

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
May 18, 2009**

At the Town Board Meeting of the Town Board of the Town of Liberty held at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Deputy Town Clerk Sara Sprague
Deputy Highway Superintendent John Lennon
Assistant Water & Sewer Forman Tom Kehrley
Confidential Secretary Maureen Barber
Parks & Recreation Director Brian Scardefield
Code Enforcement Officer Mark VanEtten
Water & Sewer Foreman Albert Picard

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

Public Participation

Heinrich Strauch:

- Exit 100 roundabout will be taken over by an Adopt an Highway exit agreement with S&M construction.
- Rt. 55/ Rt 52 intersection roundabout will be completed by July 4th

Patrick Kelly

- Johnstone & Rhodes will be delivering the stone veneer the first week of June and the work should take two weeks to complete.
- Received quotes for the plantings and the highest are \$3000.
- Asked Heinrich if he will maintain the integrity of his design.

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- The paint on the outside of his design is DOT paint.

Timothy Kelly

- The town and village have given the CDC over \$250,000, not counting what the Gerry foundation gives.
- The CDC is not subject to the provisions of the Freedom of Information Law (FOIL).
- Has worked for the Town of Liberty for 35 years and it bothers him to say that he is sorry that he suggested to Patrick to get involved in this community based organization (CDC).
- It is critical for survival to involve and renew community support and involvement
- You can be inclusive and involve good people, or you can be exclusive and not get the job done.

Joan Howard read aloud the following letter:

May 18, 2009

Dear Honorable Members of the Liberty Town Board:

I am communicating with the Town and Village Boards to express my concern and dismay about the convoluted process and the delay in completing the traffic circle at the intersection of Routes 55 and 52. I am addressing my concerns to both boards as they represent the residents of the town and the village and were the original applicants for the Beautification Initiative Grant (BIG), which was advertised as the funding source for both traffic circles. Both governments support the Liberty Community Development Corporation (CDC) and have delegated Liberty's economic and community development to the CDC.

I am also supporting the efforts of Patrick Kelly whose design for the traffic circle was chosen by the CDC in 2007 and who volunteered to donate his services to build the welcome sign and provide advice regarding the plantings. The original solicitation for the design indicated that the budget for the project was not to exceed \$10,000. I am especially concerned that Patrick since 2007 has tried to no avail to work on the completion of the project and has met with one stumbling block after another. The welcome sign has been sitting in the Town Barn for months. It does not seem fair that some have attributed the delays to Patrick's inaction when over the past 2 years he has had many meetings with all concerned to help complete the project.

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This does not seem like the appropriate manner to treat a volunteer who was very excited that his design was chosen to welcome people to Liberty and has since become discouraged by the process. It seems to me that it is especially troubling since Patrick is a young, bright, educated and committed professional who chose to return to Liberty, start a business, build a home and wants to contribute to his community. How many times do we hear that one of the major problems confronting Liberty is that our children do not return home to live and work? The hoops that Patrick has had to go through does not speak well for our community and does not set a good example for those others who chose to volunteer.

While I am aware that there are often delays in publicly funded projects the inability of the Town, Village and the CDC to complete this project in a timely manner seems inexcusable, especially in light of the fact that the funds were available through the County's BIG grant which was approved in 2006.

I understand the town and the village appropriately designated the CDC as the organization to administer the BIG monies and see that all of the funded projects were completed. However, I am concerned that the CDC has spent most of the funds from the grant and there are still expenses necessary to complete the traffic circle. It is disconcerting that it appears that the BIG funds have been expended to pay a vendor in advance, over \$4,000 for plants and planting materials which have yet to be delivered. This does not seem to be a very good business practice. Suppose the vendor was no longer in business or was no longer able to deliver the product. It also calls into question the rules governing the BIG grant that would allow such an advance payment, as that would be an unusual procedure in the expenditure of public funds.

I would encourage both the town and village boards to scrutinize the expenditures associated with the BIG grant and any other public funds dedicated to the traffic circles.

It also calls into question why only one vendor was contacted to provide these materials. It is always a good practice to get more than one quote to insure the taxpayers are getting the best price.

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I would also like to go on record as supporting the efforts of the town, village and the grassroots organizations that are responsible for the formation of the Liberty Community Development Corporation to as their mission statement indicates "serve as the central vehicle for Housing, Youth and Economic Development in Liberty".

A community development corporation supported by both the town and the village and other public and private sources of revenue, technical assistance and other resources is an excellent vehicle to insure that all of the entities responsible for the current and future economic health of Liberty are working together.

I support the funding and other resources that the town and the village give the CDC and assume that the contracts between the two government entities specify how those funds can be spent to benefit the residents of Liberty. As the report prepared for the town and village by Patterns for Progress states "It is clear that the most important factor is leadership".

Given the delays, confusion and misinformation surrounding the traffic circle project, I would suggest that both the town and village need to play a more active role and provide the necessary leadership and oversight to insure the citizens of Liberty that the Liberty Community Development Corporation (CDC) is continuing to successfully fulfill its role as outlined in its Community Revitalization Action plan 2005-2010.

Thank your for the opportunity to express my concerns.

Sincerely,
Joan Howard

Lily Stettner

- Traffic circle has taken long enough.
- Village trustees told her work would be starting this week.
- The CDC prepaid the Garden Center do they still have the money and is it gaining interest?

Councilperson Lynn Killian

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- Advised that she appreciates and respects people opinions, but that she feels like this is a CDC bashing.
- The Town Board needs to take a more active role w/ the CDC
- Lynn was removed as appointee and replaced w/ Peter Stettner
- Relationships work two ways and Heinrich is not at fault

Councilperson Maurice Gerry

- Has been on the board for 16 years and is running again and would like to defend himself, he had no idea that \$4,970 had been pre-paid, the Board was never told and it was absolutely wrong.
- \$4,970. a lot of money for plants, should have been put out to bid.
- The Board should have known but didn't.
- Tells Heinrich that this is wrong and that he is embarrassed.

Councilperson Clarence Barber

- Advised that he has asked to see a financial report and has gotten a little spreadsheet

Attorney Kenneth Klein

- The Town Board as a board decided to allocate X amount of dollars to the CDC for operational purposes.
- The Board can choose if or how much to allocate to the CDC during the budget process.

Carol Kelly

- Has worked for the County for 26 years as RSVP Director and has 300 volunteers in Sullivan County, would not have them if she had treated them the way that Patrick has been treated.
- Tried to get on the CDC Board, but was told by Heinrich that she could not.
- In response to getting bids for the stone, it was a contest and Patrick won the contest, the whole plan was picked.
- Ashamed that the roundabout is not done.
- You don't treat volunteers as Patrick has been treated, who give their time, effort and service.
- Working for the County every dollar spent must be accounted for and if she wanted to plant flowers she would have to check prices at all the nurseries.

Heinrich Strauch:

- Money has been paid for the future delivery and planting of approx. 200 plants which were specified in the design.
- Advised that this is a dual standard since the stone was not put out to bid.

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- Waiting for quotes from Crozzoli & E&T Landscaping to remove dirt and bring in topsoil.
- DOT slowed the process because they were supposed to bring in topsoil but didn't.
- CDC Treasurer disburses money, checks need two signatures.
- In regards to Patrick Kelly's question on maintaining the integrity of his design, Heinrich advised that the only issue they may have to compromise and eliminate would be the paint on the skirt of the design because it may not be feasible in terms of maintenance and durability.

A short discussion followed regarding the Village or Town removing the dirt and replacing it with topsoil.

CORRESPONDENCE

1. A letter from JW Howard Attorneys regarding Dan O'Donnell.
2. A letter from Richard L. Jones regarding the position of Aquatics/Pool Director.
3. A copy of a letter sent by Albert Picard to Mr. Eisen of Hillcrest Estates.
4. A letter from Fran Kurpil, Secretary of the Greater Liberty Chamber of Commerce.
5. A letter from Marks Enterprises, Inc. regarding Water pumping & control improvements at the Sherwood Wells Booster Station.
6. Copies of 4/7 & 5/5 Planning Board Minutes.

RESOLUTION NO. 106-09

APPROVAL OF AUDIT

Motion by Councilperson Clarence Barber, seconded by **Councilperson Lynn Killian**, the Town Board approved the following:

- May, 2009 Abstract:
Claims #782 to #976 totaling \$391,333.36
- Post April, 2009 Abstract:
Claims #769 to #781 totaling \$88,100.34

5 AYES - Carried

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Comments:

Councilperson Killian commented that Supervisor Schmidt had a voucher for mileage and she didn't realize that we did that.

Councilperson Barber advised that the vouchers were beautiful, like a piece of artwork.

RESOLUTION NO. 107-09

APPROVAL OF MINUTES

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following minutes as submitted:

- 4/20/2009 Regular Monthly Mtg.
- 5/4/2009 Dept. Head Mtg.

5 AYES - Carried

RESOLUTION NO. 108-09

APPROVAL OF MONTHLY REPORTS

Motion by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber**, the Town Board approved the following reports as submitted:

- 4/2009 Town Clerk Monthly Report
- 4/2009 Monthly Revenue & Expense Report

5 AYES - Carried

OLD BUSINESS:

1. Discussion regarding logging permits.
2. Fuel accountability policy **Meeting 5/21/09**

RESOLUTION NO. 109-09

SHREE RAM FOOD CORP. CITGO MINI MART GRANTED 30 DAY WAIVER FOR ON-PREMISES LIQUOR LICENSE

Motion by Councilperson Clarence Barber, seconded by **Councilperson Thomas Hasbrouck**, Councilperson Lynn Killian abstaining, the Town Board of the Town of Liberty does hereby have no objection to the Liquor License being

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granted to Shree Ram Food Corp. Citgo Mini Mart located at 7260 Route 17 West, Parksville, New York and do hereby grant the 30 day waiver.

4 AYES - Carried
1 Abstension-Councilperson Killian

RESOLUTION NO. 110-09

APPROVAL OF ADOPT A ROAD APPLICATION SUBMITTED BY THE DWORETSKY FAMILY FOR HYSANA RD.

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby approve the adopt a road application submitted by the Dworetsky Family to adopt Hysana Rd.

5 AYES - Carried

RESOLUTION NO. 111-09

E911 ROAD NAMING

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** that the Town Board of the Town of Liberty does hereby approve of the name "Sweetgrass Drive" for the 44 lot Subdivision by R&M Farm, LLC known as the "The Meadows" located on Dahlia & Lenape Lake Rd. SB:# 11-1-1, 2.1 & 9.1.

5 AYES - Carried

A letter of interest was received from Phil Mullen in regard to his desire to serve on the Town of Liberty Zoning Board. It was decided that the Town Clerk would place a classified ad looking for interested persons.

RESOLUTION NO. 112-09

APPROVAL OF BID FOR ASPHALT ZIPPER

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** that the Town Board of the Town of Liberty does hereby accept the bid as submitted by Asphalt Zipper, Inc. 310 West 700 South, Pleasant Grove, UT for the amount of \$86,400.

5 AYES - Carried

RESOLUTION NO. 113-09

APPROVAL OF EMERGENCY REPAIR TO SHERWOOD WELLS

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** that the Town Board of the Town of Liberty does hereby approve of emergency repairs to be made to the Roth Well at Sherwood Wells due to the fact that the well is out of service and will be needed for the additional summer usage. If this work is not completed before the summer's increasing need for water the one operating pump may be down or fail completely.

The following emergency repairs are authorized:

Layne Christensen (Proposal date 5/8/09)	\$26,285.00
Marks Enterprises (Proposal date 5/13/09)	\$31,380.00

These expenses are to be funded by a water rate increase.

5 AYES - Carried

RESOLUTION NO. 114-09

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 18th day of May, 2009 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
Deputy Supervisor Clarence Barber
Councilperson Lynn Killian
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck

ABSENT:

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A USED PORTABLE DIESEL POWERED ASPHALT RECYCLING/MILLING MACHINE AT MAXIMUM ESTIMATED COST OF \$90,000, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$72,000 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND AND \$18,000 FROM FUNDS CURRENTLY APPROPRIATED IN THE TOWN BUDGET.

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

Section 1. The purchase of a used Portable Diesel Powered Asphalt Recycling/Milling Machine at a maximum estimated cost of \$90,000, and the expenditure of the sum of \$72,000 from the Town of Liberty Highway Equipment Capital Reserve Fund and \$18,000 from funds currently appropriated in the Town Budget 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 Highway Equipment Capital Reserve Fund and currently appropriated in the Town Budget.

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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 Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Lynn Killian voting	AYE
Councilperson Clarence Barber voting	AYE

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 115-09

APPROVAL OF STONE BID (FOB PRICES ONLY)

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Clarence Barber** that the Town Board of the Town of Liberty does hereby accept the following low bids:

E. Tetz & Sons 130 Crotty Rd. Middletown, NY 10941	Callanan Industries PO Box 15097 Albany, NY 12212	Deckelman LLC PO Box 35 Fremont Center, NY 12736
FOB Price Per Ton		
\$17.00	\$17.40	N/B
\$14.50	\$13.00	N/B
N/B	\$13.00	N/B
\$13.00	\$12.50	N/B
\$11.50	\$12.00	N/B

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\$11.50	No Bid	N/B
\$10.75	\$9.75	N/B
\$6.00	No Bid	N/B
\$14.00	\$13.25	N/B
\$14.00	\$13.00	N/B

Non-collusion bidding
certificate attached

Non-collusion bidding
certificate attached

Non-collusion bidding
certificate attached

5 AYES - Carried

BOARD DISCUSSION

Supervisor John Schmidt

- Memorial Day parade on 5/25/09 @ 10:30

Councilperson Lynn Killian

- Wanted to know if we had any response from the Village regarding the letter that was sent on the Shared Municipal Services
- Yardsaleorama will be on 5/23 & 5/24
- Wanted to know when the Board would be meeting to with Mark regarding property violations.

Supervisor Schmidt advised that he wanted to get through the fuel accountability policy first.

CEO VanEtten advised that he had met with Attorney Garigliano and the first property consists of 28 steps.

Councilperson Clarence Barber

- Will be absent on the 6/1/09 mtg.
- Attended meeting with the NYS Dept. of Labor will make copies for all Board members.
- Wanted to know if we have ever done an air quality test at Town Hall.

Supervisor Schmidt advised that he will research prices

Councilperson Thomas Hasbrouck

- Nothing to report

Councilperson Maurice Gerry

- Nothing to report

RESOLUTION NO. 116-09

EXECUTIVE SESSION

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** that the Town Board of the Town of Liberty does hereby go into Executive Session at 9:00 p.m. to discuss a specific person.

5 AYES - Carried

RESOLUTION NO. 117-09

OUT OF EXECUTIVE SESSION

MOTION by **Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** that the Town Board of the Town of Liberty does hereby come out of Executive Session at 9:05 p.m.

5 AYES - Carried

On a motion by Councilperson Lynn Killian, seconded by Clarence Barber the Town Board adjourned the meeting at 9:06 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk