

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
June 15, 2009**

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

Supervisor John Schmidt
Councilperson Lynn Killian
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck

Absent: Councilperson Clarence Barber

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Highway Superintendent Timothy Pellam
Deputy Highway Superintendent John Lennon
Code Enforcement Officer Mark VanEtten
Senior Account Clerk Cheryl Gerow
Deputy Town Clerk Sara Sprague

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

Public Participation

Mary Heinle

Mrs. Heinle advised that she has been to this town board for years and years and that she is sure that everyone knows why she was here. She explained that her neighbor has a junkyard with old cars, a boat, barrels of trash, etc. She advised that he has also been stockpiling manure, some he spreads, some has been there for 3 years. She advised that she has spoken with CEO Mark VanEtten and that his hands are tied until he gets authorization from the Town Board. She explained that she had spoken to Deming Lindsley and he said that there are no laws on the books and that he is doing nothing illegal. She wanted to know who could change legislation regarding "Right to Farm".

CEO VanEtten advised that the DEC was investigating it but that there was a change in personnel and that the file was never transferred. The previous person thought that there was something that could be done through the DEC.

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Councilperson Hasbrouck asked CEO VanEtten if we could get him to at least clean up the cars, etc.

CEO VanEtten advised that this was part of the conversation that the Town Board was going to have with him but that it keeps getting postponed & postponed.

Councilperson Gerry advised that it seems like the Boards hands are tied.

Supervisor Schmidt advised that there is a list of violations and the Town only has so much to spend per year.

Mrs. Heinle advised that her problem must keep being put at the bottom of the list because she has been coming here for many years.

Councilperson Killian advised that the Board keeps putting off the worksession that she keeps suggesting to have to go over the "bad boy list" and that it keeps getting put off.

Supervisor Schmidt advised that he will see if he could get a meeting together.

Councilperson Gerry advised that he wants to know if she was on this list why was she being put on the bottom.

Councilperson Killian advised that the Board has not prioritized the list yet and that is one of the purposes that she has asked for again and again. She advised that the Board needs to set a worksession and prioritize the list and take some action on some of this stuff instead of putting it off.

A short discussion followed.

Nancy Levine

Ms. Levine wanted to know what was holding up the opening up of the basketball and tennis courts at the Swan Lake Hotel.

Attorney Klein advised that he had to draft the lease and that he would have it in the next couple of days.

Ms. Levine advised that Brian Scardefield had done everything that he was supposed to and that he had been a pleasure to work with.

Ms. Levine advised that she didn't know where things were with the Golden Feather money and as far as she knew it was in the Towns hands. She advised that they need money to finish the cemetery, the stone wall, etc.

Heinrich Strauch advised that they were ready to start spending some of the money and that his understanding was that it was financed through the Town and the Town would then have to submit for reimbursement. He advised that they need confirmation that they can start spending the money and sending the Town the invoices.

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Finance Director Earl Bertsch advised that this is the first that he has ever heard of this. He advised that his understanding that it was a grant.

Heinrich advised that it was a grant contract between the Town of Liberty and the Dormitory Authority. It needs to be spent first and the Town would then have to apply for reimbursement.

Mr. Bertsch advised that he was under the understanding that the Dormitory Authority was sitting on the money because they didn't have it.

Heinrich advised that Bethel and Lumberland both had Golden Feather Awards and they were taken care of through there towns.

Heinrich suggested that he gather his file and meet with Mr. Bertsch. This was agreed.

Jeremy Gorelick

Mr. Gorelick advised the Board that he was the managing agent for the School Bell Townhouses in the Village of Liberty. He advised that he has contacted the Supervisor a numerous amount of times regarding the bad condition of Timberwolf Rd. He advised that they have been going back and forth based on the adoption by the Village from the Town in 1985. He advised that theoretically the maintenance of the road should be the Village's responsibility. He advised that he wanted to confirm on the record that according to our attorney this was the case.

Town Attorney Klein advised that it was repeated in multiple places in the minutes of both the public hearings and the minutes of the village board meetings where they proceeded with the annexation of that property, that they understood it was going to be a Village road. The annexing municipality assumes, under the laws that govern annexations, that the annexing municipality assumes all such responsibility for all such things of that nature unless it states something to the contrary, which is not the case here. It was specifically set forth in the documentation, including the Village documentation, and he doesn't see any legal or factual basis that it is a Town right of way or that the Town should be responsible for maintenance or repair of it.

Mr. Gorelick advised that he just wanted to make sure that this was the way the Town Board felt.

CORRESPONDENCE

1. A letter to Timothy Pellam, Town of Liberty Highway Superintendent from Phil Valone President of the Rolling V Bus Corporation thanking him and his crew for a job well done this past winter.
2. CDC minutes from 5/6/2009.
3. Copies of new legislation regarding public works projects.

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4. Letter of interest for the Zoning Board vacancy.
5. A copy of "The Property Maintenance Handbook".
6. Copies of Planning Board minutes.
7. A press release regarding a Town of Liberty resident convicted of illegal dumping.
8. A letter from Wood's Automotive Electric regarding repair to the bridge accessing their business.
9. A letter from the CDC in regard to comments made at the Town of Liberty Board Mtg. on 5/18/2009.

RESOLUTION NO. -09

APPROVAL OF AUDIT

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

- June, 2009 Abstract:
Claims #995 to #1190 totaling \$557,051.26
- Post May, 2009 Abstract:
Claims #977 to #994 totaling \$93,777.62

4 AYES - Carried
Councilperson Clarence Barber - Absent

Comments:

Councilperson Killian commented that contractor work only goes to certain companies and that it is not fair to the others.

RESOLUTION NO. -09

APPROVAL OF MINUTES

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

- 5/18/2009 Regular Monthly Mtg.
- 5/21/2009 Special Mtg. Fuel Accountability Policy
- 6/1/2009 Dept. Head Mtg.

4 AYES - Carried

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Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

APPROVAL OF MONTHLY REPORTS

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

- Town Clerk's 5/2009 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 5/31/2009
- Supervisor's 4/2009 Report

5 AYES - Carried

OLD BUSINESS:

1. Discussion regarding logging permits.
2. Fuel accountability policy
3. Sale of Loomis property
4. Code Enforcement issues

RESOLUTION NO. -09

RESOLUTION MAKING CERTAIN ORDERS
PURSUANT TO CHAPTER 64 OF THE CODE OF THE TOWN OF LIBERTY

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York 12754, in said Town, on the 15th day of June, 2009 at 7:00 p.m. prevailing time.

The meeting was called to order by Supervisor John Schmidt and upon roll being called the following were:

	PRESENT	ABSENT
Supervisor John Schmidt	X	
Councilman, Maurice Gerry	X	
Councilman, Thomas Hasbrouck	X	
Councilman, Clarence Barber		X
Councilwoman, Lynn Killian	X	

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

WHEREAS, in accordance with Section 130(16) of the Town Law of the State of New York, the Town of Liberty adopted the Buildings, Unsafe Law of the Town of Liberty on March 12, 1981, which law was codified as Chapter 64 of the Code of the Town of Liberty ("Code"); and

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WHEREAS, on May 28, 2009 and May 29, 2009, the Town of Liberty Code Enforcement Officer inspected the premises located at 126 West Street, Town of Liberty, which premises are identified on the tax map of the Town of Liberty as Section 27, Block 1, Lot 7 (“Premises”) and rendered a Report of Inspection, dated May 29, 2009, which report is attached hereto; and

WHEREAS, the Report of Inspection finds that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Liberty has considered the Report of Inspection of the Code Enforcement Officer concerning the building(s) and/or structure(s) described herein and does find that there are grounds to believe that such building(s) and/or structure(s) are dangerous and unsafe to the public and are not repairable and must be demolished; and, be it further

RESOLVED, that the building(s) and/or structure(s) described in said Report of Inspection be deemed dangerous and unsafe and are hereby ordered to be demolished in accordance with Chapter 64 of the Code; and, be it further

RESOLVED, that Mark VanEtten, Code Enforcement Officer of the Town of Liberty is hereby ordered to serve a Notice as provided in Sections 64-7 and 64-8 of the Code of the Town of Liberty upon the owner of the Premises or some one of the owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the Premises, as shown by the last preceding assessment roll of the Town of Liberty and/or by the records of the Clerk of the County of Sullivan; and, be it further

RESOLVED, that in the event that such building(s) and/or structure(s) are not repaired or removed as provided herein, a public hearing is scheduled to be held to consider evidence related to the repair or removal of such building(s) and/or structure(s) on August 17, 2009 at 6:50 pm at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York; and, be it further

RESOLVED, that this resolution take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

		AYE	NAY
Supervisor John Schmidt	Voting	X	
Councilman, Maurice Gerry	Voting	X	
Councilman, Thomas Hasbrouck	Voting	X	
Councilman, Clarence Barber	Voting	ABSENT	
Councilwoman, Lynn Killian	Voting	X	

The resolution was thereupon declared duly adopted.

RESOLUTION NO. -09

PUBLIC HEARING SET FOR 8/17/09 @ 6:50 P.M. REGARDING UNSAFE BLDG @ 126 WEST ST. LIBERTY

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Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby set a public hearing to be held on 8/17/2009 @ 6:50 p.m. at 120 North Main Street, Liberty, NY, concerning a building on 126 West Street, Liberty, New York which has been deemed dangerous and unsafe to the public by the Town of Liberty.

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

APPROVAL OF ADOPT A ROAD APPLICATION SUBMITTED BY EVELYN & RODNEY JESTER TO ADOPT WILLI HILL RD.

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby approve the adopt a road application submitted by Evelyn & Rodney Jester to adopt Willi Hill Rd.

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

SWAN LAKE GOLF & TENNIS RESORT GRANTED 30 DAY WAIVER FOR ON-PREMISES LIQUOR LICENSE

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck**, Councilperson Lynn Killian abstaining, the Town Board of the Town of Liberty does hereby have no objection to the renewal of an On-Premises Alcoholic Beverage License being granted to Victor A Gallo dba Swan Lake Golf & Tennis Resort located on Briscoe Rd., Swan Lake, New York and do hereby grant the 30 day waiver.

3 AYES - Carried
1 Abstension-Councilperson Killian
Councilperson Barber Absent

RESOLUTION NO. -09

TENTS TO BE ALLOWED IN CERTAIN AREAS OF HANOFEE PARK

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry** that the Town Board of the Town of Liberty does hereby approve of tents to be set up at the outdoor pavilion and community pavilion at Hanofee Park. The following Pavilion Rental form has the new additions of fees and rules & regulations for tents in red.

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**Parks & Recreation Department
Park Pavilion Reservation Form**

Name of Group/Person: _____ Phone: _____

Name of Contact Person: _____ Phone: _____

Address: _____ State: _____ Zip: _____

Reservation Date Requested: _____ **Number of People Expected:** _____

Purpose for use:

Hanofee Park: *Open: May 1st - September 30th Hours: 8:00am to Dusk (1/2 hour before sunset)*

(Circle the Pavilion you wish to reserve, and then fill in the reservation times.)

Outdoor Pavilion (next to playground) Times: _____ To _____

Community Pavilion (along south shore of lake) Times: _____ To _____

Indoor Pavilion (building with bathrooms) Times: _____ To _____

Will your Group be using the Pool? YES _____ NO _____

(Anyone attending function at pavilion gets discount price of \$1.00 to use pool)

Fees:	Group Size	<input type="checkbox"/> Resident Fee	<input type="checkbox"/> Non-Resident Fee	Clean-up Deposit
<input type="checkbox"/>	25-150	\$90.00	\$180.00	\$100.00
<input type="checkbox"/>	151-300	\$175.00	\$350.00	\$200.00
<input type="checkbox"/>	301+	Fee to be determined after Parks & Recreation Board/Town Board Approval.		
<input type="checkbox"/>	Tent Space	\$75.00	\$150.00	\$ 200.00
Tent Insurance: A \$1 Million Liability Insurance Certificate with the <u>Town of Liberty</u> listed as Additional Insured must be supplied at time of pavilion rental registration.				

Tent Insurance: A \$1 Million Liability Insurance Certificate with the Town of Liberty listed as Additional Insured must be supplied at time of pavilion rental registration.

Note: This reservation will be issued on the condition that the **applicant holds the Town of Liberty free and harmless from any and all claims for damage** arising out of illness, accident, mischief, or any other claim resulting from the consumption of mood altering substances, by the applicant or any of his or her guests. **All Park Rules & Regulations must be adhered to.**

Rules:

1) User fee and Clean-up deposit *must be paid at time of reservation.* Clean-up is the responsibility of the person renting the pavilion and the deposit will be returned via the Town of Liberty monthly voucher system pending notification by park staff that the pavilion was left in satisfactory condition (Pavilion cleaned & **Tent Space** to original condition) and clean -up

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completed by Park Closing Time - Dusk. Failure to do so will result in forfeiture of clean-up deposit.

2) Cancellation Refunds will be issued up until 30 days prior to the date the pavilion is reserved. Any reservations made less than 30 days will not receive a cancellation refund.

3) The cost of damage repairs are the responsibility of the users.

4) Glass bottles are prohibited in Park. Hibachis and or grills are prohibited on picnic tables.

5) Political solicitation is prohibited.

6) **TENTS:** Are only allowed if you rent at the Outdoor & Community Pavilions only. Tents must not be erected before 8:00am of rental day and must be dismantled and packed up before **DUSK** the same rental day. Tents must not be Larger than 30' x 60' and must be erected in designated area by pavilion. Tent must be professionally manufactured and securely anchored. You must provide your own tables and chairs. The park picnic tables may not be used except for the ones from under the rented pavilion.

I have read and understand the rules and regulations and agree to the terms set forth by the Town of Liberty Board and Parks & Recreation Board.

Signature

Date

4 AYES - Carried

Councilperson Clarence Barber – Absent

Board Discussion

Town Clerk

Town Clerk Laurie Dutcher advised that she just wanted to thank Nancy Saucier for taking her personal time to input the zoning book and updates so that it could be on the computer. She did a wonderful job!

Councilperson Lynn Killian

Councilperson Killian wanted to know when the meeting for the "Bad Boys (CEO violations) was going to be scheduled and wanted to also discuss the handbook that CEO VanEtten had circulated.

Advised that the Town Board has not received the June quarterly report from Maureen Barber as of yet and that it is due in June. Was told by Maureen that it would be coming in July and as far as she was concerned that this was unacceptable. She advised that Maureen had emailed her and that she wanted to explain that nobody tells the Board when something is due, the Board tells them. She advised that it was decided that the reports were due Mar, June, Sept. & Dec. and that's when she wanted them.

Councilperson Killian advised that the 4th of July festival will be held on 7/4 and that the Town Board was invited to attend the parade. Lineup will be from 11:00-11:30.

Councilperson Thomas Hasbrouck

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Councilperson Hasbrouck advised that the Parksville Road project had begun and that they had taken down 11 buildings.

Councilperson Maurice Gerry

Councilperson Gerry thanked Heinrich for the letter regarding the 5/18 mtg.

On a motion by Councilperson Thomas Hasbrouck, seconded by Lynn Killian the Town Board adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk