

TOWN BOARD OF THE TOWN OF LIBERTY  
**REGULAR MONTHLY MEETING**  
March 15, 2010

At the Regular Monthly 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 were present:

Deputy Supervisor Clarence Barber  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian  
Councilperson Chris Austin

Absent: Supervisor John Schmidt

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Finance Director Earl Bertsch  
Highway Superintendent Timothy Pellam  
Deputy Highway Superintendent John Lennon, Jr.  
Code Enforcement Officer Mark VanEtten  
Budget Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Confidential Secretary Maureen Barber  
Mike Fritz  
Eric Wolcott  
James Austin  
Jonathan Benton  
James DeAveiro  
Leigh Benton  
Woodrow Wilson  
Edwin Davis  
Robert Wilson  
Steven Schroeder  
Dana Austin  
Mark Blauer  
Matthew Palmer  
Pat Lubin

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

**CORRESPONDENCE**

1. A copy of Federal Prohibited Occupations from the NYS Dept. of Labor.

**Matthew Palmer** of Delaney Group Rt. 17 Project

### Concept of Operations Summary

The 2010 plan for the mainline excavation work on Route -17 is to continue to work both ends of the project simultaneously with two crews. Each crew will be resourced to sustain independent daily operations so that it may be possible to place traffic onto the new mainline eastbound lanes by December 2010. To facilitate this schedule, DGI plans to resume nighttime operations this spring in late April on the east end of the project. The nighttime operation will consist of hauling material to the fill site located on O'Keefe Hill Rd. The following is the plan for this season and includes the measures that DGI has and will implement to minimize the impact to the public.

#### East 2+870 -5+300

It is anticipated that on 4/5 the excavation will continue on the East where operations were suspended for winter shutdown in the vicinity of 3+900 (near old O'Keefe Rd.) The excavation crew will continue to proceed towards the high quarry wall located at ~ Stat 3+650 excavating the full roadway width down to the mainline grade. Once the top lift is removed, the excavation crew will back up to the east again and progress westward removing the second lift of material. The excavation will be hauled to embankment and the fill site concurrently. It is anticipated that on or around 4/26 DGI will begin hauling material to the fill site utilizing a second shift. The following are the procedures that we will follow when operating the second shift, which will only be hauling to the fill site.

1. Hours (Starting shifts 1 hour early) – 1<sup>st</sup> shift 6:00 -2:00, 2<sup>nd</sup> Shift (East only) – 2:30 – 10:30
2. The construction traffic will utilize the haul route on the Kelly Property and will only cross O'Keefe Hill Road in two locations; at the base of the Kelly haul road and at the entrance to the fill site.
3. DGI has modified the fill site staging plan with approval from DED and will begin filling from the front to the back, which will allow for the trucks to dump their loads off of the face that they are constructing. This will allow the sound to be directed towards the south and east sides of the property.
4. DGI will not use dozers in the fill site after 9 pm.
5. DGI plans to utilize light sources other than light plants in efforts to reduce noise at the flagging locations.
6. No blasting or hammering operations will take place after 7 pm.

Mr. Palmer asked the Town Board to issue a variance allowing them to begin work at 6:00 and end at 10:30 pm.

At this point in the meeting Steve Melchick who is a resident of O'Keefe Hill Rd. arrived.

Mr. Melchick was updated and he advised the Board that he would like to see Delaney stop operations at 8:00 pm. He stated that the other people that live on the road feel the same way.

Councilperson Killian advised that she would like to "mull" it over and talk to the other residents.

The Board asked Mr. Delaney to come back to the 4/19 meeting.

**Pat Lubin**- Neighborhood Watch Loomis Rd.

Pat Lubin updated the Board on the Loomis Rd. Neighborhood Watch. She commended the Highway Dept. for the wonderful job they did during the blizzard.

Mrs. Lubin advised the Board that the Neighborhood Watch Group would be applying for a Renaissance Grant for the corner by 52 Pickup and the Golf Course.

**Matt DeWitt**- Town of Liberty Highway Dept.

Mr. DeWitt wanted to know why the Board would vote not to pay them when all the other employees got paid and were able to stay home during the State of Emergency.

The Board advised that they didn't vote to not pay the Highway employees.

Mr. DeWitt wanted to know how that was possible.

Councilperson Austin advised that they made a resolution paying them time and a half for two hours on 2/25 and eight hours on 2/26.

Mr. DeWitt advised that they went to work on 2/25 at 7 am and worked 30 ½ hrs straight without any breaks. He advised that they were paid time and a half for the hours worked but nothing from 1:30 – 3:30. Mr. DeWitt advised that not one guy there needed a pat on the back but they didn't need the slap in the face of not getting paid when everyone else was paid. Mr. DeWitt wanted to know who authorized them not to be paid. He advised that it was very upsetting.

Highway Superintendent Pellam wanted to know why he, as the Dept. Head, wasn't notified. Mr. Pellam advised when he called to find out he was hung up on.

Councilperson Lynn Killian advised that she had called Supervisor Schmidt and confronted him and he had indicated that he was not going to pay them because of the concerns the taxpayers may have. Councilperson Killian advised that she had advocated for them because all the Town employees were paid. She advised that the decision not to pay the Highway employees was Supervisor Schmidt.

Mr. DeWitt advised that it is illegal, that the Supervisor is one vote and that he makes the entire Town Board look bad. Mr. DeWitt went on to say that it is unethical and unfair.

Finance Director Earl Bertsch advised that in order to eliminate this problem it needs to be spelled out in the personnel policy. He advised that Mrs. Gerow was instructed not to pay the people. The policy needs to be amended and if it is in the personnel policy payroll will follow the policy.

**RESOLUTION NO -10**

*HIGHWAY AND W&S EMPLOYEES TO BE PAID 2 HRS. REGULAR TIME FOR 2/26/2010*

On a motion **by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve that the Highway and Water & Sewer employees be paid 2 hours regular pay for 2/26/2010.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO -10**

*PERSONNEL COMMITTEE TO BRING PROPOSED POLICY CHANGES TO 4/19/2010 MTG.*

On a motion **by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin**, the Town Board does hereby request that the Personnel Committee bring proposed policy changes to the 4/19/2010 meeting.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO -10**

*EMPLOYEES TO BE PAID ADDITIONAL 8 HRS FOR WORKING DURING STATE OF EMERGENCY*

On a motion **by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby authorize any employee who worked during the State of Emergency on 2/25-2/26 be paid an additional 8 hours of regular time.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**COMPREHENSIVE PLAN UPDATE**

Had first meeting and will be having another one in early April and will then bring presentation to the Board.

**RESOLUTION NO -10**

*APPROVAL OF AUDIT*

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

- March, 2010 Abstract:  
**Claims #373 to #557 totaling \$676,235.16**

- Post February, 2010 Abstract:  
**Claims #352 to #372 totaling \$145,225.92**

3 AYES - Carried  
1 Absent – Supervisor Schmidt

## **RESOLUTION NO -10**

### *APPROVAL OF MINUTES*

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

- Department Head Mtg. / Regular Monthly Mtg. 3/1/2010

3 AYES - Carried  
1 Absent – Supervisor Schmidt

## **RESOLUTION NO -10**

### *APPROVAL OF MONTHLY REPORTS*

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

- Town Clerk's 2/28/2010 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 2/28/2010

3 AYES - Carried  
1 Absent – Supervisor Schmidt

## OLD BUSINESS

### 1. Air Quality Report

Received 2 proposals both over \$20,000 needs to be put out to bid.

Finance Director Bertsch advised the board that we also had water in our fuel tank which was thought to be 1000 gallon tank and they pumped 1,500 gallons of fuel out of. He advised that they are now looking at the cost to replace the tank, testing, and probable fines for having a non-registered tank. He advised that we had about \$20,000 for repairs.

Councilperson Chris Austin made a motion that we do not have any money at the present time regarding Air Quality and that they should re-visit during budget time.

2. Workplace Violence

Mr. Bertsch advised that Dick Martinkovic was unable to make the first meeting and they are waiting for him to reschedule. Mr. Bertsch also advised that this requires training.

3. Melton Subdivision

Take off agenda and wait for him to make the next move. Councilperson Austin advised that we will need to contact Glenn Smith.

4. Updating the Town of Liberty Polling Places

Pending

5. Franchise agreement w/ Time Warner

Pending

6. Lightning Rod protection

Mr. Bertsh advised that the SLWWTF needs a new roof so he will ask for a capital resolution for both.

7. Cold Spring Water District

Waiting on Aileen Gunther for money and may not know anything for a few months. In the meantime Mr. Picard has a weekly flushing schedule.

## **GARY MILLER RT 52 ZONING**

CEO VanEtten advised the Board that Gary Miller would like to put an ice cream stand at the intersection of Rt. 52 and Dahlia Rd. but that it is zoned AC. CEO VanEtten advised that the SC District starts by the Firehouse and then turns to AC by Millers. Supervisor Schmidt had told Mr. VanEtten that he believed the Board had proposed many years ago to extend the SC District all the way to the Town line but didn't know if it was ever done. Mr. VanEtten advised the Board that he was unable to find anything regarding this and was looking for guidance as to whether Mr. Miller should apply for a use variance or a zoning change. Mr. VanEtten advised that Mr. Miller would like to have his business running by spring.

Attorney Klein advised that would not happen. He advised Mr. VanEtten that he would have to identify the parcels that would need to be changed. Mr. Klein also advised that the Board would have to get a long EAF and may need the services of Tom Shepstone. It was suggested that it be presented to both the Comprehensive & Zoning Committees for there recommendation.

**RESOLUTION NO. -10**

*PRESENT ZONING CHANGE TO COMP & ZONING COMMITTEES FOR RECOMMENDATION*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby request that CEO VanEtten present the Zoning change for Gary Miller at the intersection of Rt. 52 and Dahlia Rd. to the Comprehensive Review Committee and the Zoning Review Committee for their recommendation.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO -10**

*PARK & RECREATION 2010 SEASONAL POSITIONS*

On a motion **by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the following Park & Recreation Seasonal Positions for the 2010 season w/ the salaries following the hourly wage scale as presented with the Park & Recreation budget:

**Day Camp**

- 1 – Assistant Day Camp Director
- 16 – Camp Counselors

**Pool**

- 1 – Pool Director
- 1 – Assistant Pool Director
- 6 – Lifeguards

**Park**

- 1 – Assistant Park Supervisor
- 5 – Park Attendants

**Concession**

- 1 – Concession Manager
- 4 – Attendants

**Office**

- 1 – Office Clerk

**Town of Liberty Parks and Recreation  
2010 Hourly Wage Scale**

**Recreation Aides** – Starting pay \$7.50 per hour. An exception of \$7.75 starting pay if special skills directly related to the job are available and needed in the department they are working i.e. First Aid/CPR, Equipment experience, Educational, etc.

Concessions and Pool Attendants, Park Attendants, Day Camp Counselors, Seasonal Office Assistant, Scorekeepers

**Recreation Leaders** – Starting pay \$8.00 per hour. An exception of \$8.25 starting pay if special skills directly related to the job are available i.e. First Aid/CPR, Equipment experience, Educational, etc.

Open Gym and Field Supervisors, Recreation Program Supervisors, Referees/Officials (non-certified)

**Recreation Specialists** – Six Levels of starting wages as indicated.

Level I – \$9.00/hr. (\* or 75-80% of money collected for the activity)  
Lifeguards, Activity Instructors\*, Special Program Leaders.

\* Level II - \$11.50/hr.  
Concession Stand Manager

Level III - \$50 – 60/per game.  
Certified Referees/Officials (i.e. ASA Umpires, AAU Officials, etc.)

Level IV – \$10.50/hr.  
Water Safety Instructor

Level V – \$11.50/hr.  
Assistant Aquatic Director, Assistant Day Camp Director

Level VI - \$12.50/hr.  
Aquatic Director

**Grounds & Maintenance Specialists** – Two Levels of starting wages as indicated.

Level I - \$11.50/hr  
Assistant Park Supervisor

Level II - \$ ( per salary schedule)  
Park Working Foreman

\* All employees returning from 2009, will be increased \$0.25. Employees who return to the department for their third year and show exemplary leadership skills will receive an increase salary of \$1.25 the beginning of their 3<sup>rd</sup> year.

The following is a break down of the increase an employee will receive in 2010 depending on the number of years with the department.

Starting pay	=	\$7 .50
1 <sup>st</sup> year – 2 <sup>nd</sup> year	=	\$ .25
2 <sup>nd</sup> year – 3 <sup>rd</sup> year	=	\$ 1.25

3<sup>rd</sup> year – 4<sup>th</sup> year = \$ .25  
Over 4 years = \$ .25

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*APPROVAL FOR SUPERVISOR TO SIGN LEASE AGREEMENT FOR SWAN LAKE TENNIS COURTS*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to sign the following agreement to lease the Swan Lake tennis courts:

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*AUTHORIZE SUPERVISOR TO SIGN AGREEMENT BETWEEN TOWN OF LIBERTY AND KENNETH KLEIN TO REPRESENT THE TOWN IN JUSTICE COURT FOR TRAFFIC INFRACTIONS AS PROSECUTOR*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does authorize the Supervisor to sign the following agreement between the Town of Liberty and Kenneth Klein to represent the Town in Justice Court for traffic infractions as Prosecutor:

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*STONE & BLACKTOP BID OPENING SCHEDULED 4/1/2010*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby set the bid opening for stone and blacktop for 4/1/2010 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, New York.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*PUBLIC HEARING SET FOR FARMLAND PROTECTION PLAN 4/19/2010*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does set a public hearing for the Farmland Protection Plan for 4/19/2010 at 6:55 p.m. at Town Hall, 120 North Main St., Liberty, NY.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*APPROVAL OF REFUSE COLLECTION LICENSE FOR WASTE LOGISTICS*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby approve of a refuse collection license for Waste Logistics.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*MAURICE GERRY APPOINTED AS TOWN MARRIAGE OFFICER*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby appoint Maurice Gerry as a Town Marriage Officer for a term expiring on 12/31/2010.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO. -10**

*AMENDMENT TO SALARY SCHEDULE TO REINSTATE 3 P/T SEASONAL EMPLOYEES TO THE HIGHWAY DEPT.*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby authorize the amendment of the 2010 salary schedule to reinstate 3 part time seasonal employees for the Highway Dept. at the same rate of pay as listed in the 2009 salary schedule.

3 AYES - Carried  
1 Absent – Supervisor Schmidt

BOARD DISCUSSION

Councilperson Chris Austin

Wanted to know what was being done about the snow guards at the Highway Barn because it is a liability to the Town.

Highway Superintendent Pellam advised that he would get new quotes. He advised that it needs to be approved by Star Building so as to not void the warranty on the roof. Mr. Pellam advised that anyone can do it it just has to be there specifications.

Mr. Bertsch advised that if it was over \$20,000 it would need to be bid out.

Councilperson Austin also asked if we are scheduled to pay the CDC this month.

Finance Director Bertsch advised that all he needed was a voucher and he would pay them.

Councilperson Lynn Killian

Councilperson Killian wanted to clarify what the Supervisor was quoted as saying in the newspaper regarding the vacant position on the Board. Councilperson Killian advised that in the board discussions they had, they had decided at this time, not to appoint anyone to Sean Hanofee's position, but if they felt it necessary in the future they would have that option.

Councilperson Killian also advised that they had received a letter in the mail from the NYSDOT regarding A Transportation Partnering Committee and A Stakeholders Committee and she felt that Supervisor Schmidt being the Parksville representative should participate on this.

## **RESOLUTION NO -10**

### *SUPERVISOR TO REPRESENT THE TOWN BOARD AT THE NYSDOT TRANSPORTATION PARTNERING & STAKEHOLDERS COMMITTEES*

On a motion **by Councilperson Lynn Killian**, seconded by **Councilperson Chris Austin**, the Town Board does hereby appoint the Supervisor as the Town Board representative at the NYSDOT Transportation Partnering & the Stakeholders Committees.

3 AYES - Carried

1 Absent – Supervisor Schmidt

Councilperson Killian advised that at the last meeting she had handed out an article entitled "A Change in Climate" which discusses innovative ways communities across New York are going green. Councilperson Killian would like this on the next agenda for discussion.

Councilperson Thomas Hasbrouck

Councilperson Hasbrouck asked Finance Director Bertsch if he had any idea how much the tank removal is going to cost.

Finance Director Bertsch advised that we have Steve Kalka as the consultant for the Town and we would have to wait and see what the DEC does and if there is any ground contamination, etc.

**RESOLUTION NO -10**

*AUTHORIZATION FOR EMERGENCY REPAIRS TO REPLACE FUEL TANK*

On a motion **by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby authorize emergency repairs be made to replace the fuel tank at Town Hall with a 1,000 gallon tank.

3 AYES - Carried

1 Absent – Supervisor Schmidt

ADJOURN

On a motion by Thomas Hasbrouck, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 8:30 p.m.