

**PUBLIC HEARING  
LIBERTY TOWN BOARD AND VILLAGE OF LIBERTY BOARD  
April 21, 2008 7:00 p.m.**

At a Public Hearing of the Liberty Town Board and the Village of Liberty Board held on April 21, 2008 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens with regard to the Petition for annexation of the premises of Eastern New York Federal Credit Union, located at 100 Sullivan Avenue and identified as tax map parcel 29-3-7.1 to the Village. The following board members were present:

Present: Supervisor John Schmidt  
Councilperson Clarence Barber  
Councilperson Maurice Gerry  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian  
Mayor Rube Smith  
Trustee Joan Stoddard  
Trustee Shirley Lindsley  
Trustee Richard Winters  
Trustee David Simons

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch  
Town Attorney Kenneth Klein  
Code Enforcement Officer Mark VanEtten  
Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the public hearing to order at 7:00 p.m.

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

Adjourn

On a motion by Councilperson Lynn Killian, seconded by Councilperson Maurice Gerry the Town Board adjourned the meeting at 7:10 p.m.

**REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
April 21, 2008**

REGULAR MONTHLY MEETING  
April 21, 2008 Continued .....

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on April 21, 2008 at 7:11 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

Present: Supervisor John Schmidt  
Councilperson Clarence Barber  
Councilperson Maurice Gerry  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch  
Town Attorney Kenneth Klein  
Code Enforcement Officer Mark VanEtten  
Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 7:11 p.m.

Town Clerk Laurie Dutcher submitted the following correspondence to the Town Board:

CORRESPONDENCE:

1. A memo from Finance Director Earl Bertsch regarding budget modifications.
2. Copies of Village minutes
3. A letter from the NYSDOT regarding designation of restricted highways.
4. A letter from the NYSDOT regarding Rt. 17 interchanges 94, 96, 97 & 99.
5. A letter from the Hurleyville Fire District Board of Fire Commissioners notifying the Town that they have ceased operation of the Hurleyville Emergency Relief Squad as of April 1, 2008.
6. A grant status report as of 4/15/2008

RECOGNIZE THE PUBLIC

**ELIZABETH POPOVICH/ AMERICAN RED CROSS**

Elizabeth Popovich, Director of the American Red Cross in Greater New York advised the Board that the American Red Cross is in need of disaster reserve volunteers. She explained that if a major natural or man-made disaster strikes our area, the American Red Cross in Greater New York will need 10,000 trained volunteers to staff up to 100 shelters and provide aid and comfort to thousands of New Yorkers who may be forced to leave their homes. Ms. Popovich advised that the Disaster Reserve Volunteers will be called only during major local disasters, like evacuations caused by the floods of 2004, 2005, 2006, 2007 in Orange and Sullivan Counties.

Ms. Popovich urged the Board members and everyone else to attend the first Sullivan County Reserve Institute which will be held on May 17, 2008 at the Monticello High School in Monticello.

#### **SHANNON HOLLAND/REALITY CHECK**

Shannon Holland, Sullivan County Reality Check Coordinator advised the Board that Reality Check is a grant program out of Cornell Cooperative Extension of Sullivan County. It is a youth-led adult supported movement from the New York State Department of Health-Tobacco Control Program. Ms. Holland advised that her organization is not an anti-smoking organization, but they are against the "Big Tobacco" companies using manipulative marketing practices to obtain "Replacement Teenage Smokers."

Ms. Holland advised that she was asking for the Town of Liberty to help pass resolutions in support of the NYSDOH Tobacco Control Program: Smoke Free Movies, Point of Purchase Advertising and Tobacco Ad Free Magazines.

Councilperson Lynn Killian asked that this be put on the 5/5 agenda since it was just handed out and she did not have a chance to read it.

#### **MIKE MCGUIRE & ANTHONY SICILIANO/JOHN ARTUSO SUBDIVISION 44.-1-39.2**

Attorney Mike McGuire & Surveyor Anthony Siciliano attended the meeting on behalf of John Artuso. Mr. McGuire advised the Town Board that they were sent to this meeting by the Planning Board to request a waiver of road requirements for a (3) lot subdivision by John Artuso.

Attorney McGuire advised that this is a 30+ year private road. Any new houses on Lots 1, 2 or 3 would have a deed restriction requiring them to sign a road maintenance agreement.

Attorney Klein advised the board that they would then need to approve a waiver, if they so choose and they may not be in a position to do that without first looking at the road.

Councilman Barber advised that he would look at the road.

Attorney Klein requested that the following be added to the road maintenance agreement:

"The road is private in nature and the Town of Liberty bears no responsibility now or in the future for its maintenance."

Attorney McGuire will have the additional language added to the agreement and will give to Attorney Klein by 4/25.

The Town Board will then consider action at the 5/5 Department Head Meeting.

**LILLIAN STETTNER/ JUNK YARD WILLI HILL RD.**

Lillian Stettner advised the board that she lives on Willi Hill Rd. and that she and her neighbors have noticed activity at the junkyard by them. She advised that they have seen semi's bringing in "stuff". She advised that she thought the Town should be aware of this.

Supervisor Schmidt asked CEO Mark VanEtten the status of this junkyard.

CEO VanEtten advised that they have no Planning Board approval as of yet. He advised Mrs. Stettner that he would appreciate if she could call him when there is activity and he will investigate.

**DEAN FARRAND/TOWN OF LIBERTY COMPREHENSIVE PLAN**

Dean Farrand advised that he was at this meeting to ask the Town Board what the status of the Comprehensive Plan was. He advised that he will be asking the same of the Village Board.

Mr. Farrand stressed that a lot of people have worked very hard on this and that as stewards of this plan, the Town & Village Boards are responsible to see that it is implemented. Mr. Farrand advised that he felt that it should be a regular part of our agenda.

Supervisor Schmidt asked that it be made a regular part of our agenda.

Attorney Klein advised that it is a very broad scope document and suggested that at some point the Board may want to dissect the plan and assign it to committees or groups.

Councilperson Lynn Killian advised that it is online and urged each Board member to read it.

Lillian Stettner advised the Board that the Open Space Preservation Board is all but dead. She advised that she and Joan Howard had met with Supervisor DeMayo at the time and made suggestions of people who may be interested but it was never followed through with.

Councilman Killian advised that a letter was sent in expressing an interest in serving on the Open Space Advisory Board and that the Board should appoint them.

Supervisor Schmidt asked Mrs. Stettner if she would be interested in being the Chairman of the Open Space Advisory Board. She advised that she would like to ask Ms. Howard and she would get back to the Supervisor. Mrs. Stettner advised that she would contact the Doty's about there interest in serving on the Board.

**JOHN BALLARD & DEREK DALTON/ NOISE WALNUT MT. RD.**

Derek Dalton advised the Board that he lives 500 yards from Camp Gila and every summer they have a problem with the noise level. He advised that when he complains they turn it down for a few days and then it goes right back up. He was advised by the CEO that the Rabbi should be up after May 10<sup>th</sup> and that he would request a meeting.

Mr. Ballard advised that as a member of the Town of Liberty Parks & Recreation Board that it is a disturbance to our Park. People go there for peace and quiet.

Councilperson Gerry advised that they have been very successful in the past with meeting with the proper people. Councilperson Gerry advised that he would be more than happy to help with the meeting.

**JOHN WOMBACHER/POTHOLES, BURNING, BARKING DOGS, OPEN SPACE**

Mr. John Wombacher advised the Board that he has just moved from Rt. 55 to Walnut Mt. Rd and that he has a few issues to bring up to the board.

- Serious potholes on Walnut Mt. Rd.
- A neighbor who burns plastic
- Barking dogs

Mr. Wombacher was advised to contact the Dog Control Officer about the barking dogs.

Mr. Wombacher also advised that Supervisor Schmidt had asked him if he would be interested in being on the Open Space Advisory Board and that he would be interested.

**RESOLUTION NO. 91-08**

*APPROVAL OF AUDIT*

**MOTION** by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** to authorize the payment of bills as follows:

- April, 2008 Abstract:  
Claims #618 to #871 totaling \$529,064.36
- Post March, 2008 Abstract:  
Claims #598 to #617 totaling \$93,220.69

**5 AYES**

**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 92-08**

*APPROVAL OF MINUTES*

**MOTION** by **Councilperson Maurice Gerry**, seconded by **Councilperson Clarence Barber** to approve the following minutes as submitted:

- March 17, 2008      Regular Monthly Meeting
- March 19, 2008      Public Hearing (CDBG)
- April 7, 2008        Department Head Meeting
- April 17, 2008      Re-bid Fuel Dispenser System

**5 AYES**

**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 93-08**

*ACCEPTANCE OF MONTHLY REPORTS*

**MOTION** by **Councilperson Maurice Gerry**, seconded by **Councilperson Clarence Barber** to accept the following monthly reports as follows:

- Town Clerk's Monthly Report      March 2008
- Revenue & Expense Summary      March 2008
- Supervisor's Report                  February 2008
- Tax Collection Report                April 2008

**5 AYES**

**ALL IN FAVOR - CARRIED**

OLD BUSINESS

1. Discussion regarding the Swan Lake Dam. **CARRYOVER**
2. Discussion regarding the New York Regional Interconnect (NYRI).

**RESOLUTION NO. 94-08**

***TOWN BOARD OPPOSES THE CONSTRUCTION OF THE NEW YORK REGIONAL INTERCONNECTION POWER TRANSMISSION LINE (NYRI)***

**MOTION by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** the Town Board is strongly opposed to the construction of the New York Regional Interconnection Power Transmission Line (NYRI) as proposed. (Councilperson Lynn Killian will submit formal resolution)

**5 AYES**

**ALL IN FAVOR – CARRIED**

3. Copy of previous inter-municipal agreement regarding Code Enforcement Officers. **CARRYOVER**

NEW BUSINESS

**RESOLUTION NO. 95-08**

***AUTHORIZE SUPERVISOR TO SIGN MUNICIPAL CLEAN-UP AGREEMENT***

**MOTION by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Clarence Barber** the Town Board authorizes the Supervisor to sign Municipal Clean-up Agreement with Sullivan County.

**5 AYES**

**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 96-08**

***ADOPTION OF LOCAL LAW #2 OF 2008***

**MOTION by Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** that the Town Board adopts Introductory Local Law #8 of 2007, amending the Zoning map of the Town of Liberty removing a portion of tax map parcel 41-1-27 from the RD Rural Development District and adding it to the adjoining IC Industrial Commercial District, as Local Law #2 of 2008.

**5 AYES  
ALL IN FAVOR – CARRIED**

**RESOLUTION NO. 97-08**

*SET BID DATE FOR STONE*

**MOTION by Councilperson Clarence Barber**, seconded by **Councilperson Thomas Hasbrouck** that the Town Board sets 5/8/08 at 11:00 a.m. at the Town Clerk's office for the Stone bid.

**5 AYES  
ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 98-08**

*AUTHORIZE SUPERVISOR TO SIGN MULTI-MODAL PROGRAM CAPITAL PROJECT AGREEMENT*

**MOTION by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Clarence Barber** that the Town Board authorizes the Supervisor to sign the Multi-Modal Program Capital Project agreement.

Authorizing the implementation and funding in the first instance of the State Multi-Modal Program-aid eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, a Project for the **Stanton Corners Rd. sidewalk installation & improvements, including lighting, Town of Liberty, Sullivan County, P.I.N. S4349** (the Project) is eligible for funding New York State's Multi-Modal Program administered by the New York State Department of Transportation; and

WHEREAS, the **Town of Liberty** desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the **Town of Liberty Board**, duly convened does hereby

RESOLVE, that the **Town of Liberty Board** hereby approves the above-subject project; and it is hereby further

RESOLVED, that the **Town of Liberty Board** hereby authorizes the **Town of Liberty** to pay in the first instance 100% of the **State** and **non-State** share of the cost of the **Preliminary Engineering and Construction and**

**Construction Supervision and Inspection** work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$125,000 (\$75,000 Multi-Modal III grant for construction of sidewalks in Swan Lake & \$50,000 CCAP/Golden Feather Award for Swan Lake Renaissance)** is hereby appropriated from the General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full **State** and **non-State** share costs of the project exceed the amount appropriated above, the **Town of Liberty Board** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the **Supervisor** of the **Town of Liberty** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Multi-Modal Program Funding on behalf of the **Town of Liberty** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the **Town of Liberty** and the State of New York; and it is further

RESERVED, that this Resolution shall take effect immediately.

**5 AYES**  
**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 99-08**

*HIRE ATKINS ROOFING INC. TO REPAIR ROOF AT SENIOR CENTER*

**MOTION** by Councilperson Lynn Killian, seconded by Councilperson Clarence Barber that the Town Board accepts the low proposal of \$8,100 as

submitted by Atkins Roofing, Inc. to repair the roof at the Senior Citizen Center. The Board also requests that Atkins Roofing sign a statement agreeing that if they hire any employees, other than relatives, they will have to be paid prevailing wages.

**5 AYES**  
**ALL IN FAVOR – CARRIED**

**RESOLUTION NO. 100-08**

*APPROVAL OF WEINERT'S JUNK YARD LICENSE*

**MOTION by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** that the Town Board of the Town of Liberty does hereby approve the junkyard license for Weinert Recycling, Inc.

**5 AYES**  
**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 101-08**

*PRESIDENTIAL ESTATES DENIED ADDITIONAL 10% WAIVER*

**MOTION by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** that the Town Board of the Town of Liberty denies the request from Presidential Estates to waive an additional 10% from the water bill that was re-levied onto its Town & County tax bill.

**5 AYES**  
**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 102-08**

*APPOINTMENT OF HARRY RAMPE TO BOARD OF ASSESSMENT REVIEW*

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Clarence Barber** the Town Board appointed Harry Rampe as a member of the Town of Liberty Board of Assessment Review for a term expiring 9/30/2008.

**5 AYES**  
**ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 103-08**

*EXECUTIVE SESSION*

**MOTION by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** that the Town Board does hereby go into Executive Session to discuss salary requests for 2009-2012 at 9:10 p.m..

**5 AYES  
 ALL IN FAVOR - CARRIED**

**RESOLUTION NO. 104-08**

*APPROVAL OF BUDGET MODIFICATIONS AS SUBMITTED*

**MOTION by Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** that the Town Board does hereby approve the budget modifications as submitted by the Finance Director.

**Additional 2007 Budget Modifications**

	To:	From:
A 1420.1	\$ 230.00	
A 1420.4		\$ 230.00
A 1620.4	\$ 3,700.00	
A 1620.2		\$ 3,700.00
A 1670.4	\$ 1,220.00	
A 1680.3	\$ 1,000.00	
A 1680.1		\$ 1,000.00
A 5010.1	\$ 375.00	
A 5010.4		\$ 375.00
A 5132.4	\$ 1,330.00	
A 7020.1	\$ 870.00	
A 7020.4	\$ 165.00	
A 7110.1	\$ 275.00	
A 7110.4	\$ 100.00	
A 7140.4		\$ 270.00
A 7150.4	\$ 50.00	
A 7150.2		\$ 50.00
A 7310.4	\$ 110.00	
A 7310.2		\$ 110.00
A 9050.8	\$ 2,310.00	
A 9710.6		\$ 6,000.00
Total A Fund	\$ 11,735.00	\$ 11,735.00

	To:	From:
B 4010.1	\$ 250.00	

REGULAR MONTHLY MEETING  
April 21, 2008 Continued .....

B 8020.4	\$	9,547.00	
B 9030.8	\$	705.00	
B 3620.1			\$ 955.00
B 8020.3			\$ 9,547.00
Total B Fund	\$	10,502.00	\$ 10,502.00

	To:		From:
DA 5130.4	\$	7,225.00	
DA 5142.1	\$	2,050.00	
DA 9010.8	\$	2,300.00	
DA 9030.8	\$	15.00	
DA 5120.4	\$	2,500.00	
DA 5130.1			\$ 11,000.00
DA 9060.8			\$ 3,090.00
Total DA Fund	\$	14,090.00	\$ 14,090.00

	To:		From:
DB 5110.3	\$	23,585.00	
DB 5110.4			\$ 3,600.00
DB 9030.8	\$	15.00	
DB 9080.8			\$ 20,000.00
Total DB Fund	\$	23,600.00	\$ 23,600.00

	To:		From:
MO 9055.8	\$	90.00	
MO 9060.8			\$ 90.00
Total MO Fund	\$	90.00	\$ 90.00

	To:		From:
S2 9901.9400	\$	17,810.00	
S2 9901			\$ 11,903.00
S2 8110.4			\$ 5,907.00
Total S2 Fund	\$	17,810.00	\$ 17,810.00

2008 Budget Modifications

Account Number	960 Appropriation	510 Estimated Revenue
A 5132.4	\$4900.00	
A 2680		\$4900.00
Insurance claim on salt shed/Insurance recoveries		

REGULAR MONTHLY MEETING  
April 21, 2008 Continued .....

DA 5130.4	\$6466.67	
DA 2680		\$6466.67
Insurance claim on 1998 International Dump Truck		

**5 AYES**  
**ALL IN FAVOR - CARRIED**

BOARD DISCUSSION

Councilperson Lynn Killian

- Had successful Highway Taskforce meeting/will meet again & draw up a snow removal policy
- Shared Services Committee met with the Water & Sewer Dept.
- Wants copies of all Planning & Zoning minutes from 1/08 to present
- Wants Swan Lake Dam put back on the agenda/ according to DEC report lists the dam as a Hazard Code C (located in areas where failure may cause loss of life, serious damage to homes and other buildings, public utilities, transportation routes and or extensive economic loss)

*Supervisor Schmidt will talk with Richard Martinkovic and Thomas Shepstone in regard to Emergency Response*

- Had another Zoning Board meeting and will be meeting again next month
- Reports from CDC regarding the grant status/copy of the minutes
- Sample of work bond and will get a copy to everyone for next meeting
- A councilman or Board member does not have to FOIL a record if it is for Town business
- A councilman has a right to submit documents that are valuable to our meeting packets
- Have just passed 100 days in office

Councilperson Thomas Hasbrouck

- What are we going to do with the Parksville voting?
- It costs a lot of money by the Board of Elections to make changes

Councilperson Clarence Barber

- Dead set against Fueling Station for the following reasons:
  - Needs to be on pervious ground
  - Concrete pad
  - Sensors between tanks & ground
  - Monitored 24/7
  - Monitored for everything once a week

REGULAR MONTHLY MEETING  
April 21, 2008 Continued .....

- No room for error

Councilperson Barber advised that he doesn't understand why we can't use credit cards and file for return of taxes.

- Audited claims found a Callanan bill from 2007
- PO's are being written out after the purchase
- Have we found out who did the sign for WSS?

Finance Director Earl Bertsch advised that he was going to do a breakdown of bulk price versus pump price and would have that for the 5/5 meeting.

Supervisor John Schmidt

- Consider Impact fees for new subdivisions for Parks & Recreation in the amount of \$500
- Got a little static from the people of Parksville for moving the polling place to the Liberty Firehouse. Advised the residents if they could find a facility open year round, with heat they will look into it.
- Spoke w/ Town Planner Tom Shepstone in regard to guidelines for packaged sewer plants
- Small cities grant mailed out 4/21 for \$600,000

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board adjourned the meeting at 9.46 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk