate for those hours that the offices are closed.”

It now states:

“In the event of an emergency in a Town facility, the Supervisor or Deputy Supervisor may close that facility and release the Town employees from their work duties until such time as the emergency has ended.”

Finance Director Bertsch advised that he felt the employees that worked were under the assumption they were working under the 1994 personnel policy.

Mr. Bertsch asked the Board to advise Cheryl how to handle the pay for those two days.

**RESOLUTION NO. 10**

*HIGHWAY & WATER AND SEWER EMPLOYEES TO BE PAID TIME AND A HALF FOR HOURS THAT OFFICES WERE CLOSED DUE TO SNOWSTORM AND STATE OF EMERGENCY*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby authorize that the Highway and Water & Sewer employees be paid time and a half for hours worked while Town offices were closed to due snowstorm and State of Emergency.

- 2/25/10      2 hours
- 2/26/10      8 hours

4 AYES - Carried

- Will be getting new copiers from Kristt and will be charging Depts. 20¢ per color copy.

BOARD DISCUSSION

Councilperson Lynn Killian

- Passed out an article regarding climate change and would like to discuss it at the next meeting.
- Would like Depts. to use compact fluorescent bulbs
- Wanted to know if we had a lease agreement for the tennis courts in Swan Lake

Councilperson Thomas Hasbrouck

- Wanted to know if anything happened at the meeting in Parksville

Councilperson Chris Austin advised that they wanted everything from a rest stop to a bus station, parking & trail at Fox Mt., wind barriers, street lighting w/ wires underground, sewer system, pet walk, flea market, signage, forest restoration, etc.

Councilperson Chris Austin

- Wanted to know about the Melton subdivision

Attorney Klein advised that Tim Pellam already advised them that they needed to install drainage.

Highway Superintendent Pellam advised that he threatened to take the Town to court for extortion.

Attorney Klein advised that Mr. Pellam needs to take pictures of the damage already done to the existing road.

Mr. Pellam advised that it is already around \$60,000 worth of damage.

Attorney Klein advised that he would write a letter but needs a description of what is wrong and what needs to be done to rectify the situation. He suggested they get independent advice on the cost to correct.

## **RESOLUTION NO. 10**

*AUTHORIZE & DIRECT SUPERVISOR TO CONTACT GLENN SMITH FOR INDEPENDENT COST QUOTE REGARDING MELTON SUBDIVISION*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby authorize and direct the Town Supervisor to contact Glenn Smith to get an independent cost quote regarding the Melton Subdivision.

4 AYES - Carried

- Lightning arrestors – would like to finalize by next month
- Asked Finance Bertsch if he found out anything more about the gas cards

Mr. Bertsch advised that they weren't any cheaper.

- Wanted to know if Mr. Picard had anything on the open position?

Mr. Picard advised that Stacy will take the exam and he will be sewer plant operator and then he would just need to hire a laborer.

- Asked CEO VanEtten is Kilcoin's is unsafe.

CEO VanEtten advised that Kilcoin's was about 5 ft over the Town of Liberty line.

Supervisor Schmidt

- Nothing to report

### **CORRESPONDENCE**

1. A public hearing notice from the Village of Liberty regarding a special use permit application submitted by the Sullivan County Industrial Development Agency on behalf of the Village of Liberty for the establishment of a meat processing plant to be located on Willow Lane, Liberty, on 3/11/10 at 7:00 pm.
2. Email from Diane Galusha regarding a free CWC Stormwater workshop on 3/10/10.
3. January/February 2010 Newsletter from Sullivan Alliance for Sustainable Development.
4. Planning Board minutes for 2/2/10.
5. 2009 Investment Report from Finance Director Earl Bertsch.
6. A letter from Sam Kurpil, Sr. regarding a request that the Town execute a system of charging by the gallons of water used instead of a minimum charge.

### **RESOLUTION NO. -10**

*ALBERT BITJEMAN DBA JENNIE "G'S" GRANTED 30 DAY WAIVER FOR RENEWAL OF ON-PREMISES LIQUOR LICENSE*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin**, Councilperson Lynn Killian abstaining, the Town Board of the Town of Liberty does hereby have no objection to an On-premises Alcoholic Beverage License renewal being granted to Albert Bitjeman dba Jennie "G's", located at 26 Route 52 E, Liberty, NY and do hereby grant the 30 day waiver.

