

**TOWN BOARD OF THE TOWN OF LIBERTY
DEPARTMENT HEAD MEETING
May 5, 2014**

At the Dept. Head Meeting of the Town Board of the Town of Liberty held on May 5, 2014 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Present:

Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein	Dog Control Officer Joanne Gerow
Finance Director Earl Bertsch	Budget Coordinator Cheryl Gerow
Water & Sewer Supervisor Tom Kehrley	Joan Kittredge
Water & Sewer Plant Operator/Skilled Laborer Wayne Banks	Deputy Town Clerk Sara Sprague
Highway Superintendent Timothy Pellam	CDC Heinrich Strauch
Assessor Kathy Sprague	Carol Montana
Park & Recreation Director Brian Scardefield	Stephen Poley
Code Enforcement Officer Mark VanEtten	

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

CORRESPONDENCE

1. A copy of the Property Tax Freeze from the NYS Dept. of Taxation & Finance.
2. A letter sent to the Supervisor and the Code Enforcement Officer regarding property conditions located at 720 Harris Rd., Ferndale, NY.

RECOGNIZE THE DEPARTMENT HEADS

(Reports as submitted by the Dept. Heads)

ASSESSOR

- Ongoing Monthly Updates:

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- 911 data-base; pictures; exemptions; driving licenses; files; deeds; field work, etc.
- STaR assessed value increased to: E: 52,470 (from 48,270) B: 24,520 (from 22,880) *
- STaR exemptions that were removed for the re-registration, 8 owners have been reinstated via NYST&F
- County foreclosed on 58 parcels (loss of 2,786,300 in taxable value-exemptions will be removed upon the sale at the auction scheduled in June)
- Permission for Sharon to receive comp time for the Board of Assessment Review hearings for extra hours required
- Tentative assessment roll was filed May 1st with the Town Clerk's Office
- School district has been working on the Property tax freeze – See attachment

Pending:

Zoning

Youngshill Sewer

HIGHWAY

Water main break in Town Barn parking lot has been fixed.

Bridge on Mineral Springs Road has collapsed. Met with DEC and Terry Kelly and now we are just waiting to receive DEC permit to begin work.

Spring Clean Up will be held May 8, 9 and 10th.

Hiring one more employee for summer help, Liberty High School student Julius Graves.

Blacktop and Stone bids have been completed.

Patching pot holes.

WATER & SEWER

Now that the black top plant is open, we are getting quotes to repair the Route 55 dig jobs. The Sullivan County DPW now wants the past 4 repairs to be ground down 1 ½" and repaved.

Grit removal screw has been repaired and is back in service.

We are working with Delaware Engineering on manhole repair on Route 55. Top core section is deteriorating due to road salt. Hope to repair this after the summer rush.

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Ferndale P.S. Upgrade-Upgrade to one pump and motor has been done. GPM went from 190 gpm to 230 gpm. Layne has old pump and will let us know if it can be rebuilt.

Sherwood well cleaning started on 4/28/14. It should be done this week.

W.S.S. Pipe job is going well. New main installed and tested on Schoolhouse Rd. It has also been installed across Mineral Springs Rd, at all but the stream crossing. Contractor isto start Fox Mtn. Rd. on May 5, 2014.

All the frozen service lines are now back on line. Last service line thawed out the last week of April.

Deb Manley is working with Mark Blauer on another grant application for W.S.S., to do White Sulphur Rd from Route 52 to the W.S.S. water storage tank.

I have been working with operator Wayne Banks on getting a revised priority list of upgrades to the Swan Lake Sewer Plant. We would like to see the Board continue with Delaware Engineering to apply for the hardship grant discussed at earlier meetings. Sludge processing and ultraviolet disinfection are at the top of the list.

Loomis Sewer project has again slowed down. Poley Paving has gotten the grounds cleaned up, but as far as repairs to operating problems, I spoke to the design engineer, Bipin Ghandi about another issue on 4/30/2014 and was told that the design problems would be fixed under Phase 2, which will be way too long to wait.

Anything else that may arise, will be brought up at the meeting.

CEO

Building Permits **12**

Building Permits closed **3**

Complaints **21**

Complaints Closed **22**

Planning Board new applications **3**

Planning Board approved applications **5 and 0 denied**

Zoning Board new applications **0**

Zoning Board approved application **0**

PARKS & RECREATION

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Christine Schiff would like to rent Hanofee Park for the NYS Rifle & Pistol Association event that she held last year. She asked the Park and Recreation Board if the rental price could be lowered and they agreed. She also wanted to see about the possibility of bringing in a Tractor Trailer Mobile Shooting Range. I spoke to Bob Stubbs the Town's insurance agent and he said this would be ok as long as a \$1,000,000 certificate of automobile liability insurance is obtained for the mobile shooting range and for the park grounds a certificate of general liability coverage with both listing the Town of Liberty as additional insured. I have submitted for the agenda a packet with all of the details for Town Board approval.

We held our Easter Egg Hunt in conjunction with the Liberty Library and the Liberty Elks Club. We had around 200 children show up for the hunt. It was the largest hunt we have ever had.

Camp and Swim Lesson Registration are going really well. Non-Resident registration begins May 1st.

The highway department filled in the hole at the park and I am waiting on Luzon to haul away the contaminated dirt. They were supposed to come last week but they canceled.

I am not going to lease the basketball courts and tennis courts at the Swan Lake Resort this year because the condition of the courts are too unsafe.

The parks are opening May 1st. We dug out base lines and fixed up the baseball fields at Hanofee and Walnut. When it dries up we want to continue to do some more work to them.

Working on getting everything ready for the summer.

DCO

3 dogs @kennel

7 dogs picked up

886 miles

TOWN CLERK/TAX COLLECTOR

Licenses:

Conservation 0

Marriage Licenses 4

Marriage Certificates 4

Building Permits (Collection of \$) 19

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Photocopies 87

Dog Licenses 29

Attended the Town Clerk conference 4/27-4/30 in Saratoga Springs. Very informative

Catching up on minutes

Thank you to Cheryl for holding down the fort while we were gone.

FINANCE

Attended GFOA Conference in Albany

Attended Employees Relations Committee meeting

Attended meeting with consultants for Muss Development

Processed four (4) seasonal employees

Reviewed financing for the Swan Lake Sewer Upgrade in 2015

Processed two (2) electricity usage FOIL requests for a wind energy consultant

All other daily duties and responsibilities

CDC

Community Kitchen project@ Cornell Coop

- Construction of kitchen facility continues with delay in delivery & installation of kitchen island and cabinets. New target date for opening is June.
- CDC to apply to USDA for additional funds for equipment under REAP Zone set-aside. (\$21k available)
- Business start-up training session to conclude on May 7. Repeat in fall 2014, after kitchen is fully operational.

Economic Development

Working with 3 potential applicants for business expansion loans from local funding sources.

Casino proposal

Continuing to assist Foxwoods with workforce development plan for application package

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Liberty Public Spaces

Planning art project with Museum & Green Door for Liberty Theatre construction wall

NYS DOT Transportation Alternatives Program

Attended state mandated training for program, preparing pre-application for sidewalk replacement on Buckley & North Main Street.

Liberty SkatePark

- Met with project team to discuss construction questions and next steps
- Need to shoot grades & flag project site for rough grading
- Value of in-kind & donations to date: approx. \$45k – need to secure another \$20k
- Working with Pillar design on schedule for specialty concrete work: August/September

CDC Fundraising

- Distributed membership & outreach piece throughout Village – returns so far at approx. \$600.
Non-village residents to follow in early May
- Liberty Community Awards dinner on May 3 – Expecting approx. 60 attendees
- Touch-a-Truck per 4-30: 40+ pieces of equipment, 14 other vendors.
Distributing approx 6,000 flyers to school kids in county during week of 5/5

COURT

	April
V&T Received	596
V&T Appearances	205
Criminal Appearances	539
Ordinance Appearances	19
Civil Appearances	18
Total Fines Collected	\$79,960.00
Total Fines to Town	N/A

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Total Fines to Village N/A

STEPHEN POLEY

Advised the Board that he was the subcontractor for both J&J Sass and Billman Ross and is owed approximately \$27,000. He was advised to protect himself.

KEVIN MCMANUS / HENRY ZABATA on behalf of Cappelli's Grossinger Property Plans

Advised the Board they had modified their project in order to compliment Muss's casino and hotel project. They are planning a standard hotel & spa hotel w/ 200 rooms. The Townhouses will have 300 units and will be approximately 1750-2200 sq. ft. Mr. McManus advised they have taken a step back as to not interfere with Muss & Foxwoods.

ZONING CHANGES:

F. Amendment of §147-4

1. By deleting the existing definition of "Cluster Development" and the existing definition of "Conservation Subdivision" shall be deleted and replaced with the following definition:

"CONSERVATION DEVELOPMENT – Developments which provide for single-family dwelling units and permitted accessory uses, wherein dwelling units are grouped in sections in order to maximize the amount of common space and to preserve the natural setting."

2. By amending the existing definition of "Convenience Retail Establishment" to read as follows:

"CONVENIENCE RETAIL ESTABLISHMENT – A retail store or personal service shop, with or without the sale of gasoline, and designed primarily to accommodate the needs of the immediate surrounding area, but excluding vehicle and equipment sales."

3. By amending the existing definition of "Dwelling, one family" to read as follows:

"DWELLING, SINGLE FAMILY DETACHED – A detached building designed or occupied exclusively by one family and having two side yards, with at least 960 square feet of living area, erected on a permanent foundation, with/without basement, equipped for year round occupancy and inclusive of manufactured, modular and stick-built homes."

4. By deleting the existing definition of "Dwelling Owner-Occupied Second Story" and adding the following definition:

"DWELLING, UPPER STORY — A dwelling unit located above a permitted nonresidential use and which has a separate exterior entrance."

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5. By deleting the existing definition of "Eating and Drinking Places" and replacing it with the following definition:

"EATING AND DRINKING PLACES – An establishment where food and drink is prepared, served, consumed and sold primarily within the principal building or its outdoor terrace or patio area. The term "restaurant" shall not include a "Fast Food Establishment" as defined herein. A bar or tavern that also serves food shall be considered an Eating and Drinking Place."

6. By deleting the existing definition of "Restaurant" and replacing it with the following definition:

"RESTAURANT – See Eating and Drinking Places."

F. Amendment of §147-20

1. The words "within an RS district" in §147-20L are hereby amended to read "within an R-1 or R-2 district."

G. Amendment of §147-21

1. Every reference to "cluster developments" shall be replaced with "conservation developments" and every reference to "cluster development" shall be replaced with "conservation development" in §147-21.
2. The reference to "RS" in §147-21A is hereby replaced with a reference to "R-1."
3. §147-21D is hereby amended by deleting the last sentence therefrom.

Amendment of §147-22

The reference to "cluster development" in §147-22A (1)(c) is hereby replaced with "conservation development."

RESOLUTION NO

APPROVAL OF MINUTES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve of the following minutes:

- Regular Monthly Mtg. 3/17/14
- Dept. Head Mtg. 4/7/2014

5 AYES CARRIED

RESOLUTION NO

APPROVAL OF ADOPT A ROAD (ROY ROGERS-LENAPE LAKE RD.)

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Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the adopt a road application submitted by Roy Rogers to adopt 2.6 miles of Lenape Lake Rd.

5 AYES CARRIED

RESOLUTION NO

BID OPENING SET ON 6/5/14 FOR THE PURCHASE AND INSTALLATION OF A KOHLER 50 KW DIESEL GENERATOR AND RELATED EQUIPMENT AT THE FERNDALE WATER DISTRICT PUMP STATION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby set a bid opening for the purchase and installation of a Kohler 50 KW generator and related equipment for the Ferndale Water District Pump Station on 6/5/14 at 11:00 a.m. in the Town Clerk's Office, 120 North Main Street, Liberty, NY.

5 AYES CARRIED

RESOLUTION NO

APPROVAL OF THE 2014 MUNICIPAL CLEANUP AGREEMENT W/ SULLIVAN COUNTY

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve and authorize the Supervisor to sign the Municipal Cleanup Agreement between the County of Sullivan and the Town of Liberty. (Agreement on file in Town Clerk's Office)

5 AYES CARRIED

RESOLUTION NO

APPROVAL TO SUBMIT A 2014 SMALL CITIES GRANT APPLICATION FOR IMPROVEMENTS TO THE WHITE SULPHUR SPRINGS WATER DISTRICT MAIN AND HYDRANT REPLACEMENT AND SET PUBLIC HEARING FOR 5/19/14

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve to submit a Small Cities Grant Application for up to \$600,000 for improvements to the White Sulphur Springs Water District and Hydrant Replacement and, does hereby set a public hearing for 5/19/2014 @ 6:45 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

5 AYES CARRIED

RESOLUTION NO

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APPROVAL TO ENTER INTO AGREEMENT WITH BLAUER ASSOCIATES TO APPLY FOR FISCAL YEAR 2014 GRANT FUNDS TO THE NYS OFFICE OF COMMUNITY RENEWAL (OCR) COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve to enter into an agreement with Mark Blauer dba Blauer Associates to apply for Fiscal Year 2014 Grant Funds to the New York State Office of Community Renewal (OCR) Community Block Grant Small Cities Program.

5 AYES CARRIED

RESOLUTION NO

APPROVAL FOR THE NYS RIFLE & PISTOL ASSOCIATION TO RENT HANOFEE PARK ON 8/23/14 FOR \$525 PER DAY W/ A \$500 CLEAN-UP DEPOSIT

Motion by Councilperson Dean Farrand, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby give its approval to rent Hanofee Park to the NYS Rifle & Pistol Association on 8/23/14 for a fee of \$525 per day with a \$500 clean-up deposit.

5 AYES CARRIED

RESOLUTION NO

RESOLUTION SUSPENDING SECTION 109-11B OF THE PARK & RECREATION'S RULES DURING THE GUN SHOW EVENT ON 8/23/14

Motion by Councilperson Dean Farrand, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve suspending Section 109-11B of the Park & Recreation's rules during the NYS Rifle and Pistol Associations event at Hanofee Park on 8/23/14.

5 AYES CARRIED

RESOLUTION NO

AUTHORIZATION TO BRING IN A MOBILE FIREARMS TRAINING RANGE TO HANOFEE PARK ON 8/23/14

Motion by Councilperson Dean Farrand, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby give its authorization to bring in a "Mobile Firearms Training Range" to Hanofee Park during the NYS Rifle and Pistol Associations event at Hanofee Park on 8/23/14.

5 AYES CARRIED

RESOLUTION NO

APPOINT MELANIE MANGAN-BENDY AS A MEMBER OF THE PARKS & RECREATION BOARD

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Motion by Councilperson Brian McPhillips, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby upon recommendation of the Parks & Recreation Board, appoint Melanie Mangan-Bendy to the Town of Liberty Parks & Recreation Board to fill the unexpired term of Policarpio Ramos expiring on 12/31/2017.

5 AYES CARRIED

RESOLUTION NO

RESOLUTION OF APPRECIATION FOR MAURICE GERRY

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**,

WHEREAS, Maurice Gerry has retired from the elected position of Councilperson of which he has held for Twenty years; and

WHEREAS, Maurice has dedicated his life to this community, and has demonstrated in many ways his deep and genuine love for the Town of Liberty, in particular the Hamlet of Ferndale; and

WHEREAS, Maurice has always been mindful of the needs of the people of the Town of Liberty, has devoted his life to his community and has earned the love and respect of many citizens; and

WHEREAS, Maurice has always given generously of his time and effort particularly in the area of beautification and his heroic and sometimes questionable efforts in saving many trees over the years; and

NOW, THEREFORE, BE IT RESOLVED, “Babe” we hereby express our deep appreciation to you for your service to this community and extend to you wishes for much health and happiness in the future.

5 AYES CARRIED

RESOLUTION NO

APPROVAL OF STONE & BLACKTOP BIDS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve the low bidders, in the case where the (2) bids are the same it will be purchased from the one most logistically practical and available.

5 AYES CARRIED

RESOLUTION NO

PUBLIC HEARING SET FOR INTRODUCTORY LOCAL LAW #1 OF 2014

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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 5th day of May, 2014 at 4:00 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 Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

ABSENT:

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

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2014 entitled "A local law amending Article II, entitled 'Prohibited Parking,' of Chapter 139 of the Code of the Town of Liberty, Sullivan County, New York" 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 the Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on May, 2014; and

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BE IT FURTHER RESOLVED, that the Town Board hereby determines that the aforesaid local law constitutes a Type II Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for no environmental review is required; 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 Thomas Hasbrouck	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Russell Reeves	voting	AYE
Councilperson Brian McPhillips	voting	AYE

The resolution was thereupon declared duly adopted.

5 AYES CARRIED

RESOLUTION NO

APPROVAL TO PAY J&J SASS \$20,000

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby authorize a partial payment in the amount of \$20,000 be paid to J&J Sass for work completed on Loomis Phase I.

5 AYES CARRIED

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby go into Executive Session at 6:41 p.m. to discuss proposed, pending or current litigation and matters relating to collective negotiations under the Taylor Law.

5 AYES CARRIED

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RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 7:41 p.m.

5 AYES CARRIED

ADJOURN

On a motion by Councilperson Brian McPhillips, seconded by Councilperson Dean Farrand, the Town Board does hereby adjourn the meeting at 7:42 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk