

**TOWN BOARD OF THE TOWN OF LIBERTY  
DEPARTMENT HEAD MEETING  
June 3, 2013**

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

**Present:**

Supervisor Charlie Barbuti  
Councilperson Chris Austin  
Councilperson Thomas Hasbrouck  
Councilperson Dean Farrand

**Absent:**

Councilperson Maurice Gerry

**Recording Secretary:**

Town Clerk Laurie Dutcher

**Also present:**

Finance Director Earl Bertsch  
Deputy Highway Superintendent Kevin Austin  
Water & Sewer Supervisor Albert Picard  
Assessor Kathy Sprague  
Code Enforcement Officer Mark VanEtten  
CDC Director Heinrich Strauch  
Budget Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Court Manager Denise Curry

Mary Heinle  
Todd Gallo  
Matt DeWitt  
Angela Black  
Joan Kittredge  
Morty Weinstein

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

**CORRESPONDENCE**

1. A memo from the Finance Office with updated figures for the 2013 Loomis Sewer Phase I.
2. Information from the Assessor regarding the pros and cons of a Tax abatement program.

**RECOGNIZE THE DEPARTMENT HEADS**

(Reports as submitted by the Dept. Heads)

**ASSESSOR**

Ongoing:

- 911 data-base update
- Picture update
- Exemptions; driving license updates, etc.
- Destroying/updating files

New:

- We were notified of the tentative equalization rate of 72.65% (only two towns in the county went down, we were one). I inquired of filing a rate complaint with the State. There was a review, and our rate changed to 81.73%, (a parcel -Conifer was deleted from the appraisal since it had a large exemption).
- Audrey has resigned effective 06/07/2013. Cheryl requested the Civil Service list from the County for Clerks. She sent out letters to the individuals to respond by 05/29/2013. I'll contact the interested individuals and set up interviews, beginning sometime the week of June 10th.
- I supplied Charlie with information pertaining to the First Time Homebuyers, pro/cons, etc.
- County auction will be held on June 13<sup>th</sup> and 14<sup>th</sup> at The Sullivan, Rock Hill

Dept. Head Mtg.  
6/3/2013 Continued.....

- BAR – we had some activity at the end of the day and had the Liberty Police department was contacted 3 times regarding the 7:40 appointment. Charlie was informed when I was home that evening, and I gave him the details. We had approximately 121 forms filed and 12 petitions. Otherwise, it was a full 4 hours
- I'll going to be out of the office from May 31 - June 10<sup>th</sup>
- Will be reviewing:
  - List of changes that might not change your assessment
  - Otherwise conducting business as usual

### HIGHWAY SUPERINTENDENT

Blacktopped & graveled the parking lots at Hanofee Park

Spring Clean Up was held on May 9, 10, 11. Seven dumpsters were used

Blacktopped section of Main Street for the Village and Soap Box Derby

Have to haul blacktop from Monticello

Patching

Got the gravel bank up and running

Grading dirt roads

Participated in the *Touch A Truck* event – Kevin Austin & Matt DeWitt both donated their time at this event

### WATER & SEWER

Roof at the S.L.W.W.T.F sludge bed #1 is complete.

85 Ferndale-Loomis Rd water tap-Woodbourne Lawn & Garden was the low bidder. Cost for tap-\$ 5,500 plus \$ 500. for employees on site and engineering. Total of \$6,000. A check has been received and the work will be done. They still want to do something different with the meter pit. Every time I meet with this property representative, the scenario changes. The agreement was to install a meter pit at the road and master meter all of the water.

Need to look at the Town of Liberty Water & Sewer Code Book. This has not been changed for a few years and we need to make some updates.

Loomis W.W.T.F. project looks like it will finally get started. Sending some Town Employees and Kelly Engineering to the N.Y.S. Grahamsville sewer plant to look at RBC type of operation in July.

Looks like we will finally get to start the W.S.S. water line replacement project on Mineral Springs, Schoolhouse & Fox Mtn. Rd.

Spoke to Kelly Engineering about reviewing the disc on the ILC sewer problems. Also received a call from Supervisor Barbuti to have Ron Cobb from Keystone Associates in Binghamton NY look at it if he is interested.

Still unable to gain access to Lillian Heidt, Acct # 8000 in W.S.S. to change her meter. Perhaps Supervisor Barbuti can call her again.

Still would like to do some up grades at Briscoe #2-Briscoe #3 rails. These pump stations have had problems before and they are in need of attention.

Spoke to the N.Y.S.D.E.C. about the Loomis inspection report. They are running way behind, and will get it to us as soon as possible.

Old pickup truck body from Al's truck & the big dump truck-Town Barn would like to have these. Have to speak to Earl about agreement between Water & Sewer and the Highway Dept.

Camps open 6/20/2013

Received an inspection by Mark Lewis who is taking over for John Sansalone.

Would like to purchase a camera if Earl can find the money somewhere. It will help in identifying I&I.

#### **CEO**

- 19 Building permits
- 11 Closed Building permits
- 13 complaints
- 6 completed complaints
- 3 Planning Board new applications
- 4 Planning Board approved applications
- 0 Zoning Board new applications
- 0 Zoning Board approved applications

#### **PARKS & RECREATION**

The Highway Department fixed up the parking lots and paved the entrance into Hanofee Park. They did a terrific job and I would like to thank them for all of their work. It is a great improvement to the park.

Day Camp and Swim lessons are almost filled. It has gone a lot quicker this year than it has in the past few years.

The summer staff has been hired.

Have been working on getting the pool up and running. The platform base for the diving board and the diving board itself are getting in very poor shape. The diving board itself costs around \$2,000.00 and I am currently getting prices on the platform base.

Kevin and Linda held a bus trip to New York City. It went well.

We worked at the Soap Box Derby. The event went well. Jarod Hellerer drove the Park and Rec. car.

We are having problems with people riding horses on the trails at Walnut. They rutted up the bike trails this Spring so bad in spots that the bikers cannot ride over them. They seem to be coming in off of Route 52 on the back side of the park. We are putting up No Horse signs around the trails.

Have been working with Heinrich setting up the Movies in the Park series. It will be held every other Friday in July and August at the Liberty Main Street Stage.

#### **DCO**

No report

#### **TOWN CLERK/TAX COLLECTOR**

Licenses:

Conservation	7
Marriage Licenses	5
Marriage Certificates	2

Photocopies	49
Dog Licenses	28
Redeemed Dogs	4

Still working on the records room downstairs

Having a very difficult time with the grant for the upstairs records room. Electrician that gave original quote has been a no show since February. Contacted a new electrician who advised that the renovations that were quoted cannot be done due to insufficient wiring. Will work with us so that we do not lose the grant money. (See memo from Town Clerk)

Put ad in for temporary Building Inspector

Meetings, minutes, agendas, public notices, etc.

## **FINANCE**

Contacted the County regarding part-time/temporary Building Inspector

Continued processing seasonal employees (21) for the month)

Contacted County regarding hiring full-time clerk for the Assessor's Office

Submitted accident report to insurance company

Met with Employee Relations Committee

Met with representative from First Niagra Bank

Bonding for Loomis Sewer Phase I and II

All other daily duties and responsibilities

## **CDC**

### ***Liberty Main Street Grant***

Requested extension until 8/31/2013 with support from Assemblywoman Gunther's office. Open projects are Liberty Theatre building, Museum & Art Center (partially done), Bus shelter replacement (obtained bids for shelter and estimates for installation).

### ***Liberty Skatepark Location***

Ceremony completed, ribbon cut and ground broken! BOCES engagement cuts approx. 30-40k out of budget. Next step is to finalize specialty construction bid/rfp.

### ***Fundraising activities***

Touch-a-Truck attracted approximately 600 folks of all ages out to White Sulphur Springs. 45 pieces of equipment were present, plus a variety of kid's entertainment. Date is already reserved for next year: May 17, 2014

### ***USDA Community Facilities grant***

Developed and submitted (May 30) a grant application to USDA Rural Development to obtain REAP set-aside funding for a community facility: EaT Kitchen @ CCE – a/k/a/ the Entrepreneurial and Teaching Kitchen at Cornell Cooperative Extension. Due to eligibility requirements, the Liberty CDC is the formal applicant, CCE will provide the space, and the grant money will fund equipment to convert the former printing shop at CCE into a certified commercial kitchen where educational programs take place, food start-ups

incubate, and local small-scale food entrepreneurs produce goods they can sell in local retail stores. A second grant opportunity from HHS is under investigation...

***In development:***

- County Legislator Kitty Vetter has requested CDC assistance for a project to convert the former rail track between Liberty/Village and Parksville into a public bike trail. There is also currently a grant opportunity through the Transportation Enhancement Program (TEP). Will attend training and info session in Poughkeepsie on 6/12.
- Summer Movie Nights to begin on July 5 with "The Lorax", sponsored by Liberty Library. Will run every second Friday until Labor Day – five movies in total. Parks & Rec to sponsor "Wreck- it-Ralph" on August 2. Sponsors for the remaining dates are being pursued.

**COURT**

<b>Court</b>	<b>May</b>
V&T Received	558
V&T Appearances	251
Criminal Appearances	325
Ordinance Appearances	17
Civil Appearances	23
Total Fines Collected	\$87,291.50
Total Fines to Town	Not available
Total Fines to Village	Not available

**RESOLUTION NO 132-13**

***INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2013 AMENDING CHAPTER 133 OF THE CODE OF THE TOWN OF LIBERTY TO ESTABLISH A TAX EXEMPTION FOR FIRST-TIME HOMEBUYERS***

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 3<sup>rd</sup> day of June, 2013 at 4:00 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 Chris Austin
  - Councilperson Dean Farrand

ABSENT: Councilperson Maurice Gerry

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

**BE IT RESOLVED**, that introductory Local Law No. 2 of the Year 2013 entitled "A local law amending Chapter 133 of the Code of the Town of Liberty to provide a first-time homebuyer tax exemption; 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 said local law at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on June 17, 2013; 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 Maurice Gerry	voting	ABSENT
Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Chris Austin	voting	AYE

The resolution was thereupon declared duly adopted.

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO 133-13**

*APPROVAL OF ADDITIONAL FUNDS TO REMODEL HISTORIAN'S BUILDING*

**Motion by Councilperson Chris Austin**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby approve additional funds of approximately \$2,500 to renovate the Historian's Building.

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO 134-13**

*APPROVAL TO SEND OUT RFP'S FOR THE ANNUAL AUDITING OF THE TOWN'S FINANCIAL RECORDS FOR THE YEAR ENDING 12/31/2013 W/ THE OPTION TO CONTINUE FOR THE YEARS 2014 AND 2015*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the Finance Dept. to send out RFP's for the Annual Auditing of the Town's Financial Records for the year ending 12/31/13 with the option to continue for the years 2014 and 2015.

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO 135-13**

*APPROVAL OF THE "UNIFORM NOTICE OF CLAIM ACT CHANGES"*

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

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Liberty, County of Sullivan designates the Town Clerk, to receive notices of claims served upon the Secretary of State by mail at: 120 North Main Street, Liberty, NY and email at [l.dutcher@townofliberty.org](mailto:l.dutcher@townofliberty.org),

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation an applicable time limitation for filing a notice of claim with the town on or before July 14, 2013

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO 136-13**

*APPROVAL OF LETTER OF SUPPORT FOR THE LIBERTY CDC TO ESTABLISH AN ENTREPRENEUR AND TEACHING KITCHEN FACILITY AT THE CORNELL COOPERATIVE BUILDING IN THE TOWN OF LIBERTY WITH FUNDING THROUGH THE USDA'S COMMUNITY FACILITIES GRANT PROGRAM*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby send a letter of support for the Liberty Community Development Corporation to establish an entrepreneur and teaching kitchen facility at the Cornell Cooperative building in the Town of Liberty with funding through the USDA's Community Facilities grant program.

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO 137-13**

*STIPULATION OF SETTLEMENT WITH S&S WAVERLY, LLC*

**Motion by Councilperson Chris Austin, seconded by Supervisor Charlie Barbuti**

TO SETTLE THE LITIGATION INITIATED BY  
S & S WAVERLY, LLC, PETITIONER  
AGAINST  
TOWN OF LIBERTY, RESPONDENT

*WHEREAS*, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the year 2012 with respect to a certain parcel owned by the Petitioner located in the Town of Liberty ("Town"); and

*WHEREAS*, the Town has appeared in said proceedings through Walter F. Garigliano, Esq.; and

*WHEREAS*, Petitioner has appeared in said proceedings through Marvin Newberg, Esq.; and

*WHEREAS*, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached; and

*WHEREAS*, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner's complaint with respect to the 2012 assessment roll.

*NOW, THEREFORE, BE IT HEREBY RESOLVED*, that Walter F. Garigliano, Esq. be authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing on this date; and, be it further

*RESOLVED*, that the said Walter F. Garigliano, Esq. and/or Kathy Sprague, Assessor, be, and they hereby are, authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town thereto; and, be it further

*RESOLVED*, that the said Walter F. Garigliano, Esq., be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to finalization of this settlement.

Moved by Councilperson Chris Austin, seconded by Supervisor Charlie Barbuti and a roll call vote thereon as follows:

Charles Barbuti	voting AYE
Chris Austin	voting AYE
Dean Farrand	voting AYE
Maurice Gerry	<b>ABSENT</b>
Thomas Hasbrouck	voting AYE

**4 AYES CARRIED**

Absent Councilperson Gerry

**RESOLUTION NO 138-13**

*STIPULATION OF SETTLEMENT WITH RSS REALTY, LLC*

**Motion by Councilperson Chris Austin, seconded by Supervisor Charlie Barbuti**

TO SETTLE THE LITIGATION INITIATED BY

RSS REALTY, LLC, PETITIONER

AGAINST

TOWN OF LIBERTY, RESPONDENT

*WHEREAS*, Petitioner has served and filed a notice of protest and petition for review and reduction of assessment found in the year 2012 with respect to a certain parcel owned by the Petitioner located in the Town of Liberty ("Town"); and

*WHEREAS*, the Town has appeared in said proceedings through Walter F. Garigliano, Esq.; and

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*WHEREAS*, following negotiations among the parties hereto and their counsel, a settlement of all matters in dispute has been reached; and

*WHEREAS*, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of the Petitioner's complaint with respect to the 2012 assessment roll.

*NOW, THEREFORE, BE IT HEREBY RESOLVED*, that Walter F. Garigliano, Esq. be authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing on this date; and, be it further

*RESOLVED*, that the said Walter F. Garigliano, Esq. and/or Kathy Sprague, Assessor, be, and they hereby are, authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town thereto; and, be it further

*RESOLVED*, that the said Walter F. Garigliano, Esq., be, and he hereby is, authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to finalization of this settlement.

Moved by Councilperson Chris Austin, seconded by Supervisor Charlie Barbuti, and

a roll call vote thereon as follows:

Charles Barbuti	voting AYE
Chris Austin	voting AYE
Dean Farrand	voting AYE
Maurice Gerry	<b>ABSENT</b>
Thomas Hasbrouck	voting AYE

4 AYES CARRIED

Absent Councilperson Gerry

**RESOLUTION NO**

**APPROVAL TO HIRE APPRAISER IF NEEDED FOR CAMP SHANE (FERNDALE PROPERTIES)**

**Motion by Councilperson Dean Farrand, seconded by Thomas Hasbrouck, the Town Board of the Town of Liberty does hereby authorize the hiring of an appraiser if needed for an assessment challenge by Camp Shane (Ferndale Properties).**

4 AYES CARRIED

Absent Councilperson Gerry

#### **BOARD DISCUSSION**

#### **COUNCILPERSON DEAN FARRAND**

- Would like a list of repairs that would not increase the value of a property. Residential Capital Improvements

#### **COUNCILPERSON CHRIS AUSTIN**

- Suggested that we market the Town of Liberty through an email of a newsletter like the Town of Fallsburg and Bethel.

#### **COUNCILPERSON THOMAS HASBROUCK**

- Would like the Town Clerk to call the NYSDOT and check on the speed limit for Main Street in Parksville. Residents are saying that there was a 35 mph sign that was taken down during the construction and never put back.

#### **COUNCILPERSON MAURICE GERRY**

- Absent

#### **SUPERVISOR CHARLIE BARBUTI**

- The parking lot has been paved

#### **ADJOURN**

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 5:35 p.m.

Respectfully submitted,

*Laurie Dutcher*

Laurie Dutcher,

Town Clerk