

TOWN BOARD OF THE TOWN OF LIBERTY

DEPARTMENT HEAD MEETING

May 7, 2012

At the Dept. Head Meeting of the Town Board of the Town of Liberty held at 4:00 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
Councilperson Maurice Gerry

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget & Accounting Coordinator Cheryl Gerow
Water & Sewer Supervisor Albert Picard
Deputy Highway Superintendent Kevin Austin
Assessor Kathy Sprague
Park & Recreation Director Brian Scardefield
Code Enforcement Officer Mark VanEtten
CDC Director Heinrich Strauch
Sara Sprague Deputy Town Clerk

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

CORRESPONDENCE

1. A letter from Dorothy Bottaro regarding the 25th year anniversary of the St. Peter's Children's Shop.
2. A letter from Luiz Aragon regarding the receipt for inclusion into the New York State Agricultural District from a Town of Liberty landowner.
3. A letter from Mayor Richard Winters regarding Planning Dept. approvals.
4. A copy of the Administrative Review from General Code for the board to review.

RECOGNIZE DEPARTMENT HEADS (Reports as submitted by Dept. Heads)

Assessor

Ongoing and working on:

911 data-base update
Pictures
Exemptions; driving license updates, etc.
Destroying/updating files
2013 assessment roll

New:

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Filed the 2012 tentative assessment roll on May 1st - reflects a slight increase on taxable values (still have the grievance day process)

The Board of Assessment Review will hold their hearings on May 22, 2012 from 4 – 8 by appointment

Change of Assessment notices were mailed to property owners on April 30th

Information:

Will be reviewing the zoning change for open space and 10 ac; received a map from the County – now verifying the parcel information; will be speaking with Mark in the near future regarding the changes

Up a little in taxable value.
45 Grievance complaint forms.

Otherwise business as usual

Water & Sewer

Fire at Grandview Palace-Loch Sheldrake resulted in some problems, please see attached note.

Infirmity Sewer Pump Station- Had a problem with the pump station. Both pumps were leaking and could not pump water. Emergency repairs were needed. Tam Enterprises was hired to do the work after getting the ok from Supervisor Barbuti. The pump station has been repaired and back on line.

Presidential Estates Pump Station-Has been rebuilt by Tam Enterprises and is working well.

Broken water main in WSS-This break was on a piece of pipe that is in the area that will be replaced if we get the next grant that we applied for.

Manhole risers for the Route 55 paving project have been ordered.

Leak on private line-Old Monticello Rd-Have notified all parties involved. Trying to get them together so they can replace this line or find another source of water.

We are very busy working to get everything done to prepare and be ready for the summer season.

Spoke to Layne Christiansen about work they are going to do at Stevensville Well #4 and the Roth well. We are on the list and they will call.

Loomis I & I study is still on going. They were here to check the meters. They will not be able to make a report until we decide to pull the meters.

Highway Superintendent

Spring clean up to be held May 17, 18 from 7:30AM – 3:00 PM and May 19 from 7:30 AM until the dumpsters are full.

Met with FEMA again regarding Hurricane of August 2011, all paperwork is now signed, just waiting on payment.

Had opening of stone and blacktop bid on April 5.

West Liberty Street bridge blacktopped and scheduled to do guard rail May 9.

Callanan not sure if they will be opening Liberty blacktop plant, may have to haul blacktop out of Monticello.

Drainage job done on Old Lily Pond Rd.

Stone being hauled in to make material for paving.

Fixed sewer problem at Town Barn with the help of Water and Sewer Department.

2.2 miles of road ground up on Lenape Lake Road in preparation to double seal coat.

Patching

Sweeping Roads

CEO

For the month of April 2012 we had the following activity:

Building Permits	27
Building Permits closed	0
Complaints	18
Complaints Closed	2
Planning Board new applications	1
Planning Board approved applications	3
Zoning Board new applications	0
Zoning Board approved application	0

Park & Recreation

The parks are open for the season. We also contracted with Swan Lake again for us to open the tennis courts for the season.

I found a new Pool Director for the season. We are finishing up with interviews for all the summer seasonal positions.

I received the new office truck. I have on the agenda to declare the 1999 Ford Ranger as surplus and to also set a bid opening date.

Integrity Plumbing completed the ruff in plumbing at the Walnut bathrooms and Water and Sewer hooked up the main water line for us. BOCES has been working on the interior but we have to wait on warmer weather before we can glue the fiberglass sheathing on the walls.

The Renegade Bike Club has been working on building bike trails at Walnut.

We held the annual Easter Egg Hunt on the rain date of April 7th. We had 50 children participate.

We held a baseball pitch hit and run competition for the children on Saturday, April 28th. It was held on the Elementary Ballfield after Little Leagues opening parade. It was a great turn out.

We had a young gentleman, Nicholas Kontzamanis, complete an Eagle Scout project at Swan Lake park. He stained the entire board walk, gazebo, and trash receptacle holders. He also raked and cleaned the entire park. He did a terrific job.

Day Camp registration is going well. We have 105 children signed up as of now. Our cut off is 150.

Dan Ratner and his son from Phoenix Enterprises donated their time and equipment to fill in the low area in the stage lawn. We used topsoil we had from Walnut. They also planted a tree along the driveway that was donated to the renaissance group.

I gave the vendor who wanted to vend at the Little League games the letter regarding what we would need from him. I haven't heard from back from him yet.

DCO

Mileage 1129

Dogs picked up - 7

Dogs at kennel - 2

Dog Bites - 1

Finance Director

Attended Annual GFOA conference in Albany

Submitted Accident Report to insurance company with follow up documentation

Met with representative from American Appraisal regarding the fixed assets inventory

Communicated with Sullivan County Civil Service regarding policies

On-going work with the production team to finalize preparations before shooting begins in June. No information yet about potential casting opportunities for elected officials.

Liberty Community Garden

Garden clean-up was conducted on April 28. 3 Youth groups will work in the garden this year, with instruction provided by Cornell's Master Gardener program.

Swan Lake

Swan Lake Renaissance obtained Maintenance Grant from Sullivan Renaissance. We requested quotes for the fountain installation.

Court

V&T Received	388
V&T Appearances	204
Criminal Appearances	542
Ordinance Appearances	16
Civil Appearances	21
Total Fines Collected	\$87,107.00
Total Fines to Town	Not available
Total Fines to Village	Not available

Town Clerk

Conservation	8
Marriage Licenses	4
Junk Yard Licenses	2
Water Permit	1
Refuse Collection	4
Marriage Certificates	8
Photo copies	40
Dog Licenses	30

Have been working on setting up a Dog enumeration in conjunction with a free Rabies Clinic. Unfortunately we had the Town scheduled for 6/5 & 9/18 and Public Health Nursing set up a free rabies clinic for Morningside Park on 5/23. Public Health Nursing is charging us \$2.39 per vaccine so we will not be able to offer a free rabies clinic. I think that 6/5 will be too close to the Morningside Park clinic for us to get enough people to make it worth our while. Would like your guidance on whether we should wait and reschedule or go ahead.

I also received the Administrative Review for the Town Code Books. I have enclosed it in your packets for review.

I will be having hand surgery next week so I will be one handed for about 4 weeks.

2012 TAX COLLECTION CLOSE-OUT

Bank Balance:	\$45,726.15
Less Outstanding checks:	\$22,630.63
Balance:	\$23,095.52
+ Refunded Service Charges:	\$ 200.83
Total	\$23,296.35

Penalties	\$19,840.69
Returned Ck Fees	\$ 200.00
2 nd Notice Fees	\$ 1,289.89
Interest	\$ 49.77
Collectors Fees	\$ 1,916.00
Total collected	\$23,296.35

Paid to M&T Bank \$ To be paid by voucher when bill received

Paid to Supervisor \$23,296.35

RECOGNIZE THE PUBLIC

SEAN ZIGMUND

Mr. Zigmund advised that he was here again to discuss the culvert pipe issue. Mr. Zigmund feels that the engineer was in the wrong spot.

Councilperson Chris Austin advised Mr. Zigmund that Engineer Terry Kelly was in the correct spot.

Mr. Zigmund wanted to know how the board could make a decision based upon a wrong engineering report. He advised that Washingtonville and Margaretville were both washed away due to improper drainage.

Supervisor Barbuti advised that the cause of the water was due to changes made on another property which changed the flow of the water.

Deputy Highway Superintendent Kevin Austin advised that he thought the next step was going to be Mr. Zigmund speaking to an attorney.

Town of Liberty Attorney Klein advised that Mr. Zigmund was free to seek recourse.

Mr. Zigmund advised that he was not seeking legal action against the Town.

Councilperson Chris Austin advised that it was an issue created by someone else which makes it a civil issue and that this was his last word done and over.

Mr. Zigmund advised that he was here for another reason also. He is starting a neighborhood compost collection and would like to follow the rules.

Mr. Zigmund advised that CEO VanEtten had spoken with attorney Garigliano and nothing had been decided.

Mr. Zigmund advised that he would attend the next town board meeting for a decision.

TEAM SKATE

Ryan Burns from Team Skate advised the Town Board that they had reached an impasse regarding where the Skate Board Park was going to be located. He advised that Walnut Mountain was the first place offered and the most desirable. Mr. Burns advised that the Main Street location was less desirable due to the change in shape and the space and the proximity to the road. Mr. Burns advised that they would like to host events.

Supervisor Barbuti advised that he did not feel it was accessible to the village children.

Councilperson Maurice Gerry advised that he would like in the village for the safety aspect. He also felt that the Park in the village would stimulate the economy and generate some life in the village.

Supervisor Barbuti advised that he was attending a meeting with the Village on May 14th at 7 PM to find out about the Elks parking lot and that he would get back to the Team Skate kids.

EDGAR VIERA FROM ENERPATH

Mr. Viera introduced himself and advised that he was from Enerpath a company which manages the Small Business Energy Efficiency Program for NYSEG and RG&E. He advised that they do lighting assessments at no charge. They estimate our current lighting costs to be approximately \$2073 and our future lighting cost could be \$1259 which is a 39% savings. He explained that NYSEG would give the Town up to a 70% contribution. Enterpath will replace and/or retrofit certain lighting equipment with new energy efficient lighting equipment. The Town Board opted to sign agreement with Enerpath.

RESOLUTION NO

APPROVAL FOR SUPERVISOR TO SIGN AGREEMENT WITH ENERPATH

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board does hereby authorize the supervisor to sign agreement with Enerpath to replace and/or retrofit certain lighting equipment with new energy efficient lighting equipment at Town Hall and Park and Rec. (On file w/ Town Clerk)

5 AYES - Carried

RESOLUTION NO

ADOPTION OF FUND BALANCE POLICY

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board does hereby adopt the following fund balance policy:

Town of Liberty Fund Balance Policy

The Town of Liberty has an important responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely and to plan the adequate funding of services desired by the public, including the provision and maintenance of public facilities.

An important indicator of the financial stability of the Town is its un-reserved fund balance that represents the un-assigned and unencumbered balance of the Town's revenues held in the Town's numerous funds.

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The Town hereby establishes a minimum un-reserved Fund Balance Policy that will serve to guide the Town's budgeting decisions by providing a minimum un-reserved Fund Balance for the Town's three principal funds:

- the Town General Funds
- the Highway Funds
- the Special District Funds

The Town shall:

1. strive to attain and maintain in each of the Funds at fiscal year-end the Minimum Fund Balance of 10% (the "Minimum Fund Balance Percentage") of each of the Funds total adopted budgeted expenditures. The Minimum Fund Balance Percentage represents the Town's best estimate at this time of the financial reserves required to meet unexpected variances. The Minimum Fund Balance exclusive of the operating budget contingency established under 4) is reserved for the following uses:
 - a. cash flow purposes;
 - b. unknown, unbudgeted, and unpredictable events, such as a catastrophic road failure;
 - c. to provide a reserve to meet negative budget variances
2. not use the Fund Balance for predictable or recurring expenses until the Minimum Fund Balance has been attained;
3. refrain from the use of the Minimum Fund Balance to reduce the amount of the real property taxes and/or will use the Minimum Fund Balance for one-time capital or emergency expenditures only if:
 - a. there are surplus balances remaining after all reserve and fund allocations are made, or
 - b. the Town has made a rational analysis with justifying evidence that it has an adequate level of short and long term resources;
4. establish, in the operating budget, a contingency appropriation reserve line item, as appropriate, of the three principal funds, to:
 - a. provide for non-recurring unforeseen expenditures of an emergency nature;
 - b. provide orderly budgetary adjustments when revenues do not meet projections;
 - c. provide the local match for public or private grants that may become available during the fiscal year;
 - d. meet unexpected increases in service delivery costs;
 - e. provide for settlement of pending liabilities and for unexpected payment of accrued vacation and sickness liabilities;

5 AYES - Carried

RESOLUTION NO

PARK AND REC 1999 FORD RANGER DECLARED SURPLUS EQUIPMENT AND BID DATE SET

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby declare the Park and Rec. 1999 Ford Ranger as surplus equipment and does hereby set a bid on May 24, 2012 at 11:00 am at the Town Clerk's office, 120 N. Main St., Liberty, New York.

5 AYES - Carried

RESOLUTION NO

RESOLUTION IN SUPPORT OF BILLS ASKED 5889 – C AND A 8644 ENTITLED CALLING FOR AN IMMEDIATE FREEZE OF LOCAL CONTRIBUTIONS TO THE COST OF MEDICAID

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the following resolution:

WHEREAS, the Sullivan County economy remains challenged from the great recession, and locally generated tax revenues are mandated to be sent to Albany, particularly for the non-federal Medicaid costs that require 21 million in 2012 from the county's property tax levy, and

WHEREAS, asked 5889 – C and A88644 would and act and act to amend chapter 58 of the laws of 2005, relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to calculating social services strict medical assistant expenditure amounts, and

WHEREAS, this legislation would provide for an immediate freeze of local County contributions to the cost of Medicaid, followed by the gradual state assumption of all nonfederal Medicaid costs over an eight(8) year period, providing substantive mandate relief and real property tax relief and reduction to the property taxpayers of Sullivan County and throughout New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the town of Liberty does hereby proclaim its support of Senate bill S5889-C and assembly Bill A8644 that would provide for an immediate freeze of local contributions to the cost of Medicaid followed by the gradual state assumption of all nonfederal Medicaid costs over an eight (8) year period, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Liberty and call upon the speaker of the New York Gen. Assembly and the Majority Leader of the New York State Senate to have S5889 –C and A8644 moved out of committee and adopted by their respective chamber of the State Legislature, and respectively request that the legislation be approved by Gov. Andrew M Cuomo, and

BE IT FURTHER RESOLVED, that the Clerk to the Board is hereby directed to transmit an electronic copy of this resolution to Gov. Andrew M Cuomo, Sen. John Bonacic, and Assembly woman Aileen Gunther.

5 AYES - Carried

RESOLUTION NO

RESOLUTION IN SUPPORT OF MANDATE RELIEF

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the following resolution:

WHEREAS, local governments partner with the state government to protect and preserve the health, safety and welfare of the people of New York State, and

WHEREAS, such a partnership requires collaboration in order to effectively accomplish these goals, and

WHEREAS, the imposition of tax shifting unfunded and underfunded state mandate: (commonly occurring in the areas of public work, procurement, personnel management, provision of local service, environmental quality enhancements and the loss of a local tax base) represents a barrier to effective collaboration and good governance, and

WHEREAS, the growing expense of tax shifting unfunded mandate, both individually and collectively, places financial burden of local government and, ultimately, the taxpayer, and

WHEREAS, directing compliance with unfunded and/or mandate had, in some instances, forced local government to drastically underfund crucial local services such as road maintenance, public safety and water and wastewater treatment, as well as Park, senior and youth services and cultural services, and

WHEREAS, the enactment of chapter 97 of the laws of 2011 limit the local real property tax revenues, making it even more challenging to comply with unfunded and/or underfunded mandate,
NOW THEREFORE BE IT

RESOLVED, that the town of Liberty Town board called upon the Governor and the Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing

mandates, identify and eliminate unnecessary mandate, eliminate future unfunded and underfunded mandates and requires all future legislation to include specific local fiscal impact notes, which will inform members of the Legislature and the public with regard to the actual expense of implementing such legislation

5 AYES- Carried

RESOLUTION NO

REFORM REAL PROPERTY TAX SYSTEM

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the following resolution:

WHEREAS, towns are heavily reliant on real property tax revenues to fund important government services, and

WHEREAS, New York real property tax burden is among the third highest in the nation diminishing standards of living and economic vitality across the, and

WHEREAS, a contributing factor to high real property taxes is the volume of legislation passed each year granting particular property owners and not for profit either a partial or full exemption from the payment of real property taxes and relief from established taxable status dates, and

WHEREAS, the manner in which condominium, cooperative housing and certain multi-family dwelling units are fast further contribute to high real property taxes in this state, and

WHEREAS, it is essential that the cumulative long term impact of real property tax exemption be addressed in New York, particularly in light of the continual erosion of real property tax bases resulting from the above practices, NOW THEREFORE BE IT

RESOLVED, that the Town of Liberty called upon the Governor and the Legislature to define and enact a uniform, well defined approach to exemption and taxable status date legislation and provide the funding for any date mandated or encouraged exemption program and protect local property tax revenues.

RESOLUTION NO

ELIMINATION OF THE REQUIREMENT TO COLLECT STATE ANIMAL POPULATION CONTROL SURCHARGE

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the following resolution:

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WHEREAS, New York state is no longer part of the painting in the licensing, registration and tracking of dog as of January 1, 2011, and

WHEREAS, the entire responsibility and cost for providing said services will be borne by the municipalities as of that date, and

WHEREAS, New York City is requiring the pallet is to collect a surcharge on all dog licenses in order to fund a statewide animal population control program constitutes an unfunded mandate, NOW THEREFORE BE IT

RESOLVED, that the Town of Liberty called upon the Governor and the Legislator to amend the agricultural and market law to authorize municipalities to retain funds collected for animal population control to be used for local program.

5 AYES – Carried

RESOLUTION NO

AWARD OF BID FOR REMOVAL OF UNSAFE BUILDING LOCATED AT 148 – 153 STANTON CORNERS RD., SWAN LAKE

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby except the low bid submitted by MKS Landscaping in the amount of \$13,350 to remove an unsafe building located at 148 – 153 Stanton Corners Rd., Swan Lake.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF STIPULATION OF SETTLEMENT FOR TIMBER WOLF ESTATES, LLC.

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Chris Austin**, the Town Board does hereby adopt the following stipulation of settlement:

5 AYES - Carried

RESOLUTION NO

CAMP HASC BOND

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby agree to return 50% of the \$20,000 bond to camp HASC and will return the final 50% when they have a drainage plan that addresses the additional runoff from the

turnaround which must be approved by both engineers Randy Wasson and Terry Kelly. This must be completed by December 31, 2012.

5 AYES - Carried

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby go into executive session at 6:04 PM to discuss pending or current litigation and to discuss a matter leading to the employment, discipline, the invention, dismissal or removal of a particular person.

5 AYES - Carried

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board does hereby come out of executive session at 6:30 PM

5 AYES - Carried

BOARD DISCUSSION

Councilperson Thomas Hasbrouck

- Advised that the two young fellows that worked at the cemetery did a very good job.

Councilperson Dean Farrand

- Any response to the newspaper ad? The supervisor advised there had been none.
- Will meet with Charlie to discuss committees
- Saw the letter from Barton & Loguidice's hygienist and feels we should invite them to a meeting.

Councilperson Maurice Gerry

- Mr. Gerry advised everything was good.
- He advised that the County did a good job by the church.

Councilperson Chris Austin

- Wanted to know if we have heard from the DRBC or from Terry Kelly. Supervisor Barbuti advised that he had not heard anything nor had Terry Kelly and that we are on target.

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- Advised that Mark he had mentioned bringing Nancy back for more time.... would like Mark to put something together for next meeting.

Supervisor Charlie Barbuti

- Dick Riseling advised that (4) properties were identified for the wind mill studies, these properties are located on Loomis Road, Tanzman Road, Thunder Ridge and a Sutherland property.
- Charlie attended the think Cinco De Mayo... Very good.
- Will be attending the PRIDE award.
- Will be attending the RSVP luncheon on 5/14.
- Skye found a nut in the supervisor's office... which indicates a squirrel issue.
- Harry cleaned the downstairs bathroom... which had a lot of glue and dirt.

ADJOURN

Motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 6:31 PM.