

**TOWN BOARD OF THE TOWN OF LIBERTY
120 NORTH MAIN STREET, LIBERTY, NY 12754**

**Public Hearing
Unsafe Bldg. Hearing Hyman Sommer 6.-1-24**

March 21, 2011

6:45 p.m.

At a Public Hearing of the Town Board of the Town of Liberty held on March 21, 2011 at 6:45 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens regarding unsafe building proceedings against SBL# 6.-1-24 owned by Hyman Sommer located at 149 Cooley Rd., Parksville, NY.

Deputy Supervisor Clarence Barber called the Public Hearing to order at 6:45 p.m.

No one wished to be heard and no written comments were received.

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board adjourned the hearing at 6:49 p.m.

**Public Hearing
Introductory Local Law #1 of 2011**

March 21, 2011

6:50 p.m.

At a Public Hearing of the Town Board of the Town of Liberty held on March 21, 2011 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens regarding Introductory Local Law #1 of 2011 amending Chapter 84 of the Code of the Town of Liberty, entitled "Zoning," to revise definitions, revise the zoning districts and the schedule of uses therein, revise the zoning map, revise other provisions to be consistent with the foregoing and recodify the entire Zoning Law as Chapter 147 of the Code of the Town of Liberty.

Deputy Supervisor Clarence Barber called the Public Hearing to order at 6:50 p.m.

No one wished to be heard and no written comments were received.

On a motion by Councilperson Lynn Killian, seconded by Councilperson Chris Austin, the Town Board adjourned the hearing at 6:59 p.m.

**TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING**

March 21, 2011

7:00 p.m.

Regular Monthly Meeting
March 21, 2011 continued.....

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 Maurice Gerry
Councilperson Lynn Killian
Councilperson Chris Austin
Councilperson Thomas Hasbrouck

Absent: Supervisor John Schmidt

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Budget Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague

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

CORRESPONDENCE

1. Letter from Silvia Sanza regarding Ferndale water.
2. Letter from S. Ryba regarding Stevensville water.

COMPREHENSIVE PLAN UPDATE

PLANNING & ZONING BOARD MINUTES

Planning Board Minutes 2/15/11

RECOGNIZE THE PUBLIC

Kendra Shamble-Greco- Outreach Coordinator for Cancer Services Program of Sullivan County

Ms. Shamble-Greco advised the Board the Sullivan County Cancer Services Program was funded by the New York State Department of Health and was administered by CRMC. It provides free breast, cervical and colon cancer screening for eligible members of Sullivan County.

Ms. Shamble-Greco discussed the importance of regular cancer screening for the prevention and early detection of cancer.

For more information Ms. Shamble-Greco can be reached at 845-794-3300 extension 2844 or www.kentra.greco@crmcny.org

Regular Monthly Meeting
March 21, 2011 continued.....

Bob Stubbs – Town of Liberty Annual Insurance Presentation

Mr. Stubbs went over the (2) proposals from Selective and Argonaut. He advised that the coverage was basically the same and the price difference was \$20,000. The Board asked if they could have time to review these proposals and would like Mr. Stubbs to return to the 4/4/11 mtg.

Mr. Stubbs advised that neither policy included terrorism insurance.

Councilperson Gerry wanted it put on the record that he would like terrorism insurance to be added.

Mr. Stubbs will return to the 4/4/11 mtg.

Randy Wasson of Wasson Engineering

Mr. Wasson advised that he was here on behalf of the Petition by Catskill Motel for Extension of the Town of Liberty Youngs Hill Sewer District.

Jeremy Gorelick- Renaissance Grant

Mr. Gorelick advised the Board that the Village of Liberty will be applying for a renaissance grant to beautify the parking lots behind the stage area and the bank. He presented the board with a sketch.

Joan Stoddard – Village of Liberty Trustee

Wanted (2) people from the Board to go over the court checklist.

Mrs. Stoddard was advised that the Board had a Special Mtg. on 3/22/11 and they will decide at that time.

Mrs. Stoddard also advised that she would like the Board to consider going in with the Village and buying supplies in bulk.

The Board advised that they would consider this.

Assistant Town Attorney Walter Garigliano

Attorney Garigliano advised the Town Board that he had been directed to amend the Junkyard Law in order to accommodate the relocation of the Zalkin Junkyard. He wanted to know how much property was to be included in the new location.

The Board agreed just the paved area was to be included.

Attorney Garigliano also wanted to know how long would the Board be comfortable with the operation in (2) places.

Regular Monthly Meeting
March 21, 2011 continued.....

The Board agreed that (1) year from the commencement of operation.

Walter Garigliano regarding planning for renewable energy

Mr. Garigliano gave a presentation regarding the types of renewable energy such as.

- Bio-fuel
- Geo-thermal
- Solar- Photovoltaic and Solar Hot Water Applications
- Wind

Mr. Garigliano also explained PACE:

Property Assessed Clean Energy Bond Program where locally issued bond proceeds lent to commercial and residential property owners to finance:

- Small Renewable Energy Projects
- Energy Retrofits of Existing Buildings
- Energy Efficiency Improvements
- Retrofits to existing structures such as storm doors, double pane windows, additional insulation
- Alternative energy installations including:
 - Geothermal heat pumps
 - Solar panels
 - Small wind turbines

RESOLUTION NO -11

APPROVAL OF AUDIT

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

- March, 2011 Abstract:
Claims #352 to #530 totaling \$818,731.15
- February 2011, Post Abstract:
Claims #346 to #351 totaling \$5,057.51
- January, 2011 General Ledger Abstract:
Claims #1 to #27 totaling \$1,026,584.70
- February, 2011 General Ledger Abstract:
Claims #28 to #56 totaling \$1,076,108.63

4 AYES - Carried

RESOLUTION NO -11

Regular Monthly Meeting
March 21, 2011 continued.....

APPROVAL OF MINUTES

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

- Regular Monthly Mtg. 1/3/2011
- Regular Monthly Mtg. 2/22/2011

4 AYES - Carried

RESOLUTION NO -11

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 2/2011
- Monthly report of revenue & expense summary as of 2/28/11
- Supervisor's 12/2010, 1/2011 & 2/2011

4 AYES - Carried

OLD BUSINESS

1. Job descriptions
Received most from Department Heads
2. Draft Local Law authorizing the Planning Board to waive site plan review requirements.
Attorney Garigliano will draft final law for Planning Board review

NEW BUSINESS:

RESOLUTION NO

APPROVAL FOR ANTHONY MUROLO TO RENEW AND EXTEND LETTER OF CREDIT FOR SWAN LAKE ESTATES

Motion by **Councilperson Thomas Hasbrouck**, seconded **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby give its approval for Anthony Murolo, President of AJM @ Swan Lake Estates to renew and extend his letter of credit with the Town of Liberty in the amount of \$107,100.

4 AYES Carried

1 Absent Supervisor John Schmidt

RESOLUTION NO -11

Regular Monthly Meeting
March 21, 2011 continued.....

APPROVAL OF INTRODUCTORY LOCAL LAW #1 OF 2011 AS LOCAL LAW #1 OF 2011

Motion by Councilperson Lynn Killian, seconded **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve Introductory Local Law #1 of 2011 as Local Law #1 of 2011, said local law amends Chapter 84 of the Code of the Town of Liberty, entitled "Zoning," to revise definitions, revise the zoning districts and the schedule of uses allowed therein, revise the zoning map, revise other provisions to be consistent with the foregoing and recodify the entire Zoning Law as Chapter 147 of the Code of the Town of Liberty.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL OF PAYMENT TO BLAUER ASSOCIATES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board does hereby grant approval to pay Blauer Associates in the amount of \$500.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL OF PAYMENT TO KELLY ENGINEERING

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby grant approval to pay Kelly Engineering in the amount of \$6,050.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL FOR PARKS & RECREATION TO FILL POSITIONS FOR THE 2011 SEASON

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** the Town Board does hereby grant approval for the Parks & Recreation Department to fill positions for the 2011 summer season.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

Regular Monthly Meeting
March 21, 2011 continued.....

APPROVAL OF PURCHASE OF NEW ZERO DEGREE TURN RADIUS MOWER FROM THE TOWN OF LIBERTY PARKS CAPITAL RESERVE FUND

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 21st day of March, 2011 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: Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Chris Austin

ABSENT: Supervisor John Schmidt

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW ZERO TURN RADIUS MOWER FOR USE BY THE PARKS AND RECREATION DEPARTMENT AT MAXIMUM ESTIMATED COST OF \$9,000.00 AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$9,000.00 FROM THE TOWN OF LIBERTY PARKS CAPITAL RESERVE FUND.

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

Section 1. The purchase of a new zero turn radius mower for use by the Town of Liberty Parks and Recreation Department at a maximum estimated cost of \$9,000.00 and the expenditure of the sum of \$9,000.00 from the Town of Liberty Parks

Regular Monthly Meeting
March 21, 2011 continued.....

Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

Section 2. The action authorized has been determined to constitute a Type II Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

Section 3. The plan for financing of such maximum estimated cost is by the appropriation and expenditure of monies heretofore deposited in the Town of Liberty Parks 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	ABSENT
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Lynn Killian voting	AYE
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL OF JUNK YARD LICENSE FOR SIMS METAL MANAGEMENT

Regular Monthly Meeting
March 21, 2011 continued.....

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby grant approval for a junkyard license to be issued to Sims Metal Management.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL OF REFUSE COLLECTION LICENSE FOR SULLIVAN COUNTY FIRST RECYCLING, INC.

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin** the Town Board does hereby grant approval for (3) refuse collection licenses to be issued to Sullivan County First Recycling, Inc.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

APPROVAL OF TOWING LICENSE FOR MIKE'S TIRE DISCOUNT

Motion by Councilperson Chris Austin, seconded by **Councilperson Maurice Gerry** the Town Board does hereby grant approval for (3) towing licenses to be issued to Mike's Tire Discount.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

SET BID OPENING FOR STONE & ASPHALTIC PAVING MIXES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby set the bid opening for stone & asphaltic paving mixes for 4/7/11 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, NY.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

ACCEPT LOW PROPOSAL FOR SENIOR CENTER KITCHEN CABINET REPLACEMENT PROJECT

Regular Monthly Meeting
March 21, 2011 continued.....

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby accept the low bid submitted by Mootz Construction, LLC in the amount of \$14,000 for the Senior Citizen Kitchen Cabinet Replacement Project.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

ACCEPT LOW PROPOSAL FOR LIGHT POLE INSTALLATION IN SWAN LAKE

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby accept the low bid submitted by Neversink Electric in the amount of \$4,899. for the installation of (5) light poles in Swan Lake.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

RESCHEDULE APRIL REGULAR MONTHLY MTG. TO 4/20/11

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck** the Town Board of the Town of Liberty does hereby reschedule its April, 2011 Regular Monthly Meeting to April 20, 2011 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

ESTABLISHMENT OF EXTENSION NO. 2 TO THE YOUNG'S HILL SEWER DISTRICT IN THE TOWN OF LIBERTY, COUNTY OF SULLIVAN, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

At a regular meeting of the Town Board of the Town of Liberty, in the County of Sullivan, New York, held at the Town Hall, 120 North Main Street, Liberty, New York, on the 21st day of March, 2011.

PRESENT:

Regular Monthly Meeting
March 21, 2011 continued.....

Chris Austin, Councilperson
Maurice Gerry, Councilperson
Thomas Hasbrouck, Councilperson
Lynn P. Killian, Councilperson

In the Matter

of the

Establishment of Extension No. 2 to the Young's Hill Sewer District
in the Town of Liberty, County of Sullivan, New York,
pursuant to Article 12-A of the Town Law.

Offered by: Councilperson Lynn Killian
Seconded by: Councilperson Chris Austin

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
April 20, 2011

WHEREAS, the Town Board of the Town of Liberty, in the County of Sullivan (herein called the "Town") has heretofore received a petition from Syed Jafri and Leopoldine Jafri, owners of real property known as the Catskill Motel, for the extension of the Young's Hill Sewer District (herein called the "District"), in the Town, signed and acknowledged or proved as required by law, and in full compliance with the requirements of Section 191 of the Town Law; and

WHEREAS, Wasson Engineering, competent engineers duly licensed by the State of New York, has prepared a map, plan and report relating to the extension of the District, and the construction of improvements therein, including preliminary and ancillary costs (the "Sewer Improvement"); and

Regular Monthly Meeting
March 21, 2011 continued.....

WHEREAS, the Town Board has given due consideration to the impact that the extension of the District and construction of the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, the Town Board of the Town has determined to proceed with the proposed extension of the District, which shall be known as Extension No. 2 to the Young's Hill Sewer District; and

WHEREAS, the proposed Extension No 2 of the Young's Hill Sewer District is bounded and described as follows:

ALL that certain plot, piece or parcel of land situate in the Town of Liberty, County of Sullivan and State of New York;

BEGINNING at a concrete highway monument at the west bounds of County Road No. 176 and the north bounds of the former New York Ontario and Western Railroad right-of-way and running thence North 38° 16' East along the west bounds of County Road No. 176, 258.95 feet to a spike; thence 11° 07' East, 72.00 feet to a spike in the southerly bounds of Youngs Hill Road (Town Road No. 98) and the place and point of beginning of the parcel herein described;

Thence, North 64° 28' West along said southerly bounds of Youngs Hill Road, 301.17 feet to an iron rod; thence South 15° 14' East, along the easterly bounds

Regular Monthly Meeting
March 21, 2011 continued.....

of Shulman (Liber 5986, Page 285) 226.00 feet to a point; thence North 67° 26' East, 230.00 feet to the place and point of beginning of the parcel herein described, being a portion of tax parcel 20-2-3.2 as described in iber 3264 Page 89 and containing 0.59 acres of land, more or less.

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$30,000 and all of such cost is to be paid by the Petitioner, with no costs to be paid by the Town;

Now, therefore, be it

DETERMINED AND STATED that the estimated cost of hook-up fees for existing users is \$-0-; and the estimated cost of the District to the Typical Property (as defined in the Town Law) is \$2,928.08; and the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the approval of the State Comptroller will not be required prior to establishment of Extension No. 2 to the District because it is not proposed or required that the Town shall finance the cost of Extension No. 2 to the District or the construction of the Sewer Improvement by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, in the Town, on the 20th day of April, 2011, at 6:50 o'clock P.M. (Prevailing Time), to consider the proposed Extension No. 2 to the District as herein described, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

Regular Monthly Meeting
March 21, 2011 continued.....

FURTHER ORDERED, that the Town Clerk (i) publish at least once in the "Sullivan County Democrat," a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for such publication, (ii) post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and (iii) mail, or cause to be mailed, by first class mail to each owner of taxable real property in the proposed Extension No. 2 to the District, a Notice of such public hearing certified by said Town Clerk, in substantially the form attached hereto in Exhibit A, the first publication, the posting and the mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of the publication of a copy of this Order.

4 AYES Carried
1 Absent Supervisor John Schmidt

RESOLUTION NO

TOWN ATTORNEY TO DRAFT LOCAL LAW FOR NON-CONFOMRING USES

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize and direct Town Attorney to draft local law for non-conforming uses.

4 AYES Carried
1 Absent Supervisor John Schmidt

BOARD DISCUSSION

Councilperson Lynn Killian

- Wanted to know if anyone had any opinions regarding the samples of non-conforming use laws she handed out at the last meeting. A short discussion followed.
- Will be attending the next Farmland Mtg. and will form a committee

Regular Monthly Meeting
March 21, 2011 continued.....

Councilperson Thomas Hasbrouck

- Wanted to know why we were paying (2) vendors hired by (2) different people for the same thing and no one has seen a report.

Councilperson Chris Austin

- Advised that he had visited the dog pound and the heater was very nice.

Councilperson Maurice Gerry advised that DCO Gerow had called him and that she felt that the insulation that was being installed was a waste of time and money.

A short discussion followed and it was decided that Councilperson Austin will instruct Harry what hole needs to be sealed and we will see if Alan Gerry is still interested in helping the Town with the construction of a new kennel.

Councilperson Maurice Gerry

- Wanted to know how we were making out with the janitorial situation. He was advised that Roxanne had returned and was cleaning Town Hall and that Skye was cleaning Parks & Rec and doing snow removal and that everything was going smoothly.

ADJOURN

On a motion by Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board does hereby adjourn the meeting at 8:38 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk