

**DEPARTMENT HEAD MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
120 NORTH MAIN STREET, LIBERTY, NY 12754
May 5, 2008**

At the Regular Monthly Department Head Meeting of the Town Board of the Town of Liberty held on May 5, 2008 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following 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: Water & Sewer Chief Albert Picard
Code Enforcement Officer Mark VanEtten
Highway Superintendent Timothy Pellam
Finance Director Earl Bertsch
Parks & Recreation Director Brian Scardefield
Assessor Kathy Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

DEPARTMENT HEADS

Highway Department

- Spring Clean-up 5/7-5/10
- Filling potholes
- Milling machine will be available 5/7
- Getting paver ready hope to start Tanzman & Aden Rd. and then go onto Barton & Ferndale
- Will be buying chains instead of track for bulldozer
- Business as usual

Water & Sewer Department

- Ferndale tank has been repaired and is back in service
 - 22 Bullet holes repaired

- Had to buy water from Village for 2 days while tank was down for repairs
- Still working on Rt. 55 Water District pump upgrade
- Received a check from the Ins. Co. for \$8,000 for repairs to roof over sludge drying bed #1 SLWWTF lower estimate was about \$12,000, Earl will have to find extra \$\$
- Still working on some upgrades for SLWWTF.
 - Kelly Eng. talking about another way of taking care of sludge (possibly a press)
 - Sand bed's work well as long as we have good weather
 - When weather is raining cannot dry so we have to store
 - Times when we cannot store need to find another way to dispose of sludge
- The \$600,000 grant was filed for Loomis –Rt 55 connection to bring another water source to Loomis water
- Having some problems with the Roth well on the Sherwood Well field. Roth well will not produce 500 GPM. Screen is already plugging up. Received a bill from Layne Pump Co. to pull pump that has a vibration in, they said that there was nothing wrong with the pump. Gave Earl the bill.
- Did we hear from Greenhills Estates people in regard to Sewer District Ext.?
- Hired a new laborer, things working out well
- Kaufman fire line-this is a line that a developer wants to build on White Lake Turnpike for Fire protection for a housing development in the Town of Bethel
- Having a problem getting in touch with Hillcrest Estates, received a phone message stating that they think that they found the problem, but would like in writing.
- Jeremy York (Hillcrest) spoke with John Schmidt about things they were promised such as a fence, trees and shrubs around the pump station. Albert will look at this week.
- Green Hill Estates will be making (2) 8" taps or 12" main to take water into there project on Monday 5/12/08.

Dog Control Officer
April Monthly Report

- Calls-97
- Miles-1212
- Dog Bites-5
- Dogs Seized-9
- Dogs in Kennel-1

Code Enforcement Officer

- Tim & Mark attended a seminar w/ BAS

- Bldg permits down from last year, but up from 2006
 - 2006 5,900
 - 2007 22,051
 - 2008 16,367
- Business as usual

Assessor

- Filed the 2008 Tentative Assessment roll w/ Town Clerk on 5/2
- Will be sitting w/ roll 5/5 from 2-4 and 6-8
- Would like to get permission for Audrey to be paid or receive comp time for Grievance Day
- BAR training 5/7
- Would like to request Executive Session for litigation
- Business as usual

Park & Recreation Director

- Prisoner's have just about completed the dugouts, need to be stained
- Had as many non-residents as residents sign up for day camp
- Now working on swimming lessons
- Met w/ Lynn Killian and the Chamber and P&R will be doing a 4th of July event
- Heinrich is coming to P&R Mtg. to talk about the skate park
- Would like to replace filters for pool at a cost of \$3,081 for 2 sets and new diving board at a cost of \$2,160

Finance Director

- Put memo in packet showing a fuel purchase summary regarding facility vs. purchase at pump

Town Clerk/Tax Collector

- Attended the Town Clerk's Conference in Saratoga Springs April 27th-30th
- Will be holding a rabies clinic on May 21st at the Town Barn.
- Will be mailing out 155 letters to delinquent do owners w/ a flier in regard to the rabies clinic
- Friday will be attending a meeting for Tax Collection. The topics will range from consolidation study to installment payments. Loreen Gebelein from Jeff Bank will be attending to discuss lock boxes.
- May 14th will be attending meeting regarding DECALS.
- Stone bid on 5/8
- Business as usual

Robert Stubbs of Marshall & Sterling gave a brief presentation of the Insurance proposal.

RESOLUTION NO. 105-08

REDUCTION OF LETTER OF CREDIT FOR R&M FARMS IN THE AMOUNT OF \$84,753.00

On a motion by **Councilperson Maurice Gerry**, seconded by **Councilperson Thomas Hasbrouck** the Town Board authorized the reduction of the Letter of Credit from R&M Farms, LLC Subdivision "The Meadows" in the amount of \$84,753.00

5 AYES Carried
CARRIED

RESOLUTION NO. 106-08

AUTHORIZATION FOR THE LIBERTY CENTRAL SCHOOL DISTRICT TO USE (3) TOWN OF LIBERTY VOTING MACHINES

On a motion by **Councilperson Clarence Barber**, seconded by **Councilperson Thomas Hasbrouck** the Town Board authorizes the use of three of the Town of Liberty voting machines for use at the Liberty Central Schools District's Annual Budget Vote and Board Member Election to be held on Tuesday May 20, 2008. The Liberty Central School District shall be responsible for the payment of the custodians and liable for the voting machines and the expense of their transportation.

5 AYES
Carried

APPROVAL OF EASEMENT & ROAD MAINTENANCE AGREEMENT FOR JOHN ARTUSO'S SUBDIVISION CARRYOVER

RESOLUTION NO. 107-08

RESOLUTION IN SUPPORT OF SENATE BILL #S.455 & #A9558 TO AMEND THE TAX LAW

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**

WHEREAS, the Liberty Town Board does hereby support Senate Bill #S4558, an act to amend the tax law, in relation to certain sales of fuel to exempt government entities; and

WHEREAS, employees of government entities typically purchase fuel at gas stations using credit cards issued for government use; and

WHEREAS, despite the exempt status of the government entity, it is not possible for the retail station to back out the taxes at the time of sale. For this reason, the sale from the retail gas station to the government entity includes taxes; and

WHEREAS, based on court rulings interpreting the Tax Law, the Department has concluded that a third party (the fuel distributor or the credit card company) is not entitled to a refund or credit of the taxes paid on the fuel. Only the vendor making the sale (the retail gas station) or the government entity itself, as the exempt purchaser, is eligible to receive a refund or credit of any tax paid on the fuel; and

WHEREAS, without this legislative fix, only the retailer or the government entity purchasing the fuel from the retailer is eligible to receive a refund or credit from the Department; and

WHEREAS, this has placed a huge burden on exempt entities to pay taxes on all their fuel purchases and then apply for a refund or credit from the Department; and

WHEREAS, this bill seeks to eliminate these adverse consequences by allowing credit card companies and fuel distributors which finance the exempt purchase of motor fuel or diesel motor fuel to be eligible to claim a refund or credit from the Department; now, therefore be it

RESOLVED, this bill would eliminate a huge burden on government entities and retailers; and be it further

RESOLVED, that the Clerk of the Town of Liberty shall forward a copy of this resolution to Senator John Bonacic, and Assemblywoman Aileen Gunther.

5 AYES
Carried

RESOLUTION NO. 108-08

*APPROVAL FOR ASSESSOR CLERK TO BE PAID FOR OVERTIME WORKED ON
GRIEVANCE DAY*

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** the Town Board authorizes the assessor clerk to be paid for overtime worked on Grievance Day.

5 AYES
Carried

Members of most Departments of the Town of Liberty were in attendance to voice their dismay over the rumors that there would be no consideration of raises this year.

Tom Kehrley of the Water and Sewer Department and member of the Personnel Committee advised he had been chosen as spokesperson for the Personnel Committee. He advised that the Personnel Committee is getting the feeling that they are a waste of time. There were three proposals brought to the Personnel Committee and nothing was acted on. In the past, the 4 year plan was always a good thing and now the committee hears that the board wants to go back to a yearly plan. It was brought back to the Personnel Committee that there was not going to be any raise proposal this year, maybe next year. They don't have money because of cost overruns on the Highway Barn and the Sherwood Well. Why are the employees being held at bay because of these cost overruns of projects that the employees have no control over? He advised that a zero increase was not what the Personnel Committee was looking to do.

Councilperson Barber advised that he was under the impression that they were going to wait until August. He advised that he would like to give the \$1.50 if they can.

Councilperson Hasbrouck advised that they he didn't think that any decision had been made.

Councilperson Killian advised that they did not know where the budget was going to fall and they needed to wait to see exactly how much they could give.

Councilperson Barber advised that they would like to give the employees as much as they could.

Mr. Kehrley advised that they felt that the Personnel Committee spends their time bringing a proposal to the table and they don't get any representation.

Councilperson Lynn Killian advised that she can assure them that it was not swept under the carpet.

Personnel Committee member Linda Mullen advised the Board that the main point is that they feel they are wasting their time doing this stuff because they are not getting any feedback not even a negotiation on the raises or decisions on the three items they were asked to do.

Councilperson Gerry advised that he felt that they were 100% right. He agreed that the Board did not have good communication with the Personnel Committee. Councilperson Gerry advised that to his knowledge it had not put in stone that there would be no raises. He apologized for the breakdown in communication and promised to do better.

Supervisor Schmidt advised the committee that when the final roll was filed they would have a better idea where they stand.

Stacy Yaun, a member of the Personnel Committee, advised that in the past it was just decided by the Board that there would be a 50 cent increase and that there was no negotiation, just dictation and he didn't feel that this was fair.

It was decided that a formal meeting would be held around the middle of June at which time the Board would be able to make a decision regarding salaries.

Board Discussion

Attorney for the Town

- At the last meeting or two there was talk about money in lieu of Parkland. It is in our Code already, we just have to do a resolution and set a fee. Need to set up a dedicated fund.
- The Village would like to enter into an inter-municipal agreement for sharing of services for Code Enforcement but would like to change some language in the agreement.

Supervisor Schmidt advised the Board that Tammy Wilson had all her credentials as a Building Inspector and that he had sent her out the other day to do a couple of inspections because some contractors needed inspections done before it rained.

Councilperson Killian advised that as far as she knew Tammy Wilson was not qualified as an inspector.

Supervisor Schmidt advised that she has all her schooling in.

Councilperson Killian advised that she may have all her schooling, but does she have practical knowledge?

Supervisor Schmidt advised that it was the Building Inspector's job to take her and give her some practical knowledge.

Councilperson Killian asked CEO VanEtten if that was in his job description?

CEO VanEtten advised that he didn't think so and that he would like to take this conversation into Executive Session.

RESOLUTION NO. 109-08

EXECUTIVE SESSION

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby go into Executive Session at 4:55 p.m. for two purposes (1) a specific employee and (2) litigation.

5 AYES
Carried

RESOLUTION NO. 110-08

OUT OF EXECUTIVE SESSION

On a motion by **Councilperson Clarence Barber**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby come out of Executive Session at 5:29 p.m.

5 AYES
Carried

ADJOURN

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Lynn Killian and carried, the Town Board adjourned the meeting at 5:30 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk