

**TOWN BOARD OF THE TOWN OF LIBERTY  
DEPARTMENT HEAD MEETING  
June 1, 2015**

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At the Dept. Head Meeting of the Town Board of the Town of Liberty held on June 1, 2015 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

**Present:**

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

**Absent:**

Councilperson Hasbrouck

**Recording Secretary:**

Town Clerk Laurie Dutcher

**Also present:**

Town Attorney Ken Klein  
Finance Director Earl Bertsch  
Budget Coordinator Cheryl Gerow  
Water & Sewer Supervisor Thomas Kehrley  
Dave Ohman of Delaware Engineering  
CEO Mark VanEtten  
Assessor Deborah Shea  
Highway Foreman Matt DeWitt  
Cornell Intern Troy Johnstone  
DCO Joanne Gerow  
Joel Rosenfeld  
Angela Dalton Confidential Secretary  
Sara Sprague Deputy Town Clerk

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

**RECOGNIZE THE DEPARTMENT HEADS**

**(Reports as submitted by the Dept. Heads)**

**ASSESSOR**

Ongoing Monthly Updates:

There is a Tentative Equalization Rate of 83.13%

I have been out in our township collecting data and getting to know the town of Liberty

I have been getting forms and files ready for grievance

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May 26, 2015 Grievance Day, there were approximately 16 complaints showed up in person, 54 complaints were brought in or mailed to us, 8 petitions and 38 stipulations were filed. For a total of 132  
Otherwise, business as usual

### HIGHWAY

- May 1 - Patch Lenape Lake Road  
Patch Aden Road  
Patch Loomis Road  
Patch MT Morris Road  
Work on trucks/equipment in shop
- May 4 - Patch Ferndale Loomis Road  
Ditch MT Morris Road  
Work on trucks/equipment in shop
- May 5 - Sent trucks/manpower to help Village  
Haul Stone  
Ditch MT Morris Road  
Check and replace missing street signs  
Work on trucks/equipment in shop
- May 6 - Sent trucks/manpower to help Village  
Install Pipes MT Morris Road  
Work on trucks/equipment in shop  
Sweep Roads
- May 7 - Patch Elk Point Road  
Patch Willi Hill Road  
Patch Breezy Hill Road  
Check and replace missing signs  
Work on trucks/equipment in shop
- May 8 - Patch pipes on MT Morris Road  
Patch pipes on Aden Road  
Work on trucks/equipment in shop  
Work at gravel bank
- May 11 - Ditch Twin Bridge Road  
Ditch at Walnut Mountain for Parks/Rec  
Ditch Tanzman Road  
Work on trucks/equipment in shop  
Check and replace missing signs  
Work at gravel bank

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- May 12 - Ditch Twin Bridge Road  
Ditch Tanzman Road  
Ditch at Walnut Mountain for Parks/Rec  
Work on trucks/equipment in shop  
Work at gravel bank
- May 13 - Ditch Ferndale Loomis Road  
Ditch Tanzman Road  
Work at gravel bank  
Work on trucks/equipment in shop
- May 14 - Ditch Ferndale Loomis Road  
Ditch Tanzman Road  
Work on trucks/equipment in shop  
Work at gravel bank
- May 15 - Ditch Twin Bridge Road  
Ditch Tanzman Road  
Patch Mineral Springs Road  
Work on trucks/equipment in shop
- May 18 - Sent 4 trucks/drivers to Bethel  
Ditch Tanzman Road  
Ditch Ferndale Loomis Road  
Work on trucks/equipment in shop
- May 19 - Sent 4 trucks/drivers to Bethel  
Ditch Tanzman Road  
Ditch Ferndale Loomis Road  
Work on trucks/equipment in shop  
Work at gravel bank
- May 20 - Sent 4 trucks/drivers to Bethel  
Ditch Ferndale Loomis Road  
Ditch Lewis Street  
Work on trucks/equipment in shop  
Work at gravel bank
- May 21 - Ditch Loomis Road  
Ditch Ferndale Loomis Road  
3 trucks/drivers to Bethel  
Work on trucks/equipment in shop  
Work at Gravel Bank

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- May 22 - Ditch Loomis Road  
Cut trees on Stanton Corners Road  
Work on trucks/equipment in shop
- May 26 - Ditch Loomis Road  
Ditch Ferndale Loomis Road  
Clean up down light pole on four lanes  
Haul stone  
Work on trucks/equipment in shop  
Work at gravel bank
- May 27 - Ditch Twin Bridge Road  
Ditch Ferndale Loomis Road  
Work on trucks/equipment in shop  
Work at gravel bank

Second light post was knocked down on four lanes, are we going to have them replaced?

Floors at Town Barn need to be sealed.

Matt DeWitt attended the Cornell Local Roads Program on May 27, 28 and intern Troy Johnston attended on May 26, 27, and 28.

On May 26 we began working summer hours of 6AM – 2:30PM.

### **WATER & SEWER**

First application of the CO2 cleaning of the Sherwood Well is planned for June 2<sup>nd</sup> & 3<sup>rd</sup>. The draw down of this well is showing to be more than the Roth well and is expected to recover again after this treatment.

Looking for Board approval to expend funds from various budgets for the purchase of a new lawn mower. The projected cost of the mower will be \$ 6,100. This mower will replace a 1982 mower used around Swan Lake WWTF.

Stacey has been going door to door in the WSS Water District working on the income survey for the next grant application. He has found during this survey that a lot of people don't want to give out income information.

The new water service for Shoprite Mall has been put into service. Work is still continuing on the new 6 inch service for Camp Ahavas Israel on Old Monticello Rd, and also the new 4 inch service to Camp Gila on Route 55. Both camps have conducted flow tests on our mains and are awaiting plans that show control pits and mandated fittings prior to starting the jobs

Annual fire hydrant testing and main valve exercising has been done for the year, with the water main flushing occurring over the next two weeks.

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The camera work in the Loomis sewer district has stopped for now due to a camera break down. It has been sent out to be repaired with planned usage at certain locations to be done upon its return.

The last sewer school for Evan & Jonathan will be the activated Sludge part to be given June 22-25<sup>th</sup>. When completed, we will have then had 5 sewer operators and 4 water operators on staff.

Earl, Tom & Stacey met with people from NRG Power Grid, that are working with the local power suppliers to reward some high demand users by going to back up power during high demand times during the summer and winter months. Payback for using the system would cover the fuel used during test and high demand times, with a payback estimate of \$ 4,000 to \$ 5,000 per year. There is no cost to enroll in the plan and no penalty if we decide not to participate in it at a later date. This plan will only take place during Monday-Friday hours and not on weekends where a call out would have to be paid.

### **CEO**

#### **Building Department:**

Building permits issued – 22

Building permits closed – 11

Complaints – 15

Complaints closed – 5

#### **Planning Board:**

New applications – 5

Approved applications – 2

#### **Zoning Board of Appeals:**

New applications – 0

Approved applications – 0

### **PARKS & RECREATION**

Day Camp and Swim Lesson registration are under way and going well. Swim lesson levels are almost all filled.

The Disc Golf Course is up and running at Walnut Mountain Park. We have been hearing a lot of positive feedback about it so far.

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We are starting to get the pool up and running for the season. We are hoping to open Mid June.

The parks are open for the season.

The Boy Scout who received money from the Sullivan County Legislatures last year for his Eagle Scout project is in the process of installing the trail head signs at Walnut. He currently has the frames installed and is going to be installing the signs shortly.

I also have another Boy Scout who is going to complete his Eagle Scout project at the Lake Street entrance of Walnut Mountain Park. He is going to build a walkway to the Liberty Elm Tree and landscape around it. The tree was planted there several years ago.

Have been working with Sullivan Renaissance in regards to the new summer supervisor position. The supervisor has started and has been cleaning up the mini park and stage areas. She will be getting a summer intern through Renaissance to help her out throughout the summer.

**DCO**

7 dogs picked up

2 dog bites

2 dogs at kennel

979 miles

Cat issue in Swan Lake

**TOWN CLERK/TAX COLLECTOR**

Licenses:

Marriage Licenses	4
Marriage Certificates	2
Building Permits (Collection of \$)	30
Road Access Permit	1
Dog Licenses	25
Redeemed Dog	1
EZ Pass	1
Conservation	5

**FINANCE**

Processed 26 seasonal employees

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Started preparation for 2015-2016 Joint Fuel Bid

Worked on supplying 18 required items for the CWSRF State Revolving Fund Grant for the short-term financing of Loomis Sewer

Updated information for the Swan Lake Sewer Smart Growth Assessment Form for the CWSRF State Revolving Fund Grant

Computed Full-Time Equivalents for the Affordable Care Act

All other daily duties and responsibilities

### **COURT**

V&T Received	349
V&T Appearances	169
Criminal Appearances	439
Ordinance Appearances	18
Civil Appearances	19
Total Fines Collected	\$48,924.00
Total Fines to Town	Not available
Total Fines to Village	Not available

### **CORRESPONDENCE**

1. A Letter from the NYSDEC Division of Environmental Permits regarding the Triple L Lake Dam.
2. A Copy of the SEQR Negative Declaration for the Triple L Lake Dam reconstruction.
3. A Copy of the minutes for the Coalition of Watershed Towns.

### **DISCUSSION**

#### *LIGHT POLE*

Highway Foreman Matt DeWitt brought to the Board's attention that a second light pole had been knocked down on the "four lanes". Mr. DeWitt asked if we were going to fix them. A discussion followed on whether or not it should be fixed and by whom. The board directed Finance to check with the Town's Insurance Company to see if the pole would be covered under our insurance and if placing a claim would affect the insurance premiums. Finance recommended that NYSEG should also be contacted to find out the cost.

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*TOWN BARN FLOOR*

Highway Foreman Matt DeWitt advised the board that the Town Barn floor is in dire need of repair. The damage has been caused by the salt even though it is washed off on a regular basis. After a short discussion it was decided that they should hire an engineer to advise the best way to fix the problem.

*SALT SHED*

Foreman DeWitt also advised that the salt shed was damaged over the weekend. He advised that a side wall blew in and that the back wall is now compromised. Finance will notify the insurance company.

*FRONT PORCH*

The Town Board discussed how to proceed with the Front Porch Project. They advised that they were already up to almost \$250,000 before the work has even started. The Supervisor was asked to speak with the architect and see what could be built with the \$100,000. They decided that they needed a mutual agreement to withdraw the bid. They also discussed the need to look at other options such as moving across the street. The majority of the board members felt that they were looking at \$500,000 with the "old figures" in improvements in Town Hall such as the mold remediation, heating system, a new roof, etc.

**BUSINESS**

**RESOLUTION NO 118-15**

*NEW LAPTOP FOR CORNELL ROAD INTERN*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby recommend the purchase of a new laptop for the Highway Department Intern not to exceed \$1,000.

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 119-15**

*APPROVE SPECIAL COUNSEL FOR SWAN LAKE RESORT*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby hire Jacob Billig as Special Counsel for the Swan Lake Resort at a rate of \$200 per hour.

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 120-15**

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*PAYMENT OF \$12,000 TO CDC*

**Motion by Councilperson Brian McPhillips**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby approve the payment to the CDC in the amount of \$12,000.

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

*Councilperson Brian McPhillips advised that the Gerry Foundation had already paid \$12,000 and that the Village was paying their \$12,000 this week. He also explained that this will pay all bills and return the money back to the Skate park fund and there will be \$4,000 left with no bills coming in.*

**RESOLUTION NO 121-15**

*AGREEMENT W/ FOCUS MEDIA*

**Motion by Councilperson Brian McPhillips**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby approve the agreement with Focus Media for the SWOT Analysis in the amount of \$7,500.

*(FULLY SIGNED AGREEMENT ON FILE IN TOWN CLERK'S OFFICE)*

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 122-15**

*W&S AUTHORIZED TO PURCHASE MOWER IN THE AMOUNT OF \$6,000*

**Motion by Councilperson Brian McPhillips**, seconded by **Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize and approve the purchase of a lawn mower from Apple's Small Engine in the amount of \$6,000 for the Water and Sewer Department.

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 123-15**

*SET JOINT FUEL BID FOR 8/13/15*

**Motion by Councilperson Russell Reeves**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby set the joint fuel bid for 8/13/15 at 11 a.m. at Town Hall, 120 North Main St. Liberty, NY.

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4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 124-15**

*APPROVAL OF AGREEMENT W/ CARE (CATSKILL ANIMAL RESCUE)*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby approve the following agreement with CARE (Catskill Animal Rescue):



**CATSKILL ANIMAL RESCUE, INC.**

P.O. Box 88

Monticello, NY 10701

845-866-3366 or 845-866-2203

**AGREEMENT BETWEEN THE TOWN OF \_\_\_\_\_ AND CATSKILL ANIMAL RESCUE, INC. FOR  
SURRENDER OF ANIMALS SEIZED BY THE MUNICIPAL DOG CONTROL OFFICER UNDER ARTICLE 7 OF THE NEW  
YORK STATE AGRICULTURE AND MARKETS LAW**

Catskill Animal Rescue agrees to accept \*any dog brought to our rescue by the Town of \_\_\_\_\_ Municipal Dog Control Officer, space permitting.

Each dog seized by your Municipal Dog Control Officer must be held for a period of 5 days from date of seizure in accordance with New York State Agriculture and Markets Law, Article 7. After this mandatory holding period, if not redeemed by an owner, each dog may be made available for adoption or euthanized.

Surrender of Dog, no holding period \$150.00

Any Veterinary expense will be the sole responsibility of the municipality during the mandatory holding period. Once C.A.Re. has accepted a surrender, we assume responsibility for veterinary expense unless otherwise agreed to in writing between both parties.

\*We are not able to accept any animals with visible communicable disease or injury requiring veterinary care. Dogs in this category must be taken directly to a vet by your DCO for treatment or euthanasia.

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Catskill Animal Rescue will present a voucher to the municipality for payment by the 10<sup>th</sup> of each month for the previous month for all dogs accepted within that month and an itemized accounting of the charges. The municipality agrees to make payment within 30 days of presentation of voucher.

Catskill Animal Rescue, Inc.

\_\_\_\_\_  
By: Joanne Gerow, Board President      Date      \_\_\_\_\_      Town Supervisor      \_\_\_\_\_      Date

4 AYES - Carried  
1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 125-15**

*SET DATE TO RECEIVE PROPOSALS FOR TOL DEFERRED COMPENSATION PLAN*

**Motion by Supervisor Charlie Barbuti**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty will hereby receive sealed proposals at Town Hall, 120 North Main Street, Liberty, NY on 7/15/15 until 4 p.m. for the Town of Liberty Deferred Compensation Plan.

4 AYES- Carried  
1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 126-15**

*APPROVAL OF GENERAL ENGINEERING SERVICES CONTRACT W/ DELAWARE ENGINEERING*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the General Engineering Services Contract with Delaware Engineering with no set budget expiring on 12/31/15.

CONTRACT FOR GENERAL ENGINEERING SERVICES BETWEEN  
THE TOWN OF LIBERTY, NY  
AND  
DELAWARE ENGINEERING, D.P.C.

THIS AGREEMENT made this 1<sup>st</sup> day of June, 2015, by and between the TOWN OF LIBERTY, NEW YORK, located at 120 N. Main Street, Liberty, New York 12754 (herein referred to as Town), and DELAWARE ENGINEERING, D.P.C., having a place of business at 8-12 Dietz Street, Suite 303, Oneonta, New York 13820 (herein referred to as Engineer).

**WHEREAS**, the Town wishes to retain the services of Delaware Engineering, D.P.C., for a period of one (1) year, commencing June 1, 2015, until May 31, 2016, and thereafter on an annual basis by mutual agreement of the parties.

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***NOW THEREFORE***, it is agreed before the parties that:

1. A representative of Delaware Engineering, D.P.C., will have all engineering responsibilities assigned by the Town Board or Town staff as agreed to by the Town Board.

2. Delaware Engineering, D.P.C., shall attend up to one (1) Board meeting per month and provide an update on the status of engineering and capital projects to the Town Board.

3. For work which has been assigned to Delaware, Delaware shall review mail and other related items, review and discuss Town issues with Town Officials and Staff and other affected parties, and perform services as deemed necessary by the Town Board.

4. Delaware shall be compensated for services on a time and expense basis at rates shown in the attached rate schedule for the respective level(s) of personnel performing the work, subcontract services provided or direct expenses incurred. Rate sheets for both Oneonta and Albany offices have been attached and will be utilized based on location of staff performing the work. It is anticipated that most of work will be performed by Oneonta staff.

5. Delaware will provide invoices on not more frequently than a monthly basis. Separate tasks will be identified on the invoice for each work item/project to facilitate cost tracking. A cover letter will be provided with an explanation of work performed for each task.

6. The Town will establish an account in the amount of \$ **NO SET AMOUNT UNTIL 2016 BUDGET** provide funding for work. This budget can be modified by the Town if needed.

7. Capital Projects and Additional Services

It is agreed that during the period of employment by the Town, Delaware Engineering, D.P.C., shall make available additional services to the Town related to capital projects or other work beyond the basic contract budget or scope. It is agreed that such services will be provided to the Town at the rates shown in the attached rate schedule or for an agreed upon fee.

Should it be necessary to hire subcontractors for services connected with the engineering services provided herein it is agreed that those subcontractors' fees shall be passed through to the Town with no surcharge or mark-up of any kind to the Town, unless otherwise agreed to with the Town.

Additional services provided by Delaware Engineering, D.P.C., whether they be capital projects, time over and above the basic Contract, subcontracts or direct expenses, shall be approved by the Town prior to the issuance of an invoice for additional services. A contract

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amendment can be provided to the Town to summarize the additional work and costs.

8. Parties further agree that should modifications of this Contract be necessary, by reason of reorganization of the Town Departments or for other good cause, the parties will negotiate in good faith to conform this Contract to the needs of both parties.

9. This Contract shall continue without modifications unless notice is given by the Engineer to the Town by ordinary mail of that party's intention to terminate this Contract within thirty (30) days. The Town may terminate this Contract within five (5) days notice.

10. Attachments

- 2015 Rate Schedules
- Standard Terms and Conditions

***(FULLY SIGNED CONTRACT ON FILE IN TOWN CLERK'S OFFICE)***

4 AYES - Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 127-15**

*APPROVAL OF MINUTES*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board approved the 5/18/15 minutes as submitted.

4 AYES – Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 128-15**

*APPROVAL OF RESOLUTION IN MEMORY OF JOHN E. SCHMIDT*

**On a motion by Councilperson Brian McPhillips**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the following resolution in memory of John E. Schmidt:

**RESOLUTION IN MEMORY OF JOHN E. SCHMIDT**

**WHEREAS**, the members of the Town Board of the Town of Liberty were deeply saddened to learn of the passing of John E. Schmidt on May 25, 2015; and

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**WHEREAS**, John served the Town of Liberty as Supervisor from 2008-2011, as Planning Board Chairman from 1988-2007, Building Inspector, and as a member of the Zoning Review Committee; and

**WHEREAS**, John's service was given with such devotion that he has earned the respect, admiration and friendship of the citizens of our community;

**WHEREAS**, John will be deeply missed by all that knew him and remembered for his kindness and generosity toward others;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Liberty does hereby extend its deepest sympathy to his family and acknowledge to them our gratitude for his many years of faithful and devoted service to this community; and

**BE IT FURTHER RESOLVED**, that the Town Board does hereby hope that his family and friends will be consoled by the memories of his fine life and achievements.

Supervisor Charlie Barbuti

Councilperson Russell Reeves

Councilperson Thomas Hasbrouck

Councilperson Brian McPhillips

Councilperson Dean Farrand

Attest: Laurie Dutcher, Town Clerk

4 AYES – Carried

1 Absent - Councilperson Hasbrouck

**RESOLUTION NO 129-15**

*EXECUTIVE SESSION*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby go into executive session at 6:01 p.m. to discuss a personnel matter.

**RESOLUTION NO 130-15**

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*OUT OF EXECUTION 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 6:34 p.m.

**WORK SESSION**

Proposed Zoning Changes

**ADJOURN**

**On a motion by Councilperson Dean Farrand**, seconded by **Supervisor Charlie Barbuti**, the Town Board does hereby adjourn the meeting at 9:57 p.m.

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Laurie Dutcher, Town Clerk