3 AYES - Carried

1 Abstention-Councilperson Lynn Killian

**RESOLUTION NO. -10**

*RESCHEDULE PUBLIC HEARING FOR UNSAFE BUILDING OWNED BY CHARLES & PAMELA JONES, LOCATED AT 160 SUNSET LAKE RD., LIBERTY, FOR 4/19/10 @ 6:50 PM*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty has rescheduled the Public Hearing for Unsafe Building proceedings against owners Charles and Pamela Jones, for property located at 160 Sunset Lake Rd., Liberty, for 4/19/10 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES - Carried

**RESOLUTION NO. -10**

*APPROVAL FOR STEPHEN POLEY TO NAME ROAD OFF OF TWIN BRIDGE RD., HOLLAND ROAD*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby give approval to Stephen Poley to name road off of Twin Bridge Rd., Holland Road.

4 AYES - Carried

**RESOLUTION NO -10**

*APPROVAL OF SUPERVISOR REPORTS*

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

- Supervisor's 12/09 Report
- Supervisor's 1/10 Report

4 AYES - Carried

**RESOLUTION NO. -10**

*AUTHORIZE SUPERVISOR TO SIGN AGREEMENT W/ BLAUER ASSOCIATES TO SUBMIT A 2010 SMALL CITIES APPLICATION FOR LOOMIS SEWER DISTRICT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty authorizes the Supervisor to sign agreement with Blauer Associates to submit a 2010 Small Cities application for Loomis Sewer District.

4 AYES - Carried

**RESOLUTION NO. -10**

*SET (2) PUBLIC HEARINGS FOR 2010 CDBG GRANT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty has scheduled the following (2) public hearings for the 2010 CDBG Grant application:

- 3/15/10           6:50 p.m.
- 4/5/10            3:50 p.m.

4 AYES - Carried

**RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve the following resolution:

**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE  
TO SUPPORT THE STATE'S FARMLAND PROTECTION PROGRAM  
AND ENVIRONMENTAL PROTECTION FUND**

**WHEREAS**, agriculture is a significant contributor to New York's economy; and,

**WHEREAS**, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and,

**WHEREAS**, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and,

**WHEREAS**, farmers have a strong track record of pro-active environmental stewardship in New York; and,

**WHEREAS**, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and,

**WHEREAS**, 26,000 acres of farmland are developed each year in New York; and,

**WHEREAS**, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and,

**WHEREAS**, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and,

**WHEREAS**, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and,

**WHEREAS**, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and,

**WHEREAS**, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and,

**WHEREAS**, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York; now, therefore, be it

**RESOLVED**, that the **Town of Liberty** does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

**RESOLVED**, that the Town of Liberty does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and, be it further

**RESOLVED**, That the Clerk of the Town of Liberty is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congressman Maurice D. Hinchey, Assembly Speaker Sheldon Silver, Assemblywoman Aileen Gunther, and the American Farmland Trust.

4 AYES - Carried

**RESOLUTION NO. -10**

*APPROVAL OF THE 2/4/10 TOWN BOARD MINUTES*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does here accept the 2/4/10 minutes as submitted by the Town Clerk.

4 AYES - Carried

Consider proposal from HPC Development regarding a potential cell site

Board would like additional information. Carryover

**RESOLUTION NO. -10**

*AWARD OF BID FOR TANDEM ROLLER & APPROVAL OF FIRST QUARTERLY PAYMENT*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does here accept the bid as submitted by Pine Bush Equipment in the amount of \$96,487.50 w/warranty and also approves the first quarterly payment of \$8,000.

4 AYES - Carried

**RESOLUTION NO. -10**

*AWARD OF BID FOR SWAN LAKE SIDEWALK CONSTRUCTION PROJECT*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does here accept the low bid as submitted by Poley Paving in the amount of \$37,473.00 for the Swan Lake Sidewalk Construction Project.

4 AYES - Carried

**RESOLUTION NO. -10**

*AWARD OF BID FOR STATION HILL RD. WATER MAIN REPLACEMENT PROJECT*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does here accept the low bid as submitted by Poley Paving in the amount of \$119,500. for the Station Hill Rd. Water Main Replacement Project.

4 AYES - Carried

**RESOLUTION NO. -10**

*AWARD OF BID FOR OLD MONTICELLO RD. WATER MAIN REPLACEMENT PROJECT*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does here accept the low bid as submitted by Poley Paving in the amount of \$264,134.70 for the Old Monticello Water Main Replacement Project.

4 AYES - Carried

**RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

PRESERVE AND STRENGTHEN HOME RULE

**Whereas**, beginning in 1894, the people of the State of New York have voted repeatedly to approve Constitutional provisions granting broad home rule powers to local governments and corresponding restrictions on the State Legislature to preserve these powers; and

**Whereas**, home rule powers encompass a wide range of subjects including but not limited to: the power to adopt, amend and repeal local laws in the exercise of its functions, powers and duties; the power to share services and act cooperatively with other local governments; the power to acquire real and personal property for its corporate purposes; the power to establish recreational facilities; the power to dispose of its real and personal property; the power to levy and collect rents, charges, fees and penalties in a city, village or town; the power to adopt, amend and repeal zoning regulations; and the power to perform comprehensive or other planning work relating to its jurisdiction; and

**Whereas**, the exercise of these powers permits local governing bodies to meet the unique and diverse needs of local residents while fostering citizen participation and grass roots involvement in government; and

**Whereas**, New York's diverse communities are best served by maintaining the principles of home rule, including those set forth in the State Constitution, Local Government Bill of Rights, Statute of Local Government and the Municipal Home Rule Law;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor and Members of the State Legislature to preserve and strengthen home rule; and

**Be It Further Resolved**, that the **Town of Liberty** will strongly oppose any state initiative to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

4 AYES - Carried

**RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

**Preserve Local Democracy – At Large Elections**

**Whereas**, New York benefits from a rich history of diverse cultures and ideas; and

**Whereas**, New York supports and preserves its diversity and cultural heritage by giving local governments the ability to shape and govern their communities to best reflect the culture and diversity of their community; and

**Whereas**, choice in the means and method of electing local government leaders is reflected in state laws and policies; and

**Whereas**, the Town Law provides town voters with a choice in town government structure (Town Law, article 6; Chapter 634 of the Laws of 1932); and

**Whereas**, since the inception of the representative form of town government, towns have been governed by local leaders elected at large (Chapter 634 of the Laws of 1932) with the local option to elect town board members by alternative means such as via a ward system (Town Law, §81); and

**Whereas**, recent legislative proposals (e.g. S.1427/A.4879; S.4471/A.6392) seek to eliminate voter choice in the method of electing town board members by imposing a mandatory ward system; and

**Whereas**, not all towns due to their size or population will benefit from the election of town board members via a ward system;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Members of the State Legislature and the Governor to preserve local choice in the manner of election of town board members, including at large elections; and

**Be It Further Resolved**, that the **Town of Liberty** is opposed to any legislation mandating a ward system or other means of electing town officials.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Municipal Deposits in Credit Unions and Thrift Institutions**

**Whereas**, the General Municipal Law of the State of New York requires that local governments designate one or more banks or trust companies for the deposit of public funds; and

**Whereas**, many state and local governments throughout the United States expressly allow for the deposit of public funds in credit unions, savings banks and savings and loan associations (hereinafter referred to as “thrift institutions”); and

**Whereas**, the State of New York remains one of the few states where local governments are statutorily prohibited from using thrift institutions for municipal deposits; and

**Whereas**, using local institutions for municipal deposits fosters local economic development because local tax dollars will be used by local institutions to invest in local businesses, mortgages and community development projects; and

**Whereas**, using local thrift institutions fosters local government efficiency; and

**Whereas**, like banks, credit unions are insured by the National Credit Union Insurance Fund, a federal agency comparable to the Federal Deposit Insurance Company,

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor and Members of the State Legislature to pass legislation that amends applicable state laws to allow local governments to deposit public funds in credit unions and thrift institutions.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Publication of Legal Notices**

**Whereas**, an informed and engaged electorate is important to the governing process; and

**Whereas**, the electorate is notified of many local government actions by means of the publication of a legal notice in a paid daily or weekly newspaper as defined by Public Officers Law §70-a and General Construction Law, §60 (a) and

**Whereas**, studies show the decline in paid local daily and weekly newspaper readership is accelerating; and

**Whereas**, New Yorkers are increasingly turning to alternative sources of news and information such as the internet and free community newspapers; and

**Whereas**, the intent of required public notice is to increase the likelihood that citizens are well-informed regarding local government actions, finances and plans;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor and Members of the State Legislature to amend the General Construction Law to allow papers, distributed without charge, but with an established and large circulation, to be considered newspapers in certain instances to permit towns and other local governments to place legal notices in the local publications which may reach a larger audience and/or be less costly to the taxpayers; and

**Be It Further Resolved**, that the **Town of Liberty** supports legislation providing for optional alternative media for publication of legal notices in order to improve the citizen participation and awareness of town programs and expenses.

4 AYES - Carried

**RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

**Preservation of Town Registrars of Vital Statistics**

**Whereas**, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affect the operation of local governments; and

**Whereas**, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the county level under the direction of the New York State Health Commissioner; and

**Whereas**, the NYS Department of Health has developed a program bill that would allow the commissioner to consolidate the function of the local registrars of vital statistics; and

**Whereas**, New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to the "Pandemic Flu and Public Health Emergency Preparedness Law;" and

**Whereas**, the commissioner could consolidate these services without county legislative approval;

**Whereas**, the local city, town and village clerks have provided this service professionally and efficiently over the years; and

**Whereas**, losing this function would have a financial impact on the local governments; and

**Whereas**, many citizens are under financial stress due to fluctuating fuel costs, layoffs, rising food, health care and utility prices; and

**Whereas**, the town, city and village clerk offices are conveniently located thereby reducing the cost and burden to receive this service;

**Now Therefore Be It Resolved**, that in the interest of good government and accessibility to the taxpayer, the **Town of Liberty** calls upon the Governor, the State Legislature and the Commissioner of the Department of Health to continue to allow town, city and village clerks to provide this important service; and

**Be It Further Resolved**, that the **Town of Liberty** calls upon the Governor, Members of the State Legislature and the Commissioner of the Department of Health to work with local governments to provide the necessary resources (including voluntary cooperation, local opt out or voluntary consolidation) to assist local registrars in the provision of this important service in order to comply with the Federal Intelligence Reform and Terrorism Prevention Act of 2004 and the pending regulations.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Preserve and Strengthen Local Government's Role in the Siting of Energy Generation Facilities**

**Whereas**, Governor Paterson signed Executive Order 24 of the year 2009, setting forth a goal to reduce current greenhouse gas emissions from all sources within the state 80 percent below levels emitted in the year 1990 by the year 2050; and

**Whereas**, the wind energy facilities (WEFs) will likely play a significant role in reducing greenhouse gas emissions; and

**Whereas**, the proper regulation of the siting and installation of WEFs is necessary for the purpose of protecting the health, safety and welfare of neighboring property owners and the general public; and

**Whereas**, local governments have successfully developed, implemented and administered local WEF siting laws and policies with the input and guidance of local taxpayers, residents, business and agricultural representatives, environmentalists, energy generators, planners and lawyers; and

**Whereas**, the Wind Code of Conduct negotiated by the New York State Attorney General's Office and agreed to by the predominate players in the Wind Energy Market has addressed potential conflicts of interests in the siting of wind energy facilities; and

**Whereas**, Article X of the Public Service Law (PSL), which set forth the siting procedure to construct and operate major power generation facilities with a capacity of 80 megawatts or more, expired Dec. 31, 2002, thereby requiring electric generating project developers to undergo local zoning review and environmental review pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law);

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor, State Legislature and State Agencies to develop new laws and regulations that will preserve local authority over the siting of WEFs; and

**Be It Further Resolved**, that legislation authorizing the renewal of the state siting procedure for power generation facilities (PSL, article X) should include measures to enhance local government participation in the siting process such as, but not limited to: ad hoc membership on the state siting board, adherence to local siting polices, required community host agreements, and/or access to intervener funds.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Highway, Bridge and Transportation Funding**

**Whereas**, a safe and dependable transportation infrastructure network is necessary in order to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development; and

**Whereas**, the roads and bridges that make up our nation's highway and transit infrastructure are built, operated and maintained through the collaborative financial assistance of federal, state and local governments, with 85 percent of New York's roads and bridges maintained by local governments; and

**Whereas**, the federal "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) funding program was established to provide federal funding for state and local infrastructure projects and expired in 2009; and

**Whereas**, the New York State "Consolidated Local Street and Highway Improvement Program" (CHIPS) was established to assist localities in financing the construction, reconstruction or improvement of local highways, bridges, highway-railroad crossings and/or other local facilities (Highway Law, §10-c) is subject to annual appropriation; and

**Whereas**, studies of New York's extensive local road system continue to identify a multi-billion dollar shortfall in funding for local highways and bridges; and

**Whereas**, a 2009 State Comptroller report provides that only one-third of the \$30 billion allocated to New York's Dedicated Highway and Bridge Trust Fund has been spent on building and repairing roads and bridges in the state since 1991; and

**Whereas**, the **Town of Liberty** is cognizant of the current financial crisis; and

**Whereas**, according to the Federal Highway Administration, every \$1 spent on street and highway improvements results in \$5.40 in economic benefits;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor, the State Legislature and the Department of Transportation to maintain CHIPS funding in the 2010-11 State Budget and to provide a stable and sustainable funding stream for local infrastructure needs; and

**Be It Further Resolved**, that the **Town of Liberty** calls upon the Governor, the State Legislature and the Department of Transportation to fully fund and preserve the Dedicated Highway and Bridge Trust Fund (DHBTF) for capital infrastructure expenditures and to phase out non capital expenditures; and

**Be It Further Resolved**, that the **Town of Liberty** calls upon the New York Congressional Delegation, to renew SAFETEA-LU and to provide an increased and dedicated funding commitment to New York State and local transportation infrastructure projects.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Road Preservation Bonds**

**Whereas**, well-maintained roads and bridges are important to the economic well-being of New Yorkers; and

**Whereas**, many commercial endeavors such as, but not limited to, timber harvesting, wind energy development, mining and natural gas exploration are dependent on local roads and bridges and are therefore important to New York's economy; and

**Whereas**, many of these endeavors require the frequent transport of heavy equipment and loads over local highways, occasionally damaging local roads in the process; and

**Whereas**, most local roads and bridges are not designed to accommodate the weight, volume and frequency of vehicles used in support of these industries; and

**Whereas**, current New York State Law does not provide express statutory authority for local governments to require road reconstruction bonds to fund road repairs caused by vehicles moving heavy equipment and loads;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the Governor and Members of the State Legislature to provide express statutory authority for local governments to require the posting of road reconstruction bonds to protect local highways from damage attributable to commercial vehicles and loads.

4 AYES - Carried

#### **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

#### **Mandate Relief**

**Whereas**, local governments are in partnership with the state and federal government to protect and preserve the health, safety and welfare of the people of New York State; and

**Whereas**, such a partnership requires collaboration in order to effectively accomplish these goals; and

**Whereas**, the imposition of tax-shifting unfunded state and federal mandates (commonly occurring in the areas of public works, procurement, personnel management, provision of local service, environmental quality enhancements and loss of local tax base) represents a barrier to effective collaboration and good governance; and

**Whereas**, the growing expense of tax-shifting unfunded mandates, both individually and collectively, places financial burdens on local governments and, ultimately, the taxpayer and has in some instances forced local governments to drastically underfund crucial local services such as road maintenance, public safety and recreational and cultural services, and

**Whereas**, Governor Paterson penned Executive Orders Nos. 17 and 25 of the year 2009 to address the cost of mandate compliance on local taxpayers to inventory existing mandates and to fully evaluate the actual cost of compliance with future mandates regarding state agency program bills;

**Now Therefore Be It Resolved**, that the **Town of Liberty** calls upon the President and Congress to enhance the Unfunded Mandates Reform Act of 1995 (UMRA; P.L. 104-4) to expand the definition of the term "unfunded mandate" and to fully fund Federal programs administered at the state and local level; and

**Be It Further Resolved**, that the **Town of Liberty** calls upon the Governor and Members of the State Legislature to enact comprehensive mandate relief legislation that would take into consideration the following among other relief measures: (1) inventory and full funding of existing and future mandates and (2) require all future legislation to include specific local fiscal impact notes.

4 AYES - Carried

## **RESOLUTION NO. -10**

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

### JOINT GRANT APPLICATION – LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM

**Whereas**, the Town Board of the Town of Liberty does hereby authorize the Village of Liberty to submit an application to the Local Government Efficiency grant program for the 2009-2010 program year. The Village of Liberty shall be named as lead agency and the CDC Director Heinrich Strauch will be the authorized Lead Applicant Contact Person to execute all financial and or/ administrative processes relating to the grant program; and

**Whereas**, this grant would be used to study and identify potential synergies from closer cooperation between the Justice Courts of the Town and Village of Liberty; and

**Whereas**, the application would request \$25,000 for this study; and

**Whereas**, the Town of Liberty shall commit 10% of the required cash match, up to \$1,250 per municipality;

**Now Therefore Be It Resolved**, that the Town of Liberty and the Village of Liberty do hereby enter into this inter-municipal agreement .

Supervisor John Schmidt voting "AYE"  
Councilperson Thomas Hasbrouck voting "AYE"  
Councilperson Lynn Killian voting "AYE"  
Councilperson Chris Austin voting "AYE"

## **BOARD DISCUSSION**

## **RESOLUTION NO -10**

*APPROVAL OF AUDIT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board approved the following:

- February, 2010 Abstract:  
**Claims #187 to #351 totaling \$440,548.27**
- Post, 2010 Abstract:  
**Claims #176 to #186 totaling \$20,131.002**

4 AYES - Carried

**RESOLUTION NO -10**

*APPROVAL OF MINUTES*

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

- 1/4/2010 Department Head Mtg.

4 AYES - Carried

**RESOLUTION NO -10**

*APPROVAL OF MONTHLY REPORTS*

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

- Town Clerk's 1/10 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 1/31/2010

4 AYES - Carried

**RESOLUTION NO -10**

*APPROVAL OF RESOLUTION NAMING MARCH AS "MUSIC IN OUR SCHOOLS MONTH"*

On a motion **by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin**, the Town Board 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 John Schmidt, strongly support quality music education in the Liberty Central School District and that all students, kindergarten through 12<sup>th</sup> 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, 2010 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.

**RESOLUTION NO. -10**

*APPROVAL OF REFUSE COLLECTION LICENSES*

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

- Thompson Sanitation Corp. (2)
- Waste Pro, Inc. (2)
- Raymond Houghtaling, Jr. (1)

4 AYES - Carried

**RESOLUTION NO. -10**

*APPROVAL OF TOWING LICENSE*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the following towing license:

- J.B. Towing & Auto Sales

4 AYES - Carried

Highway Seasonals

Finance Director Bertsch advised that Superintendent Pellam would like to cut back the hours for the part time laborer and use it for the 3 seasonals. He advised that this would require amending the 2010 salary schedule.

Supervisor Schmidt asked Cheryl Gerow how old these kids were and if they could work around heavy equipment.

Mrs. Gerow advised that she did not know what there job duties were that they would have to check with Superintendent Pellam.

Supervisor Schmidt advised that he didn't think it was a good place working around equipment.

Councilperson Hasbrouck advised that they couldn't even have kids push a compactor button.

Councilperson Killian advised that she knew in the past that they had picked up garbage & dead animals along side the roads.

Attorney Klein advised that a 16 year old could not operate a Town Vehicle with a junior operator's license.

Attorney Klein also advised that anyone under 16 would have to have working papers.

Finance Director Bertsh advised that Superintendent Pellam should set up a job description.

Attorney Klein also suggested that they get a hold of our insurance agent Bob Stubbs.

Councilperson Killian advised that we would need to get further details from Superintendent Pellam.

This matter was tabled until the next meeting.

Supervisor Schmidt also asked if the cleaning services were cut from the budget of the Highway.

Mrs. Gerow advised that the mats were taken out.

Supervisor Schmidt advised that he thought the cleaning was taken out also.

ADJOURN

On a motion by Lynn Killian, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 6:55 p.m.