

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY**

June 16, 2008

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on June 16, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

Present: Supervisor John Schmidt
 Councilperson Maurice Gerry
 Councilperson Thomas Hasbrouck
 Councilperson Lynn Killian
 Councilperson Clarence Barber

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. Copies of Village Minutes:
 - 4/21/08 Special Joint Public Hearing Village & Town Board
 - 4/23/08 Regular Meeting
 - 4/23/08 Public Hearing
 - 5/14/08 Public Hearing
 - 5/14/08 Public Hearing
 - 5/14/08 Worksession Mtg.
 - 5/21/08 Special Mtg.
 - 5/21/08 Public Hearing

2. Zoning Board of Appeals Public Notice from Village of Liberty.

3. Copies of Planning & Zoning Board Minutes:

5/20/08
5/27/08
6/3/08

4. A letter from Assemblywoman Aileen Gunther thanking the Town Board for their letter of support regarding A.9558 to amend the tax law.
5. A letter from Senator John Bonacic thanking the Town Board for forwarding a copy of the Town of Liberty Resolution #107-08 in support of Senate bill S455.
6. A letter from Congressman Maurice Hinchey thanking the Town Board for forwarding their resolution expressing the Town of Liberty's opposition to the electric transmission line proposed by the New York Regional Interconnect, Inc.

Comprehensive Plan Update

- The Hudson Group will be sending out the Liberty Consolidation Fiscal Impact Analysis by the end of the week.

RESOLUTION NO. 138-08

APPROVAL OF AUDIT

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

- June, 2008 Abstract:
Claims #1092 to #1274 totaling \$411,220.43
- Post May, 2008 Abstract:
Claims #1069 to #1091 totaling \$94,831.12

5 AYES

ALL IN FAVOR - CARRIED

RESOLUTION NO. 139-08

APPROVAL OF MINUTES

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** to approve the following minutes as submitted:

REGULAR MONTHLY MEETING
June 16, 2008 Continued

5/19/2008 Regular Monthly Meeting
6/2/2008 Department Head Meeting

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 140-08

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report May 2008
- Revenue & Expense Summary May 2008

5 AYES
ALL IN FAVOR - CARRIED

OLD BUSINESS

Proposals for Emergency Action Plan for the Swan Lake Dam.

- *Supervisor Schmidt will check w/ Bethel and Anthony Murolo to see if they are in agreement w/ hiring Lewis & Greer who submitted the low proposal.*

Discussion regarding logging permits.

- *Carryover*

Inter-municipal agreement regarding Code Enforcement with the Village of Liberty.

- *Copies of the agreement were given to the Board for there review, will discuss at the next meeting.*

Zoning change for Stephen Poley.

- *Town Attorney will start the paperwork needed for this process.*

Consider water line for Kaufman subdivision.

- *A counter proposal was submitted by the attorney's for the Kaufman subdivision, Board members will review and discuss at the next meeting.*

Sewer, water and zoning change for Green Hills.

- *The Town Board gave conditional conceptual approval based on receipt of letter from DEC. Will have a public hearing next meeting.*

Discussion of roof repair at Senior Citizen Building.

- *The Supervisor advised that he is having a proposal opening on 6/20 and will report back at the next meeting.*

Discuss engineering proposal for the Swan Lake sidewalks.

- *Waiting for two more proposals will have for the next meeting.*

Packet from CEO VanEtten regarding property owned by Ironic.

- *Request an Executive Session at the end of the meeting.*

NEW BUSINESS

Andrew Arias from Cooper, Nieman & Co. presented the Town Board with the Town of Liberty 2007 Audit report. The key points were:

- Continue good use of reserves to help plan and manage fund balance.
- Town records are kept accurate and up to date. Helps to facilitate proper planning and fund balance management.
- Deficit Fund Balances
- Overspent Appropriations
- No Management Letter comments
- Unqualified Opinion on the Financial Statements
- Prepare for GASB 45 in 2009

RESOLUTION NO. 141-08

*SCHEDULE JOINT PUBLIC HEARING W/ VILLAGE OF LIBERTY FOR ANNEXATION
REQUEST BY HERMAN LAUFER*

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby schedule a joint hearing which will be held by the Town Board and the Village Board at the Village Municipal Building, 167 North Main Street, Liberty, New York, on July 9, 2008 at 7:15 p.m. to hear oral and written comments from concerned citizens with regard to the petition for annexation of the premises of Herman Laufer, located at 160 Sullivan Avenue and identified as tax map parcel 29-3-7.2.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 142-08

*SCHEDULE JOINT PUBLIC HEARING W/ VILLAGE OF LIBERTY FOR ANNEXATION
REQUEST BY DENNIS ANASTASIS*

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby schedule a joint hearing which will be held by the Town Board and the Village Board at the Village Municipal Building, 167 North Main Street, Liberty, New York, on July 9, 2008 at 7:20 p.m to hear oral and written comments from concerned citizens with regard to the petition for annexation of the premises of Dennis Anastasis, located on North End Ave. & Youngs Hill Rd. and identified as 18-1-28 and 20-2-4.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 143-08

*APPROVAL OF PAYMENT CONTINGENT UPON STIPULATION OF SETTLEMENT,
FOR BUILDING CORP II IN THE AMOUNT OF \$89,467.99*

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve, contingent upon receipt of the Stipulation of Settlement for Building Corp. II payment in the amount of \$89,467.99

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 144-08

*APPROVAL OF BUDGET MODIFICATION TO AUTHORIZE TRANSFER OF \$40,180
FROM THE GENERAL UNRESERVED FUND BALANCE TO THE CAPITAL RESERVE
FUND*

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize the transfer of \$40,180 from the General Unreserved Fund to the Capital Reserve Fund.

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Sources of Revenues

Bond Sale	\$2,400,000
Interest Earned	\$ 51,800
Transfer from Capital	\$ 688,250
Reserve Fund (2000-2006)	\$ _____
Total Revenue:	\$3,140,056

Expenditures

General Contractor (Building Corp II)	\$2,231,774
Electric (Electro Electric)	\$ 94,808
Plumbing & Heating (Ert's)	\$ 327,187
Engineering (Kelly Engineering)	\$ 89,020
Sale of Bond	\$ 40,000
Temporary location of Highway Dept during construction (includes cost of Coveral Building)	\$ 397,447
Total Expenditures:	<u>\$3,180,236</u>
Total Deficit:	\$ 40,180

**5 AYES
 ALL IN FAVOR - CARRIED**

RESOLUTION NO. 145-08

*AMEND 12/27/07 MINUTES TO INCLUDE END OF YEAR BUDGET TRANSFERS
 AND MODIFICATIONS*

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby amend the 12/27/07 minutes to include a previously approved resolution to approve the End of Year Transfers and Modifications as listed below:

2007 Budget Modification

Account Number	960 Appropriation	510 Estimated Revenues
DB 5110.3	\$ 491,581.00	
DB 3960		\$ 92,109.00

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DB 4960		\$ 399,472.00
FEMA Grants received in 2007 not included in budget.		
A 7150.3	\$ 125,285.00	
A 3005		\$ 125,825.00
Payment of pool repairs from additional 2007 Mortgage Tax.		
B 8020.3	\$ 9,547.00	
B 2120		\$ 9,547.00
Grant received from Comprehensive Plan.		
W3 8310.3	\$ 107,955.00	
W3 2705		\$ 107,955.00
Payment of Water Tower Road line replaced with donation from developer.		
A 7312.1	\$ 1,600.00	
A 7312.4	\$ 2,400.00	
A 2005		\$ 4,000.00
Additional Revenues and Appropriations for Day Camp Program		

2007 Budget Transfers

Account Number	From	To
A 9710.6	\$ 50,000.00	
A 9710.6	\$ 6,000.00	
A 7150.3		\$ 56,000.00
Transfer from pool repair bonds, payment to 2007 pool repair expense		
DA 9950.9	\$ 96,168.00	
DA 9710.6		\$ 86,582.00
DA 9710.7		\$ 9,586.00
Transfer from Interfund Transfer Highway Equipment Fund to Trucks Principle and Interest Payment 2007.		

Appropriations of Fund Balance

Account Number	Fund Balance	Appropriation
DB 909	\$ 308,519.00	
DB5110.3		\$ 308,519.00
Fema Grant received in 2006 for project to completed in 2007.		
DB 909	\$ 182,785.00	
DB 5110.3		\$ 182,785.00

REGULAR MONTHLY MEETING
 June 16, 2008 Continued

To appropriate Highway Town Outside Fund Balance to complete
 Ferndale Loomis Road Repair.

2007 Budget Transfer

Account Number	From	To
A 1220.1		\$ 2,600.00
A 1220.4		\$ 1,650.00
A 1310.1		\$ 28,000.00
A 1320.4	\$ 700.00	
A 1330.1	\$ 4,000.00	
A 1357.1	\$ 900.00	
A 1420.1		\$ 10,000.00
A 1420.4	\$ 8,000.00	
A 1620.1	\$ 32,690.00	
A 1620.3	\$ 10,000.00	
A 1620.4		\$ 30,000.00
A 1680.2	\$ 2,500.00	
A 1680.3		\$ 24,500.00
A 1680.4		\$ 2,500.00
A 1681.4		\$ 1,000.00
A 1910.4	\$ 11,000.00	
A 1920.4		\$ 2,000.00
A 1930.4	\$ 1,800.00	
A 1950.4		\$ 50.00
A 3120.4	\$ 900.00	
A 3510.4		\$ 1,000.00
A 5132.1	\$ 5,500.00	
A 5132.4		\$ 22,000.00
A 6772.1	\$ 1,000.00	
A 6772.4		\$ 1,000.00
A 7020.1		\$ 10,000.00
A 7020.2	\$ 800.00	
A 7020.4		\$ 3,000.00
A 7110.1		\$ 1,000.00
A 7110.2	\$ 2,000.00	
A 7110.3		\$ 11,320.00
A 7110.4	\$ 6,000.00	
A 7111.1	\$ 2,000.00	
A 7111.2	\$ 600.00	
A 7111.4		\$ 3,800.00
A 7140.4		\$ 6,200.00
A 7150.1	\$ 14,000.00	
A 7150.4	\$ 4,000.00	

REGULAR MONTHLY MEETING
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A 7310.1	\$ 1,000.00	
A 7620.1	\$ 500.00	
A 9010.8	\$ 15,000.00	
A 9050.8		\$ 6,500.00
A 9060.8	\$ 5,000.00	
A 9953.9	\$ 6,000.00	
A 1990.4	\$ 32,230.00	
TOTAL:	\$168,120.00	\$168,120.00

B 4020.4		\$ 250.00
B 8020.1	\$ 4,000.00	
B 8020.4		\$ 5,500.00
B 9010.8	\$ 1,000.00	
B 9030.8		\$ 1,000.00
B 9060.8	\$ 1,750.00	
TOTAL:	\$ 6,750.00	\$ 6,750.00

DA 1910.4	\$ 3,000.00	
DA5120.4	\$ 2,500.00	
DA 5130.2		\$ 23,000.00
DA 5140.4	\$ 1,250.00	
DA 9010.8	\$ 12,000.00	
DA 9950.9	\$ 4,250.00	
TOTAL:	\$ 23,000.00	\$ 23,000.00

DB 1910.4	\$ 2,500.00	
DB 5110.1	\$ 9,700.00	
DB 5110.4		\$ 27,200.00
DB 9010.8	\$ 5,000.00	
DB 9060.8	\$ 10,000.00	
TOTAL:	\$ 27,200.00	\$ 27,200.00

MO 8110.1	\$ 4,000.00	
MO 8110.2		\$ 4,000.00
TOTAL:	\$ 4,000.00	\$ 4,000.00

S2 8110.3		\$ 52,100.00
S2 8110.4	\$ 20,000.00	
S2 9901.9400	\$ 35,000.00	

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S2 9950.9		\$ 2,900.00
TOTAL:	\$ 55,000.00	\$ 55,000.00
W2 8310.4		\$ 30,000.00
W2 9901.9400	\$ 30,000.00	
TOTAL:	\$ 30,000.00	\$ 30,000.00
W4 8310.3		\$ 2,355.00
W4 8310.4	\$ 2,355.00	
TOTAL:	\$ 2,355.00	\$ 2,355.00
W7 8310.4	\$ 240.00	
W7 9950.9100		\$ 240.00
TOTAL:	\$ 240.00	\$ 240.00

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 146-08

SET BID DATE FOR 6/26/08 FOR SURPLUS EQUIPMENT – PARK & REC 1999 DODGE 2500

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby set a bid opening for the sale of a 1999 Dodge 2500 declared surplus equipment for 6/26/08 at 11:00 a.m. at Town Hall, 120 North Main Street, Liberty.

5 AYES
ALL IN FAVOR - CARRIED

RESOLUTION NO. 147-08

RESOLUTION OF RESPECT IN MEMORY OF PAUL H. LEROY

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

Whereas, the members of the Town Board of the Town of Liberty were deeply saddened to learn of the death of Paul H. LeRoy on May 21, 2008;

Whereas, Paul LeRoy was a dispatcher for the Liberty Police Department for 33 years, and a member of the Liberty PBA; and

Whereas, Paul LeRoy was very active in his community, he was a member and past exalted ruler of the Liberty Elks Lodge #1545, a member of the Liberty Fire Department, serving as Past Chief, present Chairman of the Liberty Board of Fire Commissioners, and secretary for Ontario Hose Co. #3; and

Whereas, his death will leave an immeasurable loss as we remember his devotion, loyalty, friendship, and leadership to family, friends, co-workers and to his Fire Department;

Now, Therefore, Be It So 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 and deepest admiration for his many years of faithful and devoted service to his community he cared so much about; and

Be it Further Resolved, that the Town Board of the Town of Liberty does hereby, hope that his family and friends will be consoled by the memories of his fine life and achievements.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 148-08

APPROVAL OF EMERGENCY PURCHASE BY THE WATER & SEWER DEPT TO REPLACE BLOWER AT THE SWAN LAKE SEWER PLANT

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve the emergency purchase of a new Sutorbilt 6 HVP-BHC Blower at a cost of \$3564. from Excelsior Blower Systems, Inc. for the Swan Lake Sewer Plant.

**5 AYES
ALL IN FAVOR - CARRIED**

A copy of a sample resolution regarding training for Planning & Zoning Board Members.

Carryover

RESOLUTION NO. 149-08

RESOLUTION AUTHORIZING THE SUPERVISOR TO WRITE LETTER FOR THE TOWN OF FALLSBURG IN SUPPORT OF GRANT APPLICATION FOR THE 2008 NYSDOT'S TRANSPORTATION ENHANCEMENTS PROGRAM

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber** the Town Board does hereby authorize the Supervisor to write a letter for the Town of Fallsburg in support of the grant application for the 2008 NYSDOT's Transportation Enhancement Program.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 150-08

APPOINTMENT OF MAUREEN BARBER AS A MEMBER OF THE P & R BOARD

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does hereby appoint Maureen Barber to the Town of Liberty Parks & Recreation Board to fill the unexpired term of Darlene Fedun, expiring on 12/31/08.

**4 AYES
1 ABSTAIN Councilperson Barber
CARRIED**

RESOLUTION NO. 151-08

ANNEXATION OF THE EASTERN NEW YORK FEDERAL CREDIT UNION TO THE VILLAGE OF LIBERTY

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

In the Matter
of
Annexation of Certain Territory from the Town of
Liberty, State of New York, to the Village of Liberty,
State of New York.
-----X

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Liberty, New York (the "Town") on or about February 22, 2008, for the annexation of certain territory in the Town to the Village

of Liberty, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit "A", and

WHEREAS, a joint hearing of the Town Board of the Town and the Village Board of the Village was duly held on said petition for annexation, according to the law in such cases made and provided, on April 21, 2008, at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town has duly considered said petition and the evidence presented at said hearing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town finds as follows:

- (1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17; and
- (2) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest in that the annexed territory thereby has access to municipal sewer service; that all real or personal property and rights in real and personal property, including, but not limited to, streets, avenues, roads, highways, bridges, overpasses, underpasses, culverts, sidewalks, street lighting fixtures, and conduits, pipes, drains, either above or below the ground surface, and appurtenances and appurtenant rights in relation thereto, owned by the Town shall become the property of the Village; and that any such apportionment of any indebtedness or and any contract or other liabilities or interest shall be a charge to the Village as required by Article 17 of the General Municipal Law.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Town Board of the Town is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition at Exhibit "A" to the Town.

**5 AYES
ALL IN FAVOR – CARRIED**

RESOLUTION NO. 152-08

AUTHORIZATION TO VOTE FOR CONSULTING FIRM FOR FARMLAND PRESERVATION PROTECTION PLAN

MOTION by Councilperson Thomas Hasbrouck, seconded by Councilperson Clarence Barber that the Town Board does hereby authorize Supervisor Schmidt and Councilperson Lynn Killian to vote, on behalf of the Board, for choosing the consulting firm for the Farmland Preservation Protection Plan.

**5 AYES
ALL IN FAVOR - CARRIED**

Board Discussion

Councilperson Clarence Barber

- PO's still being written out after the fact
- Person who picks up item should be the one signing the slip
- Parts should be accounted for

Finance Office will send out the Procurement Policy and Procedures to the Board Members for updating.

Councilperson Lynn Killian

- Would like to invite everyone to the July 4th parade and festivities

RESOLUTION NO. 153-08

EXECUTIVE SESSION

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby go into Executive Session at 8:30 p.m. to discuss personnel salaries and possible litigation.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 154-08

OUT OF EXECUTIVE SESSION

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** that the Town Board does hereby come out of Executive Session at 9:10 p.m.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 155-08

AUTHORIZATION FOR ATTORNEY GARIGLIANO TO PURSUE LEGAL ACTION AGAINST IRONIC

REGULAR MONTHLY MEETING
June 16, 2008 Continued

MOTION by Councilperson Clarence Barber, seconded by Councilperson Thomas Hasbrouck the Town Board does hereby authorize and direct Attorney Garigliano to pursue legal action against Ironic.

**5 AYES
ALL IN FAVOR - CARRIED**

Adjourn

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk