

TOWN BOARD OF THE TOWN OF LIBERTY  
**DEPARTMENT HEAD MEETING**  
March 5, 2012

At the Dept. Head 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 Charlie Barbuti  
Councilperson Chris Austin  
Councilperson Thomas Hasbrouck  
Councilperson Dean Farrand  
Councilperson Maurice Gerry

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Town Attorney Kenneth Klein  
Finance Director Earl Bertsch  
Budget & Accounting Coordinator Cheryl Gerow  
Water & Sewer Supervisor Albert Picard  
Highway Superintendent Timothy Pellam  
Assessor Kathy Sprague  
Park & Recreation Director Brian Scardefield  
Code Enforcement Officer Mark VanEtten  
CDC Director Heinrich Strauch  
Deborah Manley Confidential Secretary  
Ann Hart  
Leonard Sparks  
Bobb Stubbs

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

**CORRESPONDENCE**

1. Letter from Cliff Gordon requesting the waiver of 2011 tax penalties for the premises of Elliot Weiss SBL #36.-1-56.1.
2. Legal Notice from the Town of Bethel regarding a Public Hearing for proposed local law #1-2012 to amend the Town of Bethel Code Chapter 345-Zoning, to be held on 3/15/2012.

Bob Stubbs of Marshal & Sterling Insurance Co.

Mr. Stubbs advised that he was just here to talk, that he was not making a proposal yet. He has been looking at the accounts and will be back with the numbers. Mr. Stubbs advised the board that because of several claims last year the policy may be increasing by about \$2500-\$3000. He noted

that they take into consideration the last 5 years. Some vehicles will be coming off and that may offset the cost increase. He advised the Board to stay with the same policy this year and possibly go out to market next year.

## **RECOGNIZE DEPARTMENT HEADS (Reports as submitted by Dept. Heads)**

### **Assessor**

Ongoing and working on:

- 911 data-base update
- Pictures
- Exemptions: Driving License, etc.
- Destroying/updating files
- Working on: 2012 assessment roll; field work; exemptions and litigation. etc.
- Dead-line for Exemption filing was March 1<sup>st</sup>
- Complaint on taxes, calls for recollects
- Calls regarding Board of Assessment Review procedures

Information:

- Will be looking at the zoning change for open space and 10 ac

Otherwise business as usual

### **Water & Sewer**

Engineering is working on next round of grants for W. S. S. water main replacement.

Presidential Pump Station-Notified contractor to start work. Waiting for pumps.

A. Stevensville Well #4 pump test to see if the problem there is the pump, motor or VFD drive.

Pump will not pump 450 GPM.

B. Roth Well- Plans to clean well of Iron bacteria.

C. Sherwood Well-Check valve problem.

Loomis sewer I & I problem- Have a contractor that can install portable flow meters to determine where the inflow is coming from, so that we can address that problem. This work is part of the NYSDEC request.

Received approval from NYSDEC yo pump Stevensville big pump at the rate of 450 GPM.

Working at SLWWTF to get it ready for the summer season.

Remote meter project is moving along. In W.S.S. almost all meters are installed. Plans to move to Loomis Water District next. Then onto Ferndale Water District. The Ferndale District is going to cost more due to the sizing of meters on Sullivan Ave & the ShopRite mall. Those meters are 1"-2" and the cost for those is more. Going to request that some money from Reserve Funding to be used to cover the cost.

Would like to buy a spare pump for Loomis WWTF. This funding would need to come out of Reserve, as per Earl. The 2 pumps that are now in use are 25+ years old and have been rebuilt several times.

### **Highway Superintendent**

(Did not submit report prior to mtg.)

Helping the W&S Department

Held the bid opening for the 20 ton trailer

FEMA money to pay for trailer

Sean Zigmund feels that the flooding issue is the Town's responsibility and that he is going to pursue legal action.

Report will be in next month

Councilperson Austin asked the Highway Superintendent if the West Street bridge would be replaced by Memorial Day before the Soap Box Derby.

Mr. Pellam advised that he would try.

### **CEO**

Building Permits **14**

Building Permits closed **14**

Complaints **11**

Complaints Closed **2**

Planning Board new applications **4**

Planning Board approved applications **1**

Zoning Board new applications **0**

Zoning Board approved application **1**

### **Park & Recreation**

I have been getting quotes for the Bathrooms at Walnut on running electric to the building and finishing the plumbing.

We are sending out our Spring Program Flyer this week. It can also be viewed on the Town's web page.

Debbie Manley sent in the remainder grant information for the Senior Center kitchen replacement. We received the re-imbusement for the full amount of \$15, 990.00. The kitchen turned out great.

Tim sent the highway guys to Walnut to dig test holes for a septic system for the pavilion kitchen. Our backhoe could not bust through the frost. Terry Kelly is in the process of drawing up the plans.

We have been repairing and fixing things up at the parks that were damaged during the previous summer.

Have been starting to get all the paperwork and such ready for camp and pool for the upcoming season.

## **DCO**

Dogs at kennel -2

Dogs picked up -6

Mileage - 964

Dog Bites - 3

I had two requests for my response to Bethel. I billed them for services which Cheryl confirmed both bills were paid. Bethel has requested the possibility of us having an agreement with them so when their DCO is unavailable, I can respond and the town will be paid for this service. We cannot do a reciprocal agreement with Bethel as their DCO is not able to respond in the same manner that I do. I will prepare an agreement for Board review.

Also, Village Manager of Monticello, John LiGrecci has contacted me regarding the possibility of a contract for Dog services and other animals. I recommend a contract mimicking the County contract. Liberty will contract for dogs, I will do a personal contract for animals other than dogs. I will also prepare this agreement for Board Review.

Harry has presented a viable plan to make small changes to the kennel to accommodate the requirements for change our last inspection. We will begin work when the weather breaks.

## **Finance Director**

Handed out comparison of Employee Benefits from other Town's

Handed out Summary of 2011 Benefits to each employee

Met with Employee Relations Committee

Compiled information on Town Hall costs

Began work on Annual Financial Report to be submitted to the State.

Supplied information on Loomis Sewer

Supplied information to Marshall and Sterling regarding the renewal of the Town Insurance Policy

Submitted claim for damaged ceiling in Supervisor's Office

All other daily duties and responsibilities.

## **CDC**

### ***Sullivan County EDC / Main Street Committee***

The EDC's Main Street Group had its first meeting on February 15. The group discussed its objectives and approach to Main Street revitalization along the National Trust Main Street Institute's 4 focus areas: Design, Promotion, Organization & Economic Restructuring.

As a first step, each community will conduct a self-assessment in response to a questionnaire that was distributed, to identify existing conditions and develop the priorities for the group's work.

In addition, I have begun work with the Liberty Chamber to create a voluntary 'code of conduct' for Main Street merchants and property owners, with the intention to take this standard to the county-level.

### ***County Micro-Enterprise Program***

The participating agencies in the program conducted review sessions. 86 applications overall were received, after a first selection 16 applications were forwarded for Agri-businesses, and 18 Main Street businesses. All of these will now begin their training sessions in mid-March; by early May the final award recipients should have been selected. 2 of the successful Agri-business applicants and 5 of the successful Main Street applicants are (or will be) Liberty businesses.

### ***Main Street Grant***

2 of the remaining projects under the Main Street Grant (Fleet Bank & Golden Dragon) will NOT undertake their projects as originally planned – that puts \$65k back into the pool of funding to be distributed to other Main Street properties. Several of the current projects have already identified additional funding needs. A further 2 or 3 projects that haven't started yet have to be closely monitored to make sure we use the funds in the time allotted.

### ***Economic Development***

SNEAKER WORLD has begun space built-out... soft opening planned for April.

GREAT AMERICAN closing of sale scheduled for 3/6. Re-opening date not yet clear.

Film production for 'CONTEST' has put out first openings for production crew. June/July shooting scheduled in and around Liberty.

***Team Skate*** Proposed new location was discussed with team skate members. The skatepark will be integrated into the overall design for the parking lots/park/recreation area between the Senior Center and School Street; to be paved, landscaped and lit.

Teamskate concert attendance suffered from competing events that night (only around 75 people).

## **Court**

V&T Received 430

V&T Appearances 355

Criminal Appearances	674
Ordinance Appearances	22
Civil Appearances	27
Total Fines Collected	\$82,274.50
Total Fines to Town	Not available
Total Fines to Village	Not available

**Town Clerk**

Conservation Licenses	3	
Marriage Licenses	3	
Marriage Certificates	15	
Photo Copies	9	
Dog Licensing	2	
Building Fees	13	
Total to Town		\$1,382.30
Total to State, County & Local Revenues		\$5,282.15

Working on SARA Records Grant w/ Mark Blauer due by 3/1/2012

**Tax Collector**

Have met the Town Warrant of \$6,572,931.10  
 Sent \$2 million to County  
 Payments have been coming in steady

**BOARD DISCUSSION**

**Councilperson Chris Austin**

- Nothing to report

**Councilperson Dean Farrand**

- Mark sent members the camping regulations and he feels that the Town should abide by the Board of Health regulations.
- Zoning review-need to set up a committee
- Need to follow up on resolution passed regarding tax exempt properties
- Didn't receive his Planning Board agenda - Supervisor Barbuti will look into

**Councilperson Thomas Hasbrouck**

- Nothing to report

**Councilperson Maurice Gerry**

- Reported that PHISH would not be coming to Bethel Woods on Memorial Day.

**Supervisor Charlie Barbuti**

- Need longterm planning for Water & Sewer
- Sharing services w/ Village of Liberty
- Zoning change and map filed with the State need to contact County to change map- Attorney Klein will do this

**RESOLUTION NO**

*ACCEPT LOW BID SUBMITTED FOR 20 TON TRAILER*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby accept the low bid for a new 20 ton air tilt trailer w/ air tilt ramps as submitted by Pine Bush Equipment in the amount of \$24,979.99.

5 Ayes – Carried

**RESOLUTION NO**

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**,

**MARCY BOUCHER 148-153 STANTON CORNERS RD. SBL #46.-1-50**  
**RESOLUTION MAKING CERTAIN FINDINGS AND ORDERS**  
**PURSUANT TO CHAPTER 64 OF THE CODE OF THE TOWN OF LIBERTY**

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York 12754, in said Town, on the 5th day of March, 2012 at 4:00 pm prevailing time.

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

	PRESENT	ABSENT
Supervisor Charlie Barbuti	X	
Councilman, Maurice Gerry	X	
Councilman, Thomas Hasbrouck	X	
Councilman, Chris Austin	X	
Councilman, Dean Farrand	X	

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

WHEREAS, in accordance with Section 130(16) of the Town Law of the State of New York, the Town of Liberty adopted the Buildings, Unsafe Law of the Town of Liberty on March 12, 1981, which law was codified as Chapter 64 of the Code of the Town of Liberty; and

WHEREAS, on December 2, 2011, the Town of Liberty Code Enforcement Officer inspected the premises located at 148-153 Stanton Corners Road, Swan Lake, which premises are identified on the tax map of the Town of Liberty as Section 46., Block 1, Lot 50 ("Premises") and rendered a Report of Inspection, dated December 2, 2011, which report concluded that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public and such building(s) and/or structure(s) should be removed; and

WHEREAS, by Resolution No.: 275 of the year 2011, the Town Board of the Town of Liberty considered such Report of Inspection and ordered that (i) Mark VanEtten, Code Enforcement Officer of the Town of Liberty serve a Notice of Unsafe Building as provided in Sections 64-7 and 64-8 of Chapter 64 of the Code of the Town of Liberty upon the owner(s) of the Premises or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the Premises, as shown by the last preceding assessment roll of the Town of Liberty and/or by the records of the Clerk of the County of Sullivan ("Notice"); and (ii) a hearing be scheduled to consider evidence related to the removal of such building(s) and/or structure(s) if such removal is not commenced within thirty (30) days from the date of the Notice; and

WHEREAS, the Notice was served on the owner(s) of the Premises and those having an interest in the Premises and the owner(s) of the Premises failed to remove the dangerous and/or unsafe building(s) and/or structure(s) on the Premises commencing within thirty (30) days from the date of service of the Notice and the entire sixty (60) days within which the owner(s) of the Premises must comply under Chapter 64 of the Code of the Town of Liberty has elapsed; and

WHEREAS, the hearing was held on the 21st day of February, 2012 at 6:50 pm at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York to determine if the order dated December 19, 2011 shall be affirmed, modified or vacated; and

WHEREAS, Mark VanEtten, Code Enforcement Officer of the Town of Liberty appeared in support of the application and no one appeared in opposition; and after due deliberation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the order of the Town Board of the Town of Liberty of December 19, 2011 is hereby affirmed, and be it further

RESOLVED, that, if such order is affirmed, then said dangerous and unsafe building(s) and/or structure(s) shall be removed from the Premises and all costs and expenses incurred by the Town of Liberty in connection with the proceedings to remove or secure such dangerous and unsafe building(s) and/or structure(s), including the actual cost of repairing or removing such building(s) and/or structure(s) shall be assessed upon the Premises and such assessment shall be assessed on the next town assessment roll as an additional tax to the regular tax assessment

against such property and the same shall be levied and collected in the same manner as the regular town tax; and, be it further

RESOLVED, that this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

		AYE	NAY
Supervisor Charlie Barbuti	Voting	X	
Councilman, Maurice Gerry	Voting	X	
Councilman, Thomas Hasbrouck	Voting	X	
Councilman, Chris Austin	Voting	X	
Councilman, Dean Farrand	Voting	X	

The resolution was thereupon declared duly adopted.

5 AYES – CARRIED

Discussion regarding PACKAGE SEWER PLANTS:

Discussion regarding Package Sewer Plants the board advised that the changes proposed in 2008 were never adopted. Need an agreement with very strict guidelines. Carryover to next meeting.

**RESOLUTION NO**

*EXECUTIVE SESSION*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby go into Executive Session AT 5:52 p.m. to discuss possible litigation.

5 Ayes – Carried

**RESOLUTION NO**

*OUT OF EXECUTIVE SESSION*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby come out of Executive Session AT 6:42 p.m.

5 Ayes – Carried

ADJOURN

On a motion by Councilperson Chris Austin, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 6:43 p.m.

Respectfully submitted,  
Laurie Dutcher, Town Clerk  
(Meeting attended by Deputy Town Clerk Sara Sprague  
Minutes prepared by Town Clerk Laurie Dutcher)