

REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
May 19, 2014 7:00 p.m.

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At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on May 19, 2014 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were 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	Mary Heinle	CEO Mark VanEtten
Finance Director Earl Bertsch	David Fanslau	Mark Blauer
Cheryl Gerow	Cora Edwards	Carol Montana
Sara Sprague	Joel Rosenberg	Tom Kehrley

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

**CORRESPONDENCE**

1. A letter from Senator John Bonacic regarding the resolution Supporting the Siting of the First Two Class III Gaming Casino Destination Resorts.
2. A letter from the Sullivan County Division of Planning & Environmental Management regarding the New York State Agricultural District 30 Day Window.
3. A letter from the Sullivan County Division of Public Works regarding the closure of Tremper Rd.

**PUBLIC PARTICIPATION**

David Fanslau – Milk Train Rail Trail

**RESOLUTION NO**

**RESOLUTION SUPPORTING A NYSDOT TAP APPLICATION FOR THE REDEVELOPMENT OF THE 9.2 MILE “MILK TRAIN RAIL TRAIN”, AND AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF FALLSBURG**

**WHEREAS**, the Town of Liberty enthusiastically supports the redevelopment of the 9.2 mile “Milk Train Rail Trail”, which begins in the Town of Fallsburg and ends in the Town of Liberty; and

**WHEREAS**, it is clear that a resource such as this rail trail is an economic, transportation and community builder, as we fully support The Center for Discovery, the Open Space Institute and The Town of Fallsburg's efforts to take the lead in seeking grant funding for this important project; and

**WHEREAS**, this resolution hereby authorizes an Inter-Municipal Agreement with the Town of Fallsburg, permitting the Town of Fallsburg to seek and manage the implementation of grants related to this project, including the 2014 Transportation Alternatives Program (TAP) Funding; and

**WHEREAS**, historically, the O&W Railroad was an important factor in building Sullivan County before new modes of transportation and other economic factors led to its demise; and

**WHEREAS**, we believe that this opportunity to redevelop the rail road corridor will significantly contribute to the revitalization of our communities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Liberty looks forward to working with The Center For Discovery, the Open Space Institute, The Town of Fallsburg, and others to create this valuable project that will help drive economic and community development along its entire length; and

**BE IT FURTHER RESOLVED**, that the Supervisor and Clerk are hereby authorized to execute an Inter-Municipal Agreement (IMA) with the Town of Fallsburg, permitting the Town of Fallsburg to seek and manage the implementation of grants related to this project, including the 2014 Transportation Alternatives Program (TAP) Funding; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to NYSDOT Region 9; the Town of Fallsburg; and The Center For Discovery.

**Cora Edwards-** Spoke to the Board regarding Sullivan County Payments for Parks & Recreation Summer Camp Enrollment.

## **RESOLUTION NO**

### *MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF LIBERTY & COUNTY OF SULLIVAN TO ACCEPT PAYMENT BY VOUCHER FOR (10) CHILDREN*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board directed the Town Clerk to draw up a Memorandum of Agreement between the Town of Liberty and County of Sullivan:

WHEREAS, the Town of Liberty holds a summer day camp for 170 children with registration on a first-come first-served basis and does not reserve spaces in advance; and

WHEREAS, there are children who are residents of the Town of Liberty ("Town") and are eligible to receive public funds to attend the Day Camp; and

WHEREAS, the Town of Liberty is requesting a Memorandum of Agreement between the Town and the County of Sullivan to insure timely payment of registration fees (voucher payment due by end of calendar year 12/31/2014) and a "no refund policy" if children do not attend the full camp sessions; and

WHEREAS, the Town Day camp registration period closes on or before June 13, 2014 depending on when registration is full;

THEREFORE, BE IT RESOLVED, the Town of Liberty will accept payment by voucher for ten (10) children at a cost of \$485 per child;

BE IT FURTHER RESOLVED, The Sullivan County Legislature does hereby authorize the County Manager to enter into this Memorandum of Agreement to ensure timely reimbursement (payment by the end of calendar year after voucher submitted) compliance with the Town of Liberty registration policy for Town of Liberty children (residents of Liberty) and a no-refund policy if children do not attend.

AND BE IT FURTHER RESOLVED, said contract to be in such form as the County Attorney shall approve.

5 AYES - Carried

## **RESOLUTION NO**

### *APPROVAL OF AUDIT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- May, 2014 Abstract:  
**Claims #752 to #935 totaling \$429,592.71**
- April, 2014 Post Abstract:  
**Claims #741 to #751 totaling \$101,041.89**
- April, 2014 General Ledger Abstract:  
**Claims #93 to #121 totaling \$216,876.81**

**The Town Board approved the following to be paid:**

**(030417) J&J Sass \$49,711**

**Motion Councilperson Brian McPhillip Seconded Councilperson Dean Farrand**

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**(040580) Billman & Ross \$25,051.95**

**Motion Councilperson Brian McPhillips Seconded Thomas Hasbrouck**

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**(040632) Kelly Engineering \$3,450**

**(030418) Kelly Engineering \$3,005**

**Motion by Councilperson Dean Farrand Seconded by Thomas Hasbrouck**

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**The Town Board directed that (050930) \$36,556.52 retainage be held  
Motion by Councilperson Dean Farrand Seconded by Brian McPhillips**

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF MINUTES*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Russell Reeves**, the Town Board approved the following minutes as submitted:

Regular Monthly Mtg. 04/21/14

5 AYES - Carried

**RESOLUTION NO**

*ACCEPTANCE OF MONTHLY REPORTS*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Brian McPhillips**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 4/14
- Revenue & Expense as of 4/30/14
- Supervisor's Report 4/14

5 AYES - Carried

**RESOLUTION NO**

*AUTHORIZE SUPERVISOR TO APPLY FOR 2014 CFA GRANT FOR TOWN HALL RESTORATION*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to apply for a 2014 CFA

Grant for Town Hall Restoration.

5 AYES - Carried

**RESOLUTION NO**

*AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENTS W/ SARATOGA ASSOCIATES AND ANY OTHER CONSULTANTS NECESSARY TO COMPLETE THE ENVIRONMENTAL IMPACT STATEMENT FOR THE FOXWOODS CATSKILLS RESORT CASINO*

**Motion by Councilperson Dean Farrand**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to sign agreements with Saratoga Associates and any other consultants necessary to complete the Environmental Impact Statement for the Foxwoods Catskills Resort Casino before the Lead Agency the Liberty Planning Board.

5 AYES - Carried

**RESOLUTION NO**

*AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENTS WITH ECONOMIC STEWARDSHIP (ELAINE CARMICHAEL) AND ANY ADDITIONAL CONSULTANTS NECESSARY TO COMPLETE A STUDY OF THE IMPACTS AND MITIGATION OF IMPACTS UPON THE TOWN OF LIBERTY WHICH WILL RESULT FROM THE OPENING OF THE RESORT CASINO PROPOSED BY FOXWOODS CATSKILLS RESORT CASINO TO BE PAID FOR BY FOXWOODS*

**Motion by Councilperson Dean Farrand**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to sign agreements with economic stewardship (Elaine Carmichael) and any additional consultants necessary to complete a study of the impacts and mitigation of impacts upon the Town of Liberty which will result from the opening of the Resort Casino proposed by Foxwoods Catskills Resort Casino to be paid for by Foxwoods.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$780.00 for administrative services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF VOUCHER FOR KELLY ENGINEERING*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$ 4,500.00 for engineering services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF VOUCHER FOR RAINES & NAGLER CONTRACTING, LLC*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Raines & Nagler Contracting Services, LLC in the amount of \$ 155,265.74 for contracting services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF VOUCHER FOR RAINES & NAGLER CONTRACTING, LLC*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Raines & Nagler Contracting Services, LLC in the amount of \$ 57,017.60 for contracting services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF (8) REFUSE COLLECTION LICENSES ISSUED TO WASTE MANAGEMENT*

**Motion by Councilperson Russell Reeves**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve (8) Refuse Collection Licenses to be issued to Waste Management effective until 12/31/2014.

5 AYES - Carried

**RESOLUTION NO**

*ACCEPT W/ REGRET THE RESIGNATION OF DEBORAH MANLEY AS CONFIDENTIAL SECRETARY TO THE SUPERVISOR*

**Motion by Supervisor Charlie Barbuti**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby accept with regret, the resignation of Deborah Manley as Confidential Secretary to the Supervisor effective 5/20/14.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF ROAD NAME REQUESTS BY KELLY BRIDGE RD. DEVELOPERS FOR 95 UNIT MOBILE HOME PARK ON KELLY BRIDGE RD.*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve of the following names as requested by the Kelly Bridge Rd. Developers for the 95 unit mobile home park on Kelly Bridge Rd.:

Leisure Lake Drive	Big outside circle
Oakwood Gardens	Middle Rd.
Park Place	One entrance to other entrance

5 AYES - Carried

**RESOLUTION NO**

*SET BID DATE FOR PARK & RECREATION SURPLUS EQUIPMENT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby set a bid date for Park & Recreation surplus equipment on 6/12/14 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, NY.

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF CHANGE ORDER AS REQUESTED BY RAINES & NAGLER CONTRACTING IN THE AMOUNT OF \$4,800*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the change order in the amount of \$4,800

as requested by David Nagler of Raines & Nagler Contracting for additional work requested by home owner at the site of the stream crossing.

5 AYES - Carried

**RESOLUTION NO**

*PERMISSION GRANTED TO ASSESSOR TO OBTAIN DEWAN & SCHOTT APPRAISAL ASSOCIATES FOR A PHASE I APPRAISAL FOR PENDING LITIGATION AT A COST OF \$750*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby grant permission to the Assessor to obtain DeWan & Schott Appraisal Associates for a Phase I Appraisal for pending litigation at a cost of \$750.

5 AYES - Carried

**RESOLUTION NO**

*PUBLIC HEARING SCHEDULED FOR AMENDED INTRODUCTORY LOCAL LAW #1 OF 2014 AMENDING ARTICLE II, ENTITLED "PROHIBITED PARKING," OF CHAPTER 139 OF THE CODE OF THE TOWN OF LIBERTY*

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 19<sup>th</sup> day of May, 2014 at 7:00 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 Supervisor Charlie Barbuti, who moved its adoption, and seconded by Councilperson Thomas Hasbrouck, to wit:

**BE IT RESOLVED**, that amended 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 3:50 p.m., prevailing time, on June 2, 2014; and

**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**

*RE-AFFIRM THE TOWN'S INTENTION TO SUBMIT A 2014 PUBLIC INFRASTRUCTURE APPLICATION IN AN AMOUNT NOT TO EXCEED \$600,000 TO UNDERTAKE WATER DISTRIBUTION IMPROVEMENTS TO SERVE THE WHITE SULPHUR SPRINGS WATER DISTRICT*

**Motion by Councilperson Russell Reeves**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby re-affirm its intention to submit a 2014 Public Infrastructure Application in an amount not to exceed \$600,000 to undertake Water Distribution Improvements to serve the White Sulphur Springs Water District.

5 AYES - Carried

#### **RESOLUTION NO**

*EXECUTIVE SESSION*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby go into Executive Session at 9:13 p.m. for the following:

- Matters relating to collective negotiations under the Taylor Law
- Proposed, pending or current litigation

5 AYES - Carried

#### **RESOLUTION NO**

*OUT OF EXECUTIVE SESSION*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 9:29 p.m.

5 AYES - Carried

**ADJOURN**

On a motion by Councilperson Brian McPhillips, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 9:30 p.m.

Respectfully submitted,

*Laurie Dutcher*

Laurie Dutcher, Town Clerk