

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
May 19, 2008**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on May 19, 2008 at 7:00 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 7:00 p.m.

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

CORRESPONDENCE:

1. A letter from Heinrich Strauch, CDC Director regarding flags at the first traffic circle.
2. A letter from Heinrich Strauch, CDC Director regarding the engineering proposal for the Swan Lake sidewalks.
3. A copy of the letter sent to Presidential Estates Homeowners Assoc. regarding a leak on one of the pool lines.
4. A thank you card from Bob Korbik of the SC Tobacco Free Coalition and Shannon Marie Holland from SC Reality Check.
5. Copies of Planning Board Minutes from 1/08-4/08.
6. Copies of Zoning Board Minutes from 1/08-4/08.

RESOLUTION NO. 111-08

APPROVAL OF AUDIT

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

- May, 2008 Abstract:
Claims #884 to #1068 totaling \$285,909.51
- Post April, 2008 Abstract:
Claims #872 to #883 totaling \$84,561.93

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 112-08

APPROVAL OF MINUTES

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

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** to approve the following minutes with amendment to 4/21/08 minutes resolution #98-08:

RESOLVED, that the sum of \$125,000 (**\$75,000 Multi-Modal III grant for the 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

- April 21, 2008 Public Hearing / Regular Monthly Meeting
- May 5, 2008 Department Head Meeting
- May 8, 2008 Stone Bid

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 113-08

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report April 2008

- Revenue & Expense Summary April 2008

5 AYES

ALL IN FAVOR - CARRIED

OLD BUSINESS

1. Discussion regarding the Swan Lake Dam. **Supervisor will have (3) EAP's for next meeting.**
2. Discussion regarding logging permits. **Supervisor will contact Forrester to speak at a future meeting.**
3. Inter-municipal agreement regarding Code Enforcement with the Village of Liberty. **Attorney Klein will speak with Village Attorney Silver.**

RESOLUTION NO. 114-08

TOWN BOARD OPPOSES THE NEW YORK REGIONAL INTERCONNECTION POWER TRANSMISSION LINE

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does hereby approve the following resolution:

WHEREAS, New York Regional Interconnect (NYRI), a Canadian investment group, is proposing a 1,200 megawatt transmission line running from Marcy, New York, through several counties, including Delaware, Sullivan, and Orange Counties, before ending at a Central Hudson substation in New Windsor of Orange County, New York; and

WHEREAS, the NYRI proposes an alternate route which would follow the present Marcy South Power Line running directly through the Town of Liberty, and would require a significant widening of the existing right-of-way to allow for 130 foot towers; and

WHEREAS, there is considerable lack of research and studies supporting the need for additional power lines and lack of exploration of alternate solutions to power consumption; and

WHEREAS, this Town board is dedicated to the preservation of the Town's open space, scenic vistas, farmlands and parks, as stipulated by the Comprehensive Plan of the Town of Liberty, and also to maintaining property values and quality of life within our communities, and another high voltage power transmission line,

which provides little or no value to our residents and businesses, and NYRI's ability to pre-empt local planning, zoning and eminent domain proceedings which is contrary to NYS Home Rule Law, and in turn must bear the environmental burden of the power line, is not acceptable to this Town Board; and

NOW,

THEREFORE, it is hereby resolved, that the Town Board of the Town of Liberty, Sullivan County, New York opposes the construction of the NYRI Power Transmission Line as proposed and urges the United States Congress, Senate, Department of Energy, Federal Energy Regulatory Commission and Public Service Commission to deny the application of NYRI for designation of a certain route in New York State as a "national interest electrical transmission corridor" and to seek alternative energy resources instead; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Liberty is hereby authorized and directed to send a certified copy of this resolution to Honorable George W. Bush, President of the United States; Honorable Charles Schumer and Honorable Hillary Rodham Clinton, United States Senators; Honorable Maurice Hinchey, House Representative; secretary of Energy; Director of FERC, Honorable David Patterson, Governor of the State of New York; Honorable John Bonacic, New York State Senate, Honorable Aileen Gunther, New York State Assembly; Sullivan County Legislature; and any other Executives, Supervisors, Mayors and Legislatures as he may deem proper in order to effectuate the purpose of this resolution.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 115-08

RESOLUTION REQUESTING TOBACCO RETAIL MERCHANTS IN THE TOWN OF LIBERTY TO REDUCE, REARRANGE OR ELIMINATE TOBACCO ADVERTISING IN RETAIL STORES

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does hereby approve the following resolution:

WHEREAS, Smoking is the number one cause of preventable death in the United States and the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates, and

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May 19, 2008 Continued

WHEREAS, In New York State alone, the tobacco industry spends \$516 million annually to market its deadly products and tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure, and

WHEREAS, Tobacco retailers serve as the tobacco company's major communication channel to reach present and future customers and the store environment exerts a unique influence to promote tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores, and

WHEREAS, The Sullivan County Tobacco Free Coalition 2007 Community Tobacco Issues survey showed that 74% of Sullivan County Residents have noticed cigarette or tobacco products being advertised or promoted on shop windows or inside shops where tobacco is sold.

WHEREAS, every day, another 4,000 American children start to smoke and another 2,000 become regular, daily smokers, now, therefore be it

RESOLVED, That the Liberty Town Board hereby expresses its support of the efforts of the Sullivan County Tobacco Free Coalition and Sullivan County Reality Check and encourages retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including wall space below five feet, near candy displays and on counter tops, and, be it further

RESOLVED, That the Clerk of the Town of Liberty is directed to provide a copy of this resolution to every tobacco merchant in the Town of Liberty and to forward certified copies to the appropriate Town Officials.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 116-08

*SULLIVAN COUNTY REALITY CHECK
GETTING TOBACCO ADS OUT OF SCHOOL LIBRARIES*

MOTION by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry the Town Board does hereby approve the following resolution:

WHEREAS, Smoking is the number one cause of preventable death in the United States; and

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WHEREAS, Each day more than 4,000 youth try smoking for the first time, and another 2,000 youth become regular daily smokers; and

WHEREAS, The Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, an estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, in 2003 tobacco companies spent \$15.1 billion to market cigarettes in the United States; and

WHEREAS, The marketing expenditures tend to overwhelm and counteract efforts by school systems, government, and the medical community to decrease smoking rates, particularly when advertisements are displayed in educational and health care settings; and

WHEREAS, In the fall of 2003, the National Association of Attorneys General (NAAG) and four tobacco companies (Philip Morris, RJ Reynolds (Reynolds America), US Smokeless Tobacco Company and Santa Fe Tobacco Company) reached an agreement to eliminate tobacco advertising in the classroom program versions of Time, Newsweek and US News and World Report; and

WHEREAS, Reality Check surveyed 233 school libraries across New York and found that magazines carried in school libraries contained tobacco ads thus encouraging youth to begin smoking; and

WHEREAS, School is a place where children and teenagers can learn and grow in a safe and secure environment; and

WHEREAS, Schools and school libraries should not be an outlet for the tobacco industry to target youth and find replacement smokers; and

WHEREAS, In June of 2005, NAAG, tobacco companies and magazine publishers reached an arrangement that eliminates all tobacco advertisement in Newsweek, Sports Illustrated, People and Time going to schools including school libraries; and

WHEREAS, Newsweek Magazine has agreed to provide tobacco ad-free versions to subscribers who request them by calling 1-800-526-2595.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Liberty hereby expresses its opposition to tobacco advertisements in magazines in the school setting including school libraries and enthusiastically supports the tobacco

advertisement free arrangement reached between NAAG, the tobacco companies and the publishers of Newsweek, Time, Sports Illustrated and People to eliminate tobacco advertising from editions of these four magazines that are sent to school setting, including school libraries.

BE IT FURTHER RESOLVED because there are still many magazines in school libraries that contain tobacco advertisements, the Liberty Town Board supports future efforts of Reality Check and the Attorney General to limit tobacco company access to youth by eliminating tobacco advertising in all editions of all magazines in schools.

BE IT FURTHER RESOLVED because Ebony, Essence, Jet, Outdoor Life, Field and Stream and Popular Science are carried in so many school libraries, these magazines should be included in the tobacco advertisement free arrangement immediately.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 117-08

*SULLIVAN COUNTY REALITY CHECK
SUPPORT OF SMOKEFREE MOVIES*

MOTION by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry the Town Board does hereby approve the following resolution:

Whereas, tobacco use is the leading cause of preventable death and disability in the United States;

WHEREAS, youth ages 12-20 are one-sixth of the population but buy more than one-fourth of all movie tickets;

WHEREAS, most U.S. movies with smoking are now rated G, PG or PG-13;

WHEREAS, three-quarters of all U.S. live action PG-13 movies and 40 percent of all G/PG live action movies released 1999-2005 featured tobacco;

WHEREAS, exposure to smoking in movies recruits half of all new adolescent smokers in the United States;

WHEREAS, each year an estimated 390,000 teens start smoking because of their exposure to smoking in movies, 120,000 of whom will die prematurely as a result;

WHEREAS, the tobacco industry has a long, documented history of promoting the use of tobacco and particular brands on screen, while concealing and denying the practice;

WHEREAS, the U.S. Centers for Disease Control in 2002, 2003 and 2005 listed smoking in movies as a primary reason that the decline in teen smoking has stalled;

WHEREAS, the World Health Organization, American Medical Association, American Heart Association, American Lung Association, American Legacy Foundation, American Academy of Pediatrics, American Academy of Allergy, Asthma, and Immunology, National PTA, Society for Adolescent Medicine and others – including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility – endorse getting smoking out of future movies rated G, PG and PG-13;

WHEREAS, the majority of state Attorneys General have written the Motion Picture Association of America urging Hollywood to play an active role in reducing the number of children who smoke because of smoking in the movies;

WHEREAS, the University of California-San Francisco has mounted an educational and advocacy campaign, Smoke Free Movies, designed to reduce the value of American movies as promotional devices for the tobacco industry through four simple, voluntary actions by the motion picture industry;

1. Rate New Smoking Movies R

Any film that shows or implies tobacco should be rated R. The only exceptions should be when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;

2. Certify No Pay-Offs

The producers should post a certificate in the credits at the end of the movie declaring that nobody on the production received anything of value (cash money, free cigarettes or other gifts, free publicity, interest-free loans or anything else) from anyone in exchange for using or displaying tobacco;

3. Require Strong Anti-Smoking Ads

Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, regardless of its MPAA rating;

4. Stop Identifying Tobacco Brands

There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene; Now, therefore, be it resolved that the Town Board of the Town of Liberty endorses the four objectives of the Smoke Free Movies campaign.

BE IT FURTHER RESOLVED that this resolution shall be transmitted to the Motion Picture Association of America; to the major motion picture studios and to their parent corporations (Warner Bros., owned by Time Warner; Disney, Touchstone and Miramax, owned by the Disney Company; 20th Century Fox, owned by the News Corporation; Columbia and MGM, owned by Sony Corporation of America; Universal, owned by General Electric; DreamWorks and Paramount, owned by Viacom); the state Attorney General; our U.S. Senators and Congressional Representatives; and the University of California-San Francisco Smoke Free Movies project.

BE IT FURTHER RESOLVED, that the Supervisor writes theaters in the Town of Liberty requesting that they refrain from exhibiting youth-rated (G/PG/PG-13) films that include smoking or other tobacco promotion or, if they do, that they admit patrons under the same terms as if the film were rated R.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 118-08

AUTHORIZE THE PURCHASE OF NEW SWIMMING POOL FILTERS AND A DIVING BOARD AT A MAXIMUM ESTIMATED COST OF \$5,541.60 FROM THE TOWN OF LIBERTY PARKS CAPITAL RESERVE FUND

The following resolution was introduced by Councilperson Thomas Hasbrouck, who moved its adoption, and seconded by Councilperson Maurice

Gerry, to wit:

A RESOLUTION AUTHORIZING THE PURCHASE OF NEW SWIMMING POOL FILTERS AND A DIVING BOARD AT MAXIMUM ESTIMATED COST OF \$5,541.60 AND PAYMENT THEREFOR BY THE

EXPENDITURE OF THE SUM OF \$5,541.60 FROM THE
TOWN OF LIBERTY PARKS CAPITAL RESERVE FUND.

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

Section 1. The purchase of new Swimming Pool Filters and a Diving Board at a maximum estimated cost of \$5,541.60 and the expenditure of the sum of \$5,541.60 from the Town of Liberty Parks Capital Reserve Fund 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 Parks Capital Reserve Fund.

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

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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.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 119-08

A RESOLUTION AUTHORIZING THE PURCHASE OF A SET OF BULLDOZER TRACKS AT A MAXIMUM ESTIMATED COST OF \$5,740, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$5,740 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A SET OF BULLDOZER TRACKS AT MAXIMUM ESTIMATED COST OF \$5,740, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$5,740 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND.

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

Section 1. The purchase of a set of Bulldozer Tracks at a maximum estimated cost of \$5,740, and the expenditure of the sum of \$5,740 from the Town of Liberty Highway Equipment Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

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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.

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.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 120-08

EASEMENT & ROAD MAINTENANCE DECLARATION W/ JOHN ARTUSO APPROVED

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** that the Town Board approves the following Easement and Road Maintenance Declaration with revisions made by Town Attorney Klein:

EASEMENT AND ROAD MAINTENANCE DECLARATION

THIS DECLARATION MADE THIS ____ DAY OF MAY, 2008, by JOHN M. ARTUSO, of 5775 Corinth Drive, Colorado Springs, Co 80918 (hereinafter the "Declarant").

WITNESSETH

WHEREAS, Declarant is the owner of certain parcels of real property, the first conveyed to him by deed from Clyde Barone dated October 9, 1984 and recorded in the Sullivan County Clerk's Office in Liber 1146 at Page 37, the second described in a deed from Clyde Barone to John Artuso dated November 30, 1984 and recorded in the Sullivan County Clerk's Office in Liber 1150 at Page 222 and the third described in a deed from Clyde Barone to John Artuso dated May 3, 1985 and recorded in the Sullivan County Clerk's Office in Liber 1168 at Page 299 (the "Property"); and

WHEREAS, the Property has been subdivided as shown on a map entitled "Subdivision Prepared For John Artuso Of A Three Lot Subdivision Situate Near Swan Lake" prepared by Anthony F. Siciliano, L.S., P.C., dated July 26, 2007, approved by the Planning Board of the Town of Liberty on _____ and filed in the office of the Sullivan County Clerk on _____ as map number _____ ("the Subdivision Map"); and

WHEREAS, Declarant has previously established 50' wide easement or right of way over an existing private road (the "Private Road") shown upon the Subdivision Map and desires to impose conditions and restrictions upon the Property with respect to the Private Road; and

WHEREAS, the Private Road is private in nature and the Town of Liberty has and shall bear no responsibility now or in the future for its repair, maintenance or improvement and the responsibility for repair, maintenance and improvement thereof shall be as provided for herein;

NOW THEREFORE, in consideration of the premises, the Declarant for himself, his heirs and assigns, declares that the Property shall hereafter be held, transferred, sold, conveyed and occupied subject to this Easement and Road Maintenance Declaration,

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which declaration shall run with the land and be subject to the following terms and conditions::

1: The Declarant does hereby establish, create and reserve easements and privileges with respect to the Private Road, as a right of way and easement for ingress and egress, for installation and maintenance of utilities, including but not limited to electric, phone, cable, gas, for granting of easements to utility companies and the right, power and authority to improve, for purposes consistent with access and the installation and maintenance of utilities, all for the benefit of the owners, from time to time, of each of the lots depicted and described as lots 1, 2 and 3 upon the Subdivision Map, together with the owners of the other lots or parcels abutting the Private Road (collectively the "Lot Owners" and "the Lots") and the respective distributees, successors and assigns of the Lot Owners, in common with the Declarant, his heirs, successors or assigns.

2: The owners of lots 1, 2 and 3 depicted on the Subdivision Map shall share equally in the cost of the maintenance of the Private Road and shall maintain said Private Road to such specifications and standards as shall be sufficient to allow access by emergency vehicles to each of the Lots and to reasonably maintain the Private Road in the aforesaid condition (and shall include but not be limited to snow plowing in the winter), until such time, if ever, as the Private Road may become a public road. No representations whatsoever are made that the Town of Liberty or any other municipality is or shall be willing to accept the Private Road as a public road or highway now or at any time in the future.

3: Notwithstanding any provision of this declaration to the contrary, maintenance costs shall be imposed upon the owner of any of lots 1, 2 and 3 depicted on the Subdivision Map whether or not a dwelling has been constructed thereon.

4: This Declaration shall be controlled by and enforceable pursuant to the laws of the State of New York.

5: This Declaration shall be binding upon the heirs, successors and assigns of the Declarant and may be specifically enforced by the owners of lots 1, 2 and 3 depicted on the Subdivision Map.

6: The prevailing party in any action instituted to enforce any provision of this Declaration shall be entitled to recover court costs, disbursements and reasonable attorney's fees incurred in connection with such action.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the as of the date first written above.

JOHN M. ARTUSO

REGULAR MONTHLY MEETING
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State of Colorado)
) :ss.:
County of _____)

On the _____ day of May in the year 2008 before me, the undersigned, personally appeared JOHN M. ARTUSO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 121-08

A RESOLUTION AUTHORIZING THE PURCHASE OF A DUMP BODY AT MAXIMUM ESTIMATED COST OF \$5,500, FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND.

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A DUMP BODY AT MAXIMUM ESTIMATED COST OF \$5,500, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$5,500 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND.

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

Section 1. The purchase of a Dump Body at a maximum estimated cost of \$5,500, and the expenditure of the sum of \$5,500 from the Town of Liberty

REGULAR MONTHLY MEETING
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Highway Equipment Capital Reserve Fund 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.

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.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 122-08

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO USED DODGE VANS FROM THE TOWN WATER AND SEWER DEPARTMENT AT MAXIMUM ESTIMATED COST OF \$12,000, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$12,000 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND.

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

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO USED DODGE VANS FROM THE TOWN WATER AND SEWER DEPARTMENT AT MAXIMUM ESTIMATED COST OF \$12,000, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$12,000 FROM THE TOWN OF LIBERTY HIGHWAY EQUIPMENT CAPITAL RESERVE FUND.

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

Section 1. The purchase of two (2) used Dodge Vans from the Town of Liberty Water and Sewer Department at a maximum estimated cost of \$12,000, in aggregate, and the expenditure of the sum of \$12,000 from the Town of Liberty Highway Equipment Capital Reserve Fund 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.

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.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 123-08

*APPROVAL OF FEE IN LIEU OF PARK LAND DEDICATION FOR MAJOR
SUBDIVISIONS*

MOTION by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian that the Town Board does hereby approve of a \$500 per lot fee in lieu of Park Land Dedication for major subdivisions.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 124-08

APPROVAL OF ADOPT A ROAD APPLICATION FOR AIRPORT RD.

MOTION by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck approves the adopt a road application submitted by William & Patsy Somers to adopt Airport Rd.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 125-08

APPROVAL OF ADDITIONAL 2008 BUDGET MODIFICATIONS

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** the Town Board approves the following additional 2008 budget modifications as submitted by the Finance Director:

Account Number	510 Estimated Revenue	960 Appropriations
DC 3501	\$44,573.00	
DC 5112.3		\$44,573.00

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 126-08

APPROVAL TO PARTICIPATE IN LICENSE EVENT NOTIFICATION SERVICE (LENS)

MOTION by Councilperson Thomas Hasbrouck, seconded by Councilperson Clarence Barber that the Town Board approves of the Town of

Liberty participation in the NYS DMV License Event Notification Service (LENS). Finance Account Clerk Cheryl Gerow will be responsible to monitor the New York State license records of the employees of the Town of Liberty and to report any accidents, convictions, expirations, suspension or revocations to the employee's immediate supervisor.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 127-08

APPROVAL OF JUNK DEALER LICENSE FOR GARY ZALKIN

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby approve Gary Zalkin's application for a junk dealer license.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 128-08

APPOINTMENT OF KIP GEROW AS DEPUTY DOG CONTROL OFFICER

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby appoint Kip Gerow as Deputy Dog Control Officer for a term expiring 12/31/2008.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 129-08

AWARD OF STONE BID

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** that the Town Board awards the low bid of each item as highlighted below:

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

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#1A	*\$15.00	\$16.50	N/B
#1	\$13.50	*\$12.00	N/B
#2	\$12.50	*\$11.50	N/B
#3	\$11.00	*\$10.75	N/B
#4	*\$11.00	N/B	N/B
Crusher Run	\$10.75	*\$9.25	N/B
Bank Run Red Shale	*\$6.00	N/B	N/B
#1 & #2 50/50 Ledge Rock	*\$13.00	N/B	N/B
Ledge Stone Sand	*\$12.50	N/B	N/B

E. Tetz & Sons	Callanan Industries	Deckelman LLC
130 Crotty Rd.	PO Box 15097	PO Box 35
Middletown, NY 10941	Albany, NY 12212	Fremont Center, NY 12736

Delivered to Rt. 52 & Cross Rd. Per Ton

#1A	*\$19.00	N/B	\$19.01
#1	\$17.50	N/B	*\$15.81
#2	\$16.50	N/B	*\$15.06
#3	\$15.00	N/B	*\$14.06
#4	*\$15.00	N/B	\$15.25
Crusher Run	\$14.75	N/B	*\$13.31
Bank Run Red Shale	*\$10.00	N/B	N/B
#1 & #2 50/50 Ledge Rock	\$17.00	N/B	*\$15.56
Ledge Stone Sand	\$16.50	N/B	*\$16.16

E. Tetz & Sons	Callanan Industries	Deckelman LLC
130 Crotty Rd.	PO Box 15097	PO Box 35
Middletown, NY 10941	Albany, NY 12212	Fremont Center, NY 12736

Delivered to Town Barn Per Ton

#1A	*\$19.00	\$20.50	\$19.01
#1	\$17.50	\$16.00	*\$15.16
#2	\$16.50	\$15.50	*\$14.16
#3	\$15.00	\$14.75	*\$14.06
#4	*\$15.00	N/B	\$15.25
Crusher Run	\$14.75	\$13.25	*\$12.41
Bank Run Red Shale	*\$10.00	N/B	N/B
#1 & #2 50/50 Ledge Rock	\$17.00	N/B	*\$14.50
Ledge Stone Sand	\$16.50	N/B	*\$16.16

All bids contained a non-collusive bidding certificate. With all bids having been opened, the bid opening was adjourned at 11:06 a.m.

Respectfully submitted Laurie Dutcher, Town Clerk

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 130-08

*AUTHORIZE SUPERVISOR TO SET UP JOINT MEETING W/ VILLAGE OF LIBERTY
IN REGARD TO ANNEXATION REQUEST BY DENNIS ANASTASIS SBL #18-1-28 /
20-2-4*

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** that the Town Board does hereby authorize the Supervisor to set up a joint meeting with the Village of Liberty Board in regard to the annexation request by Dennis Anastasis to annex (2) parcels of property (**SBL #18-1-28 / #20-2-4**) into the Village of Liberty.

5 AYES
ALL IN FAVOR - CARRIED

PUBLIC DISCUSSION

Heinrich Strauch from the Liberty CDC advised the Board that he had received a proposal from Barton & Loguidice concerning the surveying, engineering and project supervision for the construction of phase I of the sidewalks in Swan Lake. The proposal came to a total of \$26,880 leaving approximately \$48,000 of the initial grant, which would leave the Swan Lake project \$20-25,000 short.

Supervisor Schmidt will send out an RFP to several different engineers requesting a proposal.

Wes Illing attended to discuss the NYSDOT I-86 project in Parksville.

Stephen Poley attended the meeting to request a zoning change for SBL #37-1-6.1. He would like to change the existing RD to IC.

The Board advised Town Attorney Klein to draw up the necessary paperwork.

Engineer Randy Wasson & Attorney Jay Zeiger attended on behalf of Green Hills Estates. They advised that the subdivision plan has been changed and has therefore modified the layout for the proposed 108 Green Hill Estates Residential development. Mr. Wasson and Mr. Zeiger are requesting a sewer extension on both sides of the road.

This matter will be carried over to the 6/16/08 meeting so that the Board may discuss this with W&S Supervisor.

Next, **Engineer Randy Wasson and Attorney Jay Zeiger** were there to discuss the Town of Liberty providing "The Swan in Swan Lake" Kaufman subdivision with water for fire protection.

Finance Director Earl Bertsch sent a memo to the Board members outlining the following:

Proposed Fire Protection – A yearly fee of \$25,000 to the Stevensville Water District to provide water for fire protection for the subdivision. At the end of five (5) years, this amount would increase based on the cost of living during that period.

Water Purchase- The rate for this out of district would be three (3) times the in-district rate. The current in-district 2008 is \$2.45 per thousand gallons. Therefore, the out of district rate would be \$7.35 per thousand gallons. The rate will change at any time the in-district rate changes.

Hook up to Stevensville Water Line- The developer will be responsible for all costs of construction and inspection. The following would be required for the water meter for this project:

The meter pit will include backflow prevention and a hydrant and valve on the main line so the solenoid valve and line can be flushed.

Mr. Wasson and Mr. Zeiger will take this back to the developer's and will return to the 6/16 meeting.

BOARD DISCUSSION

Councilperson Lynn Killian

- Would like to request *again* that the Comprehensive Plan be made a regular part of the agenda
- Has the following recommendations for the Farmland Preservation Board
 - Debra Milling of Liberty Agway
 - Dean Farrand, Planning Board Member
 - Mark VanEtten, Code Enforcement Officer
- SMSI will be presenting recommendations at its 6/22 meeting
- Open Space Board still up in the air
- Requests that Supervisor Schmidt writes a letter to Doty concerning there interest in serving on the Open Space Board.
- Will have work bond next meeting

RESOLUTION NO. 131-08

EXECUTIVE SESSION

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** that the Town Board enters into Executive Session to discuss a personnel matter at 9:05 p.m.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 132-08

OUT OF EXECUTIVE SESSION

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** that the Town Board comes out of Executive Session at 10:00 p.m.

**5 AYES
ALL IN FAVOR - CARRIED**

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board adjourned the meeting at 10:02 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk