

REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
JUNE 17, 2013 7:00 p.m.

---

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on June 17, 2013 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Councilperson Dean Farrand  
Councilperson Thomas Hasbrouck  
Councilperson Maurice Gerry  
Councilperson Chris Austin

Absent: Supervisor Charlie Barbuti

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein  
Finance Director Earl Bertsch  
Budgeting & Acct. Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Sam & Fran Kurpil  
Carol Montana

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

**RECOGNIZE THE PUBLIC**

Sam & Fran Kurpil

Mr. & Mrs. Kurpil advised the Board that they own a house on Cold Spring Rd. which is currently unoccupied. They are being charged a minimum charge for the water. They are very unhappy about this and would like a local law to change this. They advised when they told Supervisor Barbuti about this he just shrugged. They are also not very happy about the condition of the road which they say is full of potholes.

Councilperson Gerry advised the Kurpils that he feels this is wrong also but is always shot down by the other boardmembers.

**CORRESPONDENCE**

1. A letter from the NYSDEC regarding the annual compliance inspection of the Loomis Wastewater Treatment Plant.

2. A letter from the NYSDOT regarding the two bungalows near the Rt. 17 exit ramp in Parksville.
3. A letter from the NYS Office of Parks & Recreation and Historic Preservation regarding the two bungalows near the Rt. 17 exit ramp in Parksville.
4. Copies of Planning Board minutes for 5/7/13 & 5/21/13.
5. Copies of Zoning Board minutes for 5/21/13.
6. A letter from Wes Illing regarding the Zoning changes.
7. A letter from Fritz Mayer regarding the Zoning changes.

## **RESOLUTION NO**

### *APPROVAL OF AUDIT*

**Motion by Councilperson Dean Farrand, seconded by Councilperson Chris Austin, the Town Board approved the following:**

- June, 2013 Abstract:  
**Claims #979 to #1132 totaling \$270,692.97**
- May, 2013 Post Abstract:  
**Claims #954 to #978 totaling \$105,553.67**
- General Ledger Abstract:  
**Claims #152 to #188 totaling \$257,400.21**

4 AYES - Carried  
1 Absent-Supervisor Barbuti

## **RESOLUTION NO**

### *APPROVAL OF MINUTES*

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

- Regular Monthly Mtg. 5/20/2013

4 AYES - Carried  
1 Absent-Supervisor Barbuti

## **RESOLUTION NO**

### *ACCEPTANCE OF MONTHLY REPORTS*

**Motion by Councilperson Dean Farrand, seconded by Councilperson Maurice Gerry, the Town Board approved the following reports as submitted:**

- Town Clerk's Monthly Report 6/2013
- Monthly report of revenue & expense summary as of 5/31/13

4 AYES - Carried  
1 Absent-Supervisor Barbuti

### **OLD BUSINESS**

1. Loomis Wastewater Treatment Plant grant status report **CARRYOVER**  
*(Schedule for completion in contract should break ground next month)*
2. WSS Water  
*(Did survey this weekend)*

### **RESOLUTION NO**

#### *APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES FOR WSS WATER*

**Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$6,060.00 for administrative services for the WSS Water District Project.**

4 AYES - Carried  
1 Absent-Supervisor Barbuti

### **RESOLUTION NO**

#### *APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES FOR LOOMIS SEWER*

**Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$1,550.00 for administrative services for the Loomis Sewer District Project.**

4 AYES - Carried  
1 Absent-Supervisor Barbuti

### **RESOLUTION NO**

#### *APPROVAL OF VOUCHER FOR KELLY ENGINEERING FOR LOOMIS SEWER*

**Motion by Councilperson Dean Farrand, seconded by Councilperson Chris Austin, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering**

in the amount of \$1,625.00 for engineering services for the Loomis Sewer District Project.

4 AYES - Carried

1 Absent-Supervisor Barbuti

## RESOLUTION NO

### APPROVAL OF MID-YEAR BUDGET TRANSFERS & MODIFICATIONS

**Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby approve the following budget transfers and modifications:**

2013 Budget Modifications		
A 3054	\$312.00	
A 1954.4		\$312.00
2013 Golden Feather Grant Due		
A 3057	\$2,123.98	
A 1957.2		\$2,123.98
2013 Justice Court Grant Due		
DA 2680	\$19,370.70	
DA 5130.4		\$19,370.70
Insurance Recovery for damage to 2013 Mack Truck		
S2 2680	\$20,140.55	
S2 8110.3		\$20,140.55
Insurance Recoveries to Swan Lake Sewer Pole Barn		
A 3060	\$8,436.00	
A 1460.4		\$8,436.00
2013 Records Management Grant Due		
A 3055	\$50,000.00	
A 1955.4		\$50,000.00
2013 Parking Lot Grant Due		

2013 Budget Transfers		
A 1110.1	\$15,561.00 (+)	
A 9901.8		\$15,561.00 (-)
Justice Court Retirement Buyout		
MO 8110.1	\$30,777.15 (+)	

---

MO 9901.8		\$30,777.15 (-)
Water and Sewer Retirement Buyout		

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE LOOMIS SEWER DISTRICT, IN THE TOWN OF LIBERTY, IN THE COUNTY OF SULLIVAN, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW*

Offered by: Councilperson Dean Farrand

Seconded by: Councilperson Chris Austin

ORDER CALLING FOR A PUBLIC  
HEARING TO BE HELD ON  
JULY 15, 2013

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town"), in the County of Sullivan, New York, on behalf of the Loomis Sewer District, in the Town (herein called the "District"), has caused Kelly Engineering, P.C., and Bipia Gandhi, P.C., engineers duly licensed by the State of New York (the "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, pursuant to a Consent Order from the NYS Department of Environmental Conservation, consisting of the construction of improvements to the Loomis Wastewater Treatment Plant, including related and ancillary work and engineering, legal and other costs, as further described in the map, plan and report dated August 2011; and said map, plan and report have been filed with the Town Board and the cost thereof has been estimated to be \$1,321,800; and

WHEREAS, it is expected that grant funds are to be received and are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto; and

WHEREAS, the Town Board has determined that the project constitutes an Unlisted action for purposes of the New York State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and a Short Environmental assessment Form has been reviewed and the Town Board has determined that the project will not result in any significant adverse environmental impacts;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 120 North Main Street, Liberty, New York, on the 15th day of July, 2013 at 6:50 o'clock p.m. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "SULLIVAN COUNTY DEMOCRAT," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, in substantially the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*APPROVAL FOR HIGHWAY DEPARTMENT TO HIRE (1) SUMMER EMPLOYEE*

**Motion by Councilperson Dean Farrand, seconded by Councilperson Chris Austin, the Town Board of the Town of Liberty does hereby authorize the Highway Superintendent to hire (1)**

summer employee.

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*APPROVAL FOR HIGHWAY DEPARTMENT TO RENT A MOWER AT A COST OF \$6,000 FOR (1) MONTH*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the Highway Department to rent a mower at a cost of \$6,000 for (1) month.

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*APPROVAL TO HIRE A "CLERK" FOR THE ASSESSOR'S OFFICE*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the Assessor to hire a "Clerk".

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*RE-SCHEDULE WORK SESSION FOR 7/1/2013 @ 5:00 P.M.*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby re-schedule the Work Session Meeting for 7/1/2013 at 5:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY, to discuss possible changes to the Zoning Law and any other Town Business as may come before the board at that time.

4 AYES - Carried  
1 Absent-Supervisor Barbuti

**RESOLUTION NO**

*AMEND INTRODUCTORY LOCAL LAW #2 OF 2013*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town

Board of the Town of Liberty does hereby amend the Introductory Local Law #2 of 2013 as follows:

**ORIGINAL §133-24 Definitions**

NEWLY CONSTRUCTED – An improvement to real property which was constructed as a primary residential property and which has never been occupied and was constructed after **June 8, 2011**. “Newly constructed” shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

**AMENDED §133-24 Definitions**

NEWLY CONSTRUCTED – An improvement to real property which was constructed as a primary residential property and which has never been occupied and was constructed after **November 28, 2001**. “Newly constructed” shall also mean that portion of a primary residential property that is altered, improved or reconstructed.

4 AYES - Carried

1 Absent-Supervisor Barbuti

**BOARD DISCUSSION**

**Councilperson Chris Austin**

- Nothing to report

**Councilperson Dean Farrand**

- Inquired when Muss would be in Liberty. Tom Hasbrouck advised he had the names and numbers.
- Advised that as a group would need to start thinking about what is fair for the people already in the zoning process and what the Grandfather clause is going to say.

*Attorney Klein advised that it may have to be done in Executive Session because of litigation.*

**Deputy Supervisor / Councilman Thomas Hasbrouck**

- Acting Deputy Supervisor

**Councilperson Maurice Gerry**

- Was unaware that the Farmer’s Market had moved. He advised that he is not against it but that there were only about 10 parking spots and to make a left was pretty horrific. Not anti-farm market but felt the other location was perfect.

**Supervisor Charlie Barbuti**

- Absent

**ADJOURN**

On a motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board does hereby adjourn the meeting at 7:32 p.m.

Respectfully submitted,

*Laurie Dutcher*

Laurie Dutcher, Town Clerk