

**Public Hearing  
Liberty Town Board  
April 19, 2010 6:45 pm**

At a Public Hearing of the Liberty Town Board held on April 19th, 2010 at 6:45pm at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to the Ferndale Water Bonds. The following board members were present:

Present:                      Supervisor John Schmidt  
                                    Councilperson Christopher Austin  
                                    Councilperson Thomas Hasbrouck  
                                    Councilperson Lynn Killian  
                                    Councilperson Maurice Gerry

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Code Enforcement Officer Mark VanEtten  
Budget Coordinator Cheryl Gerow  
Finance Director Earl Bertsch  
Attorney Kenneth Klein  
Highway Superintendent Timothy Pellam  
Deputy Highway Superintendent John Lennon, Jr.  
Confidential Secretary Maureen Barber  
Heinrich Strauch  
Marvin Newberg  
Gary Miller  
Christine Miller  
Eric Melton  
Christopher Melton  
Dean Farrand  
Andrew Arias  
Barbara Burton  
Jeremy Gorelick

After the pledge, Supervisor Schmidt opened the Public Hearing at 6:45pm.

Supervisor Schmidt explained that the Public Hearing was for updating bonds for The Ferndale Water District. The Ferndale Water District has two projects that need to be completed, one on Old Monticello Rd. and one on Main Street in Ferndale.

Supervisor Schmidt asked if there were any questions or comments from the public. No one from the public wished to be heard and no written comments were received.

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** and carried, the Town Board adjourned the Public Hearing at 6:49 P.M.

**Public Hearing  
Liberty Town Board  
April 19, 2010 6:50 pm**

At a Public Hearing of the Liberty Town Board held on April 19th, 2010 at 6:50 pm at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to Farmland Protection.

The following board members were present:

Present:                      Supervisor John Schmidt  
                                    Councilperson Christopher Austin  
                                    Councilperson Thomas Hasbrouck  
                                    Councilperson Lynn Killian  
                                    Councilperson Maurice Gerry

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Code Enforcement Officer Mark VanEtten  
Budget Coordinator Cheryl Gerow  
Finance Director Earl Bertsch  
Attorney Kenneth Klein  
Highway Superintendent Timothy Pellam  
Deputy Highway Superintendent John Lennon, Jr.  
Confidential Secretary Maureen Barber  
Heinrich Strauch  
Marvin Newberg  
Gary Miller  
Christine Miller  
Eric Melton  
Christopher Melton  
Dean Farrand  
Andrew Arias  
Barbara Burton  
Jeremy Gorelick

Supervisor Schmidt opened the Public Hearing at 6:50pm.  
Supervisor Schmidt stated that this is a Farmland Protection Grant from New York State that we have been working on for the last year. The Grant helps

Farmers and the Agricultural District. Supervisor Schmidt stated that he had a book regarding Farmland Protection if anyone from the public would like to read it.

Supervisor Schmidt asked if there were any questions or comments from the public.

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

**On a motion by Councilperson Maurice Gerry**, seconded by **Councilperson Thomas Hasbrouck** and carried, the Town Board adjourned the Public Hearing at 6:55 P.M.

**REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
APRIL 19, 2010**

The following board members were present:

Present:                   Supervisor John Schmidt  
                              Councilperson Christopher Austin  
                              Councilperson Thomas Hasbrouck  
                              Councilperson Lynn Killian  
                              Councilperson Maurice Gerry

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Code Enforcement Officer Mark VanEtten  
Budget Coordinator Cheryl Gerow  
Finance Director Earl Bertsch  
Attorney Kenneth Klein  
Highway Superintendent Timothy Pellam  
Deputy Highway Superintendent John Lennon, Jr.  
Confidential Secretary Maureen Barber  
Heinrich Strauch  
Marvin Newberg  
Gary Miller  
Christine Miller  
Eric Melton  
Christopher Melton  
Dean Farrand  
Andrew Arias  
Barbara Burton  
Jeremy Gorelick

Open Regular Monthly Town Board Meeting on April 19, 2010 at 7:00 p.m.

Supervisor Schmidt states that the Town Board needs to make a resolution to accept the expenditure of the Ferndale Water Bonds.

Finance Director Earl Bertsch explained that the bonds needed to be advertised for 30 days for a Permissive Referendum. The expenditure of the bonds would be \$400,000.00 and another \$150,000.00 coming out of the capital reserve fund. The total project cost will be \$550,000.00.

**RESOLUTION NO. 124-10**

*APPROVAL OF THE TOWN BOARD TO ACCEPT THE EXPENDITURE OF THE FERNDALE WATER BONDS*

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, on the 19th day of April, 2010.

**PRESENT:**

Hon. John Schmidt, Supervisor

Thomas Hasbrouck , Councilperson

Lynn Killian, Councilperson

Chris Austin, Councilperson

Maurice Gerry, Councilperson

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In the Matter  
of the

Increase and Improvement of Facilities of  
the Ferndale Water District, in the Town of  
Liberty, in the County of Sullivan, New York, pursuant to  
Section 202-b of the Town Law

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Offered by: Councilperson Thomas Hasbrouck

Seconded by: Councilperson Lynn Killian

**RESOLUTION AND  
ORDER AFTER PUBLIC  
HEARING**

WHEREAS, the Town Board of the Town of Liberty (herein called the “Town”), in the County of Sullivan, New York, on behalf of the Ferndale Water District, in the Town (herein called the “District”), has caused Kelly Engineering, P.C., engineers duly licensed by the State of New York (the “Engineer”), to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the replacement of water lines on Old Monticello Road and Station Hill Road, including related and ancillary work and engineering, legal and other costs; and said map and plan have been filed with the Town Board and the cost thereof has been estimated to be \$550,000, and

WHEREAS, on April 5, 2010 the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 19, 2010 at 6:45 o’clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 19th day of April, 2010 at 6:45 o’clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; 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, constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the negative declaration and/or other applicable documentation have been filed in the office of the Town Clerk;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$550,000, with \$150,000 of such cost to be paid from capital reserve funds and the \$400,000 balance to be financed by the issuance of bonds of the Town; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the expenditure of \$150,000 capital reserve funds currently available to pay a part of said appropriation and the issuance of \$400,000 bonds of the Town to finance the balance of said appropriation; and the costs of said

increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; water rents have been imposed and it is expected that such rents shall continue to be imposed and collected and the amounts derived therefrom shall be budgeted and used as an offset to a portion of the taxes to be levied and collected; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Sullivan County within ten (10) days after adoption thereof.

DATED: April 19, 2010

(SEAL)

TOWN BOARD OF THE TOWN OF LIBERTY

Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor John Schmidt	voting AYE
Boardmember Thomas Hasbrouck	voting AYE
Boardmember Lynn Killian	voting AYE
Boardmember Chris Austin	voting AYE
Boardmember Maurice Gerry	voting AYE

The Resolution and Order were declared adopted.

**RESOLUTION NO. 125-10**

*APPROVAL OF TOWN BOARD TO BE LEAD AGENCY FOR THE FARMLAND PROTECTION GRANT*

**On a motion by Councilperson Christopher Austin**, seconded by **Councilperson Lynn Killian** the Town Board will be lead agency on the Farmland Protection Grant.

5- Aye's – Carried

## **RECOGNIZE THE PUBLIC**

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

Mr. Palmer is asking the Town Board for a variance to allow workers to begin their first shift at 6am and end at 2:00pm and the second shift to begin at 2:30pm and end at 10:30pm. Mr. Palmer states that the noise would be reduced during the evening shift, there would be no dozer work after 9pm, and no blasting after 7pm. The variance would also include work on Friday night would end at 8pm and no work on Saturday and Sunday. The Town Board agreed to the variance on a temporary basis. The Town Board would like Mr. Palmer to come to the June 21, 2010 Town Board Meeting to see if the variance is working for the people who live in that area. At that time it will be decided if the variance will be continued.

## **RESOLUTION NO. 126-10**

*APPROVAL OF THE TOWN BOARD TO ISSUE A TEMPORARY VARIANCE TO THE DELANEY GROUP*

**On a motion by Councilperson Lynn Lillian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board issued a temporary variance to the Delaney Group to re reviewed at the Town Board Meeting on June 21, 2010.

5- Aye's - Carried

## **Cooper & Neimann – 2009 Annual Report**

**Andrew Arias** discussed the audit and went over the audit reports. Mr. Arias explained how the audit is done and what information is gathered to do the reports. Mr. Arias stated that the Town's records were in very good shape and the Town did very well in the audit. Mr. Arias also went over certified payroll and stated that the departments that hired contractors had to make sure that they were getting certified payrolls from each one.

## **Marvin Newberg – Melton Subdivision**

**Mr. Newberg** would like the Town Board to accept a road dedication for his client's, Eric and Christopher Melton. The road goes from Charter Way to Muhlig Road. Mr. Newberg has a certification from Kelly Engineering for this road. Superintendent Pellam states that he has concerns regarding doing this. Superintendent Pellam gave the Board members pictures and a fax from Engineer Glenn Smith reiterating some of these concerns. On a recommendation from the Town Board it was decided that a meeting would be held with John Schmidt, Maurice Gerry, Superintendent Tim Pellam, Engineer Glenn Smith, Town Engineer Terrance Kelly, Marvin Newberg, Eric Melton, Christopher Melton, and Town Attorney Kenneth Klein. The meeting would tentatively be held on Friday April 23, 2010 at 11am. The meeting would be held to go over all the concerns of all parties and try to decide on what action to bring before the Town Board next.

### **Liberty Proposed Land Use**

**Dean Farrand** and **Henrich Strauch** gave a brief presentation on proposed land use changes and explained how these changes were based on the Comprehensive Plan. Mr. Farrand passed out a District Intent Chart and a map showing the zoning changes. Mr. Farrand stated that most of the changes would be with developmental standards and the special use sections. Through the Comprehensive Plan, Mr. Farrand states that the people want to maintain the rural integrity of community. Mr. Farrand explained what some of the new districts would be in the Town and the Village and what there differences would be. Mr. Farrand would like The Town Board to go forward with a Public Hearing to make the zoning changes for, proposed land use, definitions, and the zoning map. Attorney Kenneth Klein would like to make a Local Law encompassing the zoning changes when everything is put together. This could be introduced at the Monthly Meeting in May and possibly have the Public Hearing in June. It was suggested that an informational meeting be set up so people would have a chance to here about the new changes. The meeting would need to be well publicized in the paper, on the radio, and possibly on the web page. Councilperson Gerry suggested the CVI Building for the meeting and stated that he would ask if the building could be used at that time for the meeting. The meeting was tentatively set for May 12,2010 at 7pm if Councilperson Gerry could get the CVI Building for that time.

### **Jeremy Gorelick**

Mr. Gorelick was giving the Town Board an update on the Renaissance Group. He states that a Category C Grant was applied for. The grant would be for \$5,000 this year and then \$5,000 for the next 2 years. The money would be for beautification of the Village and Town.

## **Village of Liberty Minutes**

All Town Board members stated that they read the minutes.

### **RESOLUTION NO 127-10**

#### *APPROVAL OF AUDIT*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Christopher Austin**, the Town Board approved the following:

- April, 2010 Abstract:  
Claims # 528 to # 786 totaling \$308,740.74
- Post March, 2010 Abstract:  
Claims # 558 to # 581 totaling \$215,686.24

5-Aye's – Carried

- Councilperson Killian had a question about the purchasing of hand sanitizer through the Town, she thought it would be better if each employee bought their own if they thought they needed it.

### **RESOLUTION NO 128-10**

#### *Approval of Minutes*

**On a motion by Christopher Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board approved the following minutes as submitted:

- Public Hearing – CDBG / Regular Monthly Meeting 3/15/10

5-Ayes – Carried

### **RESOLUTION NO 129-10**

#### *Approval of Monthly Reports*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Christopher Austin**, the Town Board approved the following reports as submitted:

- Town Clerk's 3/31/10 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as

of 3/31/10

- Supervisor's February 2010 Monthly Report

5-Aye's – Carried

### **Old Business**

1. Logging Permits

### **RESOLUTION NO 130-10**

#### ***Removal of Logging Permit discussion from the Agenda***

**On a motion by Councilperson Lynn Killian, seconded by Councilperson Maurice Gerry**, the Town Board approved the removal of Logging Permit Discussion from the Agenda.

5 Aye's – Carried

2. Workplace Violence

Questionnaires were sent out to all employee's and another meeting was going to be set up.

3. Updating the Town of Liberty Polling Places

Pending

4. Franchise Agreement w/ Time Warner

Pending

5. Cold Spring Water District

Pending

### **New Business**

### **RESOLUTION NO 131-10**

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 19<sup>th</sup> day of April, 2010 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: Supervisor John Schmidt  
Councilperson Maurice Gerry  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian  
Councilperson Chris Austin

ABSENT:

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

A RESOLUTION AUTHORIZING THE RETENTION OF AN ENGINEERING FIRM TO DESIGN, PREPARE BID DOCUMENTS AND PERFORM CONSTRUCTION INSPECTIONS ASSOCIATED WITH A PROJECT TO INTERCONNECT THE LOOMIS AND SWAN LAKE WATER SYSTEMS AT A MAXIMUM ESTIMATED COST OF \$40,000, AND PAYMENT OF SUCH COST BY THE EXPENDITURE OF THE SUM OF \$40,000 FROM THE TOWN OF LIBERTY LOOMIS WATER DISTRICT CAPITAL RESERVE FUND.

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

Section 1. The retention of an engineering firm to design, prepare bid documents and perform construction inspections associated with a project to interconnect the Loomis and Swan Lake water systems at a maximum estimated cost of \$40,000, and

payment of such cost by the expenditure of the sum of \$40,000 from the Town of Liberty Loomis Water District 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 6 NYCRR §617.5(c)(18) and (21) of 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 Loomis Water District 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	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Lynn Killian voting	AYE
Councilperson Chris Austin voting	AYE
Councilperson Maurice Gerry voting	AYE

The resolution was thereupon declared duly adopted.

## **RESOLUTION NO 132-10**

*Set bid openings for Cutler Rd. and Lenape Lake Bridge Replacement for 5/13/10*

**On a motion by Christopher Austin**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby set the bid opening for the Bridge Replacement on Cutler Road and Lenape Lake Road for 5/13/10 at 11:30am at the Town Clerk's office, 120 North Main Street, Liberty, New York.

5-Aye's – Carried

## **RESOLUTION NO 133-10**

*Approval of Refuse Collection License For Jeff Sanitation*

**On A Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby approve the refuse collection license for Jeff Sanitation.

5-Aye's – Carried

## **RESOLUTION NO 134-10**

*Proposals for Lightning Rod Protection for the Water & Sewer Dept.*

**On a motion by Councilperson Christopher Austin**, seconded by **Councilperson Thomas Hasbrouck**, The Town Board accepted the lowest bid for Lightning Rod Protection from Neversink Electric.

5-Aye's – Carried

## **Finance Director Earl Bertsch**

Mr. Bertsch just wanted to make the board aware that the IDA charged Ideal Snacks too much, so in turn they paid the Town too much. Mr. Bertsch states that next year we will not get as much money from Ideal Snacks. Ideal Snacks pays the Town in lieu of taxes.

## **Board Discussion**

### **Supervisor John Schmidt**

Supervisor Schmidt welcomed Councilperson Maurice Gerry back to the Town Board.

### **Councilperson Lynn Killian**

#### **RESOLUTION NO 135-10**

*Approval of Climate Smart Community Pledge*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Christopher Austin**, the Town Board approved the Climate Smart Community Pledge.

5-Aye's – Carried

### **Councilperson Christopher Austin**

Councilperson Austin wants to make sure that we are in compliance with the prevailing wage. Councilperson Austin wanted an update on the oil tank. Supervisor Schmidt states that we are still doing remediation on the old tank. We are waiting for the results on the soil testing before the new oil tank can be put in. Two trees were taken out to test the soil under them. Councilperson Austin wanted to know if this needed to go out to bid since this was not an emergency anymore. Mr. Bertsch stated that it did not since it was an emergency when it began and the project is still going on. Councilperson Austin wanted to know if the graffiti on Cold Spring Road Bridge was cleaned. Supervisor Schmidt said that he would look into taking care of it.

### **Councilperson Thomas Hasbrouck**

Councilperson Hasbrouck wanted to thank Finance Director Bertsch and Budget Coordinator Cheryl Gerow on the great job they did on the audit.

### **Councilperson Maurice Gerry**

**Councilperson Gerry** wanted to thank the Town Board for unanimously voting him back onto the Board. He states that it is very bittersweet being back on the Board. He is very happy to be back on the Board but he is not happy with the circumstances that brought him here. Councilperson Gerry is a lifelong friend of the Hanofee family and was very saddened by Sean's passing and that is why taking his seat is so difficult.

#### **RESOLUTION NO 136-10**

*Congratulatory Resolution In Recognition of Matthew Patrick Shortall As Eagle Scout*

***In Recognition  
of  
Matthew Patrick Shortall***

**WHEREAS,** Matthew Patrick Shortall is a Liberty resident; and

**WHEREAS,** Matthew will graduate with the Liberty Central High School Class of 2010; and

**WHEREAS,** Matthew has been an active and exemplary member of the Cub Scouts and Boy Scouts since 1996; and

**WHEREAS,** Matthew has successfully completed the requirements necessary for Eagle Scout designation; and

**WHEREAS,** on May 2, 2010 Matthew was awarded the highest honor to be bestowed upon a Boy Scout, that of an Eagle Scout:

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Liberty recognizes the significance of the Eagle Scout Honor; and

**BE IT FURTHER RESOLVED,** the Town Board of the Town of Liberty urge all our residents to join Matthew's parents, his friends and associates in the Boy Scouts and other friends and family members in congratulating Matthew on his impressive accomplishment in being awarded the honor of Eagle Scout.

**On a Motion by Councilperson Thomas Hasbrouck,** seconded by **Councilperson Lynn Killian,** the Town Board approved the Congratulatory Resolution In Recognition of Matthew Patrick Shortall as Eagle Scout.

5-Ayes-Carried

**Sullivan Renaissance** – Board Training Workshops – Board Aware

**Randy and Nancy Noetzel** – Hazardous road conditions on Brooks Rd. in Ferndale. Supervisor Schmidt states that he will make Superintendent Pellam aware of this.

**County of Sullivan Youth Bureau and Youth Board** – Attendance for Board Meeting on Tuesday, May 11, 2010 – Board aware of this. Board states that

Parks and Recreation Director Brian Scarified should be made aware of this meeting because sometimes grants are giving from this board.

### **Adjournment**

**On a motion by Councilperson Christopher Austin**, seconded by **Councilperson Lynn Killian**, The Town Board does hereby adjourn the meeting at 8:45 pm.

Respectfully submitted,

Sara Sprague, Deputy Town Clerk