

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
April 16, 2012

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:

Supervisor Charlie Barbuti
Councilperson Chris Austin
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand

Absent: Councilperson Maurice Gerry

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Budget Accounting Coordinator Cheryl Gerow
Anne Hart
Fritz Mayer
Robert Werlau
Sean Zigmund
John Reyes
David Lubin
Pat Lubin
Nancy Cooper
Carol Benton
Vincent McPhillips
Lydia Rolle

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

CORRESPONDENCE

1. A letter from the United States Dept. of the Interior Bureau of Indian Affairs.
2. A copy of a community petition in objection to the approval to the issuance of a Special Use Permit to Milo Moore for Frankie Lane.
3. A letter from the Loomis Area Watch with terms and conditions for the issuance of a Special Use Permit to Milo Moore for Frankie Lane.

4. A letter from John Sansalone from NYSDEC regarding the annual compliance inspection for the Swan Lake Wastewater Treatment Plant.
5. Copy of a letter from Supervisor Barbuti in response to John Sansalone's Letter regarding the Swan Lake Wastewater Treatment Plant annual compliance inspection.
6. A letter from Guisepe Emmanuele regarding a water bill.
7. A copy of the design for the Liberty Community Garden.
8. A copy of a letter from Pat Lubin to the NYSDEC regarding the issuance of a Special Use Permit for Milo Moore for Frankie Lane.
9. Copies of emails and letters sent to the newspapers by Pat Lubin regarding the issuance of a Special Use Permit to Milo Moore for Frankie Lane.
10. A letter from John Sansalone at the NYSDEC regarding the Annual Compliance Inspection for the Loomis Wastewater Treatment Plant.
11. Copy of a letter from Supervisor Barbuti in response to John Sansalone's Letter regarding the Loomis Wastewater Treatment Plant annual compliance inspection.

PLANNING & ZONING BOARD MINUTES

None received

RECOGNIZE THE PUBLIC

Pat Lubin of the Loomis Neighborhood Watch

Mrs. Lubin advised that she was the President of the Loomis Rd. Neighborhood Watch and that it was her job to bring the community's concerns to the Town Board. She advised that the community has a problem with a special use permit being issued to Milo Moore of Tommy's Towing.

One of their concerns are the environment, they are worried about the wetlands and streams. She felt that the Negative Declaration was not a full assessment because it did not include a plan for a spill and or storm/rain water and how it would be contained or where it would end up. Mrs. Lubin advised that she had contacted the NYSDEC and they advised her of an Industrial State Pollutant Form and a Storm Water Plan Form. Mrs. Lubin also referred to a letter received from Sister Kevin John Shields regarding her concern that the property borders the Archdiocesan Religious Education Center and the pollution of the wetlands was grave concern.

Mrs. Lubin stated that safety was also a concern. She advised that she had spoken to many different police agencies and was advised that security would be an issue as it was just the nature of the business.

The next item of concern was Aesthetics. Mrs. Lubin advised that they had worked with Sullivan Renaissance to beautify this area. She advised that she was not against businesses but that this business was just not a good fit for their community. She advised that a resident of the community had traveled to Walden to see Tommy's Towing and was very discouraged after seeing no landscaping, a fence falling down, etc. She advised that the site plan indicated an 80'x100' designated area for disabled cars with no indication of landscaping.

Mrs. Lubin also indicated that the roads on Frankie Lane were in total disrepair. They haven't been paved in over 25 years.

She advised that the DEC was also looking into any violations that Poley Paving may have had prior and any current violations.

She is also waiting on a report from the NYSDOT regarding the traffic impact to Rt. 52.

Mrs. Lubin also stated that they do not know who the key players in Tommy's Towing are and it is causing a lot of mistrust within her community. She advised that she knew that Milo Moore was the Vice President but she did not know who was funding the business.

In conclusion Mrs. Lubin stated that she felt that the findings and impact on the community was incomplete. She stated that they would like to work with the Town on finding another venue for this business, such as the old Grossman's Tires. She would like the board to set a moratorium on this parcel. She also stated that they would like to attract business not detract. She also stated that the Board should consider the efforts and goals of the community that aren't necessarily in line with the zoning regulations.

Sean Zigmund

Mr. Zigmund addressed the board regarding the ongoing issue of flooding on his property at 64 Mineral Springs Rd. Mr. Zigmund advised the Board that when the Town Engineer went out to inspect the culvert pipe, he inspected the wrong one. Mr. Zigmund would like the Town to send the Engineer to re-inspect and to meet with him so that he may show him the correct pipe and show him the pond that he feels the deluge of water is coming from. Mr. Zigmund advised that once it is re-inspected he hopes that the Town will fix the pipe and resolve this issue.

Mr. Zigmund also addressed the board regarding the collection of compost. He advised that he would like to collect food scraps and yard waste from his neighbors to use on his farm. He advised that CEO Van Etten didn't feel he needed a permit but felt that he should check with the Town Board since they are listed as the regulating body. He advised that he would supply approximately 10-20 neighbors with bins with closeable lids for collection. He will pick these up with his truck on a weekly basis. If he needs a permit he will apply for it. If he needs to properly label his truck he will. He stated that he was registered with the DEC as a collector and is permitted to collect up to 10,000 cubic yards of compostable material which he will be way below that amount. He advised that he would be at the next meeting.

Mr. Zigmund also wanted to bring it to the Boards attention that Supervisor Barbuti has started a new Agricultural Committee of which he is the Chairman. They will be meeting on Friday, April 20, 2012 at 6:00 p.m. at Town Hall. Anyone is welcome to come and/or serve on the committee. Mr. Zigmund advised that he would like to stimulate the growth of food in our back yards and stimulate our community by growing healthy fruits and vegetables.

John Reyes from ENERPATH

Mr. Reyes advised that he was from ENERPATH and that he works on behalf of NYSEG. They perform free light assessments. They assess a building and account for each light, hours of operation and how many people work there. They then generate a report of how much they would save by replacing the lights and NYSEG would pay for 70%. Municipalities are subject to prevailing wage rate. The savings is usually 22-76% with better more efficient lighting and the reduction of carbon emissions.

RESOLUTION NO

ENERPATH TO CONDUCT FREE LIGHT ASSESSMENT AT ALL TOWN BLDGS.

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty has authorized ENERPATH to conduct a free light assessment at all Town Buildings.

4 AYES - Carried
Councilperson Gerry Absent

RESOLUTION NO

APPROVAL OF AUDIT

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

- April, 2012 Abstract:
Claims #583 to #747 totaling \$320,447.52
- Post, March 2012 Abstract:
Claims #561 to #582 totaling \$100,728.35
- March, 2012, General Ledger Abstract:
Claims #66to #90 totaling \$201,166.76

4 AYES - Carried
Councilperson Gerry Absent

RESOLUTION NO

APPROVAL OF MINUTES

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

- Department Head Mtg. 3/5/12
- Regular Monthly Mtg. 3/19/12
- Bid Opening 4/5/12

4 AYES - Carried
Councilperson Gerry Absent

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 3/2012
- Monthly report of revenue & expense summary as of 3/31/2012

4 AYES - Carried
Councilperson Gerry Absent

OLD BUSINESS

1. Planning & Zoning Committee updates.
2. Offsite central sewage treatment system
 - Lake Marie Subdivision
 - Town Code change regarding offsite sewage treatment systems.

Meeting 4/25 @ 10:00 w/ developer of the Lake Marie Subdivision.

3. Report on RD Zoning definition change pertaining to summer camps.
 - Will be addressed through the Planning & Zoning Committees

Return of escrow payment from Camp HASC

Councilperson Dean Farrand advised the Board that he had met with Mr. Sam Kahn regarding the return of the bond for Camp HASC. He advised that there was no change in the vegetation and that Mr. Kahn agreed that the drainage needed to be fixed. Mr. Kahn advised Councilperson Farrand that he felt that the bond was conditioned to the receipt of the CO and would like the entire bond returned. Councilperson Farrand stated that he was not comfortable with this. Attorney Klein advised that he wanted to look at the documentation.

RESOLUTION NO

ACCEPT RESIGNATION OF DIANE DEUTSCH FROM PLANNING BOARD

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby accept the resignation submitted by Diane Deutsch from the Town of Liberty Planning Board effective immediately.

4 AYES - Carried
Absent - Councilperson Gerry

RESOLUTION NO

APPOINTMENT OF VINCENT MCPHILLIPS TO THE PLANNING BOARD

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby appoint Vincent McPhillips to the Town of Liberty Planning Board to fill the unexpired term of Diane Deutsch expiring 12/31/2012.

4 AYES - Carried
Absent - Councilperson Gerry

RESOLUTION NO

APPOINTMENT OF ROBERT WERLAU AS AN ALTERNATE TO THE PLANNING BOARD

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby appoint Robert Werlau as an alternate to the Town of Zoning Board for a term expiring on 12/31/2012.

4 AYES - Carried
Absent - Councilperson Gerry

RESOLUTION NO

APPROVAL OF JUNK YARD LICENSE FOR SIMS METAL MANAGEMENT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve of a Junk Yard License for Sims Metal Management.

4 AYES - Carried
Absent - Councilperson Gerry

RESOLUTION NO

APPROVAL OF ADOPT A ROAD APPLICATION SUBMITTED BY PAT LUBIN TO ADOPT OLD LOOMIS RD.

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby approve of Adopt A Road application submitted by Pat Lubin to adopt Old Loomis Rd.

4 AYES - Carried
Absent - Councilperson Gerry

RESOLUTION NO

APPROVAL TO PAY BLAUER ASSOCIATES IN THE AMOUNT OF \$800. FOR THE LOOMIS SEWER TREATMENT PLANT UPGRADE PROJECT

Motion by Councilperson Thomas Hasbrouck, seconded by **Supervisor Charlie Barbuti** the Town Board does hereby give approval to pay Blauer Associates the amount of \$800.00 for administrative services for the Loomis Sewer Treatment Plant Upgrade Project.

4 AYES - CARRIED
1 Absent - Councilperson Gerry

RESOLUTION NO

APPROVAL TO PURCHASE MANHOLE COVER EXTENSIONS FROM SYRACUSE CASTING AT ESTIMATED COST OF \$10,000

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby give approval for Water & Sewer to purchase manhole extension rings at an estimated cost of \$10,000 from Syracuse Casting.

4 AYES - CARRIED
1 Absent - Councilperson Gerry

RESOLUTION NO

APPROVAL TO ENTER INTO AGREEMENT W/ MARK BLAUER AND AUTHORIZE SUPERVISOR TO SIGN AGREEMENT

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby give approval to enter into a contract with Mark Blauer dba Blauer Associates to apply for 2012 grant funds from the New York State Office

Community Renewal (OCR) Community Development Block Grant Small Cities Program and does hereby authorize the Town Supervisor to sign agreement.

4 AYES - CARRIED

1 Absent - Councilperson Gerry

RESOLUTION NO

ASSESSMENT SETTLEMENT FOR LOUIS AND PAMELA BOYD

The following motion was offered by Councilperson Thomas Hasbrouck, who moved its adoption, and seconded by Councilperson Dean Farrand, to wit:

WHEREAS, Louis Boyd and Pamela Boyd ("Petitioners") have served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2011 with respect to a parcel owned by them located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioners have appeared in the aforesaid proceedings by Kalter, Kaplan, Zeiger & Forman, Esqs., Jay L. Zeiger, of counsel; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioners' complaint with respect to the subject assessment;

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorneys of record for the Petitioners, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor Charlie Barbuti voting	AYE
Councilperson Maurice Gerry voting	ABSENT
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

RESOLUTION NO.

ASSESSMENT SETTLEMENT FOR JOSEPHINE V. FINN, AS TRUSTEE OF THE RITTER LOUBERTA FINN IRREVOCABLE LIVING TRUST

The following motion was offered by Councilperson Chris Austin, who moved its adoption, and seconded by Councilperson Thomas Hasbrouck, to wit:

WHEREAS, Josephine V. Finn, as Trustee of the Ritter Louberta Finn Irrevocable Living Trust dated December 9, 2008 ("Petitioner") has served and filed a notice of protest and notice of

petition and petition for review and reduction of a real property assessment for the year 2011 with respect to a parcel owned by it located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Steven N. Mogel, Esq.; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioner's complaint with respect to the subject assessment;

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor Charlie Barbuti voting	AYE
Councilperson Maurice Gerry voting	ABSENT
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL OF STONE & BLACKTOP BIDS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand** the Town Board does hereby accept the low bidders for stone and asphaltic mixes.

4 AYES - CARRIED

1 Absent - Councilperson Gerry

RESOLUTION NO

INTRODUCTORY LOCAL LAW #1 OF 2012 AMENDING THE TOWN OF LIBERTY ZONING LAW TO REGULATE OFF-SITE (CENTRAL) SEWAGE TREATMENT SYSTEMS

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town Hall, 120 North Main Street, Liberty, New York, in said Town, on the 16th day of April, 2012 at 7:00 p.m. prevailing time.

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

PRESENT: Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Chris Austin
Councilperson Dean Farrand

ABSENT: Councilperson Maurice Gerry

The following resolution was introduced by Councilperson Dean Farrand, who moved its adoption, and seconded by Councilperson Chris Austin, to wit:

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2012 entitled "A local law amending the Town of Liberty Zoning Law to regulate off-site (central) sewage treatment systems" is hereby introduced before the Town Board of the Town of Liberty, Sullivan County, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at Town Hall, Liberty, New York, at 6:50 p.m., prevailing time, on May 21, 2012; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the aforesaid local law constitutes an Unlisted Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for which the Town Board shall act as Lead Agency and an environmental assessment form shall be prepared; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto.

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

Supervisor Charlie Barbuti	voting	AYE
Councilperson Maurice Gerry	voting	ABSENT

Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Chris Austin	voting	AYE

The resolution was thereupon declared duly adopted.

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand** the Town Board does hereby go into Executive Session at 8:40 p.m. to discuss Personnel Negotiations.

4 AYES - CARRIED

1 Absent - Councilperson Gerry

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand** the Town Board does hereby come out of Executive Session at 9:20 p.m.

4 AYES - CARRIED

1 Absent - Councilperson Gerry

BOARD DISCUSSION

Councilperson Chris Austin

- Wanted to know if Charlie found out anything about the Welcome signs
- Wanted to know if Charlie had heard anything from H&H. (Charlie advised that Debbie had left a message)
- Feels that we need to get our Summer Mtg. Schedule together if we are going to the hamlets.

Councilperson Dean Farrand

- Advised that we needed to move quickly and get the Industrial Hygienist in.
- Mtg. on 4/24/12 @ 6 p.m. for Planning Board, Zoning Board, Town Board and CEO

Councilperson Thomas Hasbrouck

- Advised that him and Charlie met with Ed Mall regarding the Parksville Rd.
- Praised the fireman for what a good job they did and how everyone got out safe.

Councilperson Maurice Gerry

- Absent

Supervisor Charlie Barbuti

- Reminder of the 4/24 Mtg.
- Will have Laurie do up 3 resolutions for the next Board Mtg. regarding:
 - Mandate Relief
 - Reform Real Property Tax System
 - Elimination of the Requirement to Collect State Animal Population Control Surcharge

ADJOURN

Motion by Councilperson Chris Austin, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourns the meeting at 9:40 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk