

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
June 18, 2012

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held at 7:00 p.m. at the White Sulphur Springs Firehouse, 3352 State Route 52, White Sulphur Springs, New York, the following Town Board Members were present:

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

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Water & Sewer Dept. Head Albert Picard
CDC Director Heinrich Strauch
Matt DeWitt
Diane Deutsch
Deputy Town Clerk Sara Sprague
Budget Accounting Coordinator Cheryl Gerow
Mark Blauer
Eli Ruiz
Nancy Esposito
Kyle Simmons- Boy Scout
Brian Peters
Mary Heinle
Lillian & Peter Stettner
Alan Frishman
Matt DeWitt
Cindy Geiger
Ann Hart

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

CORRESPONDENCE

1. Notification of the Grand Opening of Sneaker World to be held from 6/29-7/1/12.
2. Notice from the Sullivan County Dept. of Planning & Environmental Management that a public hearing will be held on 6/21/12 to include (2) properties (SBL # 32.-3-14 and 32.3-15) owned by Judith Zigmund into the Agricultural District within the Town of Liberty.

3. Notice from the Sullivan County Dept. of Planning & Environmental Management that a public hearing will be held on 6/21/12 to include (1) property (SBL # 32.-3-14) owned by Sean Zigmund into the Agricultural District within the Town of Liberty.
4. Notice from the Sullivan County Legislature regarding a hearing to be held on 6/21/12 to consider the recommendations of the Agricultural and Farmland Protection Board and the County Planning Commissioner to modify Ag. Dist. #1 and #4.

PLANNING & ZONING BOARD MINUTES

Planning Board 5/1/2012

RECOGNIZE THE PUBLIC

Alan Scott of the Sullivan County Partnership for Economic Development

Mr. Scott advised on the following up and coming projects in Sullivan County:

- A 20,000 sq. ft. structure at Emerald Green
- A 40,000 sq. ft. structure at Bethel Woods
- Camp Deer Run - 85 seasonal employees p/t-f/t Culinary camp-fully taxable
- Shelbourne Plastic
- Lodge in Rock Hill renamed the "Sullivan" 1½million dollar renovation
- Achieve 3.6 million to expand create 25 new positions
- Center for Discovery- new autism program - 5-12 new jobs w/ benefits, 401K

He advised of the different type of loan programs were available to people through the Partnership and the IDA.

He advised that he can be reached at 796-8276 or alan@scpartnership.com

Mary Heinle advised that she was here because her neighbor James Stoyer has been stockpiling chicken manure. She advised that you cannot even go outside due to the stench and it is ruining her summers. Her neighbor and his wife have health issues.

Councilperson Farrand suggested that we invite Mr. Stoyer to a meeting and see if they could work out an agreement.

RESOLUTION NO 140-12

AUTHORIZE SUPERVISOR TO SIGN DOCUMENTS PERTAINING TO THE CDBG GRANTS

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby set the Joint Fuel Bid for 8/16/2012 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, NY.

5 AYES - Carried

RESOLUTION NO 141-12

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- June, 2012 Abstract:
Claims # 1007 to # 1165 totaling \$330,195.94
- Post, May 2012 Abstract:
Claims # 989 to # 1006 totaling \$96,746.79
- April, May, General Ledger Abstract:
Claims # 128 to # 166 totaling \$237,517.52

5 AYES - Carried

RESOLUTION NO 142-12

APPROVAL OF MINUTES

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

- Special Mtg. 4/25/12
- Dept. Head Mtg. 5/7/12
- Regular Monthly Mtg. 5/21/12
- Public Hearing 5/21/12
- Dept. Head Mtg. 6/4/12

5 AYES - Carried

RESOLUTION NO 143-12

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 5/2012
- Monthly report of Revenue & Expense summary as of 5/31/2012
- Supervisor's Report 4/2012 & 5/2012

5 AYES - Carried

OLD BUSINESS

1. Swan Lake Mikvah - Allen Frishman

Swan Lake Mikvah Request for A Private Well

The Swan Lake Mikvah is proposing a private well be drilled behind its existing building. Its location will be 60 feet from the closet side yard boundary as shown on the left side of the site plan. The rear yard property line is approx 150 feet from the well and the right side boundary is approx. 200. The property to the right is the Swan Lake Synagogue, a part of the mikvah. The well is to be drilled 10 feet from the building (mikvah) in line with the existing rain water collection trough.

This well will serve only one purpose, and that is to supply ground water to the ladies mikvah only. The enclosed system cannot come in contact with any metal piping and would become un-kosher if this were to happen. This would violate Jewish law and therefore the only use of the water is for the filling of the ladies mikvah. Yes, in the past the municipal water was used in combination with the collected rain water, but the well water has a higher degree of a natural "god created" untouched substance, and therefore is considered more kosher.

After the well is 'drilled, a 2 to 3 inch pipe is dropped down the well shaft and inside that pipe is a smaller plastic pipe, 3/4 inch which is use for the air line. Air is pushed down the 3/4 inch line by means of a compressor, which will be housed inside the boiler room eliminating any possible noise issues even though it is on for short periods of time. The water is then slowly forced up the 2-3 inch plastic line and collects inside a small concrete holding chamber, which is about a 2 foot square. There is no direct piping that goes into the mikvah "pool". Depending on the grade, the holding tank height will vary since the water has to run gravity back into the mikvah (the attached diagram shows a height of ten feet). The height in this case should not be greater than 6 to 7 feet. This concrete "shaft" that houses the plastic piping will be left behind the building, and will not be visible from the road what so ever. The water is brought to the holding tank inside the mikvah through another plastic pipe. NO metal has touched the water keeping it pure.

Inside the mikvah, when it needs to be emptied, the pump discharge will go directly into a water meter and then into an existing floor drain, that empties into the town's sewer system. The town can then appropriately bill the mikvah for the water that is being processed by the sewer plant, and thereby collecting revenue for this discharge.

Because of the highly religious cleansing practice that the women must go through before the can enter the mikvah water, there is a much smaller degree of body oils or dirt that can collect in the water. The water replenishing cycle is much less frequent then the men's mikvah because of the extreme cleaning practices. It's estimated that there would be a maximum usage of about 17,100 gallons over the course of nine weeks that the mikvah would be open. This is based on its approx. 1900 gallon water capacity and assuming that the water needs to be replaced once a week. In some weeks this will not be necessary and the water can be used for a longer time period depending on the waters clarity. The actual amount will probably be smaller, but we do not want to misguide the board in any way and project the maximum amount of usage. The reality is that all the water discharged will be paid for.

The well will be drilled by a DEC licensed well driller, and all necessary permits will be acquired prior to any drilling. We realize there is a concern over the possibility of water theft or an inter-connection with the town's water

system. We welcome the town's water dept. or building dept. to come and inspect the premises at any time to show you how the system is being used just as proposed.

An explanation for this last minute request is that a donor recently came forward to supply the necessary funding for this project. If the money had been available earlier, we would have been before the board earlier.

The board requested a schematic of the piping system, which was provided by a mikvah expert whose built these specialized water supply systems for ladies mikvahs all over the world, a site plan indicating the location of the proposed well, and this narrative that helps to provide you with more information in helping you to make your decision. Also the DOH has been contacted and they will be in contact with the Town of Liberty Water Dept. Their main concern was the possibility of an inter-municipal connection, which again would negate the purity of the water.

Gentlemen, we are hoping that you grant us the permission to drill this well expeditiously so we can be ready for this summer season. Thanking you in advance for your cooperation and consideration of this matter.

Water and Sewer Head Albert Picard advised that they would need to count the toilets and make sure that they had a state approved backflow preventer to keep the well water from getting back into the municipal system.

Councilperson Chris Austin would just like it on the record that he is totally opposed to the private wells and feels we need to work on this matter.

Councilperson Dean Farrand advised that he feels the same as Councilperson Austin.

RESOLUTION NO 144-12

RESOLUTION AUTHORIZING RETURN OF R & M FARMS, LLC SUBDIVISION BOND

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the White Sulphur Springs Firehouse, 3352 State Route 52, White Sulphur Springs, New York, 12754, in said town, on the 18th day of June, 2012 at 7:00 p.m. prevailing time.

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

| | PRESENT | ABSENT |
|-----------------------------|---------|--------|
| Supervisor Charlie Barbuti | | |
| Councilman Chris Austin | | |
| Councilman Dean Farrand | | |
| Councilman Maurice Gerry | | |
| Councilman Thomas Hasbrouck | | |

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

WHEREAS, the R & M Farms, LLC (“R&M Farms”)’s subdivision comprised of 20 lots on approximately 252 acres of land, known as “The Meadows”, was granted final conditional subdivision approval by the Town of Liberty Planning Board on March 27, 2007; and

WHEREAS, on or about May 9, 2007, R&M Farms posted financial security in the form of a Letter of Credit in the original amount of \$724,500.00 to guaranty completion of roads within The Meadows subdivision; and

WHEREAS, only Lot 39 upon which a pre-existing residence is located has been sold, with the balance of the lots comprising The Meadows subdivision still vacant and all lots owned by R&M Farms; and

WHEREAS, more than five (5) years has passed since approval of The Meadows subdivision; and

WHEREAS, R&M Farms wishes to abandon The Meadows subdivision and the purchaser of Lot 39 has consented to the abandonment; and

WHEREAS, R&M Farms has requested that the Town return the remaining financial security upon abandonment of The Meadows subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Town return the remaining financial security of \$78,480.60 posted to guaranty completion of roads within The Meadows subdivision to the then owner of the land upon presentation to the Town Attorney of evidence of the abandonment of The Meadows subdivision.

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

| | AYE | NAY | ABSENT |
|------------------------------------|-----|-----|--------|
| Supervisor Charlie Barbuti Voting | X | | |
| Councilman Chris Austin Voting | X | | |
| Councilman Dean Farrand Voting | X | | |
| Councilman Maurice Gerry Voting | X | | |
| Councilman Thomas Hasbrouck Voting | X | | |

The resolution was thereupon declared duly adopted.

5 AYES - Carried

**CONSIDER ADOPTION OF INTRODUCTORY LOCAL LAW #1 OF 2012
TABLED UNTIL 7/16/12**

RESOLUTION NO 145-12

**INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2012 AMENDING THE ZONING LAW TO AUTHORIZE
THE PLANNING BOARD TO WAIVE THE REQUIREMENT OF SITE PLAN REVIEW**

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the White Sulphur Springs Firehouse, 3352 State Route 52, White Sulphur Springs, New York, 12754, in said town, on the 18th day of June, 2012 at 7:00 p.m. prevailing time.

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

PRESENT:

Supervisor Charlie Barbuti
Councilman Chris Austin
Councilman Dean Farrand
Councilman Maurice Gerry
Councilman Thomas Hasbrouck

ABSENT:

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

BE IT RESOLVED, that Introductory Local Law No. 2 of 2012, "A Local Law Amending the Zoning Law to Authorize the Planning Board to Waive the Requirement of Site Plan Review" is hereby introduced before the Town Board of the Town of Liberty; and

BE IT FURTHER RESOLVED, that copies of the aforesaid Introductory Local Law have been laid upon the desk of each member of the Town Board of the Town of Liberty; 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 July 16, 2012; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Liberty publish or cause to be published a public notice in the *Sullivan County Democrat*, of said public hearing at least five (5) days prior to such hearing.

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

| | AYE | NAY | ABSENT |
|------------------------------------|-----|-----|--------|
| Supervisor Charlie Barbuti Voting | X | | |
| Councilman Chris Austin Voting | X | | |
| Councilman Dean Farrand Voting | X | | |
| Councilman Maurice Gerry Voting | X | | |
| Councilman Thomas Hasbrouck Voting | X | | |

The resolution was thereupon declared duly adopted.

5 AYES - Carried

RESOLUTION NO 146-12

INTRODUCTORY RESOLUTION FOR INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2012 ADDING "CEMETERIES" AS SPECIAL USE IN R-1 DISTRICT

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the White Sulphur Springs Firehouse, 3352 State Route 52, White Sulphur Springs, New York, 12754, in said town, on the 18th day of June, 2012 at 7:00 p.m. prevailing time.

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

PRESENT:

- Supervisor Charlie Barbuti
- Councilman Chris Austin
- Councilman Dean Farrand
- Councilman Maurice Gerry
- Councilman Thomas Hasbrouck

ABSENT:

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

BE IT RESOLVED, that Introductory Local Law No. 3 of 2012, "A Local Law to Amend the Zoning Law to Add "Cemeteries" as a Special Use in the R-1 (Low density residential) District" is hereby introduced before the Town Board of the Town of Liberty; and

BE IT FURTHER RESOLVED, that copies of the aforesaid Introductory Local Law have been laid upon the desk of each member of the Town Board of the Town of Liberty; 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 6:55 p.m., prevailing time, on July 16, 2012; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Liberty publish or cause to be published a public notice in the *Sullivan County Democrat*, of said public hearing at least five (5) days prior to such hearing.

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

| | AYE | NAY | ABSENT |
|------------------------------------|-----|-----|--------|
| Supervisor Charlie Barbuti Voting | X | | |
| Councilman Chris Austin Voting | X | | |
| Councilman Dean Farrand Voting | X | | |
| Councilman Maurice Gerry Voting | X | | |
| Councilman Thomas Hasbrouck Voting | X | | |

The resolution was thereupon declared duly adopted.

RESOLUTION NO 147-12

JOINT FUEL BID SET

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby set the Joint Fuel Bid for 8/16/2012 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, NY.

5 AYES - Carried

RESOLUTION NO 148-12

APPROVAL OF TOWING LICENSES

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve of (2) towing licenses for Kevin Zieres.

5 AYES - CARRIED

RESOLUTION NO 149-12

APPOINTMENT OF CARPIO RAMOS TO PARK & REC BOARD

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck** the Town Board, upon the recommendation of the Parks & Recreation Board, does hereby appoint Carpio Ramos to the Park & Recreation Board for a term expiring on 12/31/2016.

5 AYES - CARRIED

RESOLUTION NO 150-12

STANDARD WORK DAY AND REPORTING RESOLUTION RS 2417-A

BE IT RESOLVED, that the Town of Liberty, location code 30357 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of the body:

| Title | Name | Social Security Number (last 4 digits) | Registration Number | Standard Work Day (Hrs/Day) | Term Begins/Ends | Participates in Employers Time Keeping System (Y/N) | Days/Month (based on Record of Activities) | Not Submitted (Check box if no record of activities completed) |
|-------|------|--|---------------------|-----------------------------|------------------|---|--|--|
|-------|------|--|---------------------|-----------------------------|------------------|---|--|--|

| | | | | | | | | or timekeeping system) |
|----------------------------|-------------------|------|----------|---|---------------------|---|----|---------------------------|
| Elected Officials | | | | | | | | |
| Councilperson | Thomas Hasbrouck | 6209 | 35658012 | 6 | 1/1/2012-12/31/2015 | N | 6 | X |
| Town Clerk | Laurie Dutcher | 0998 | 38651410 | 6 | 1/1/2012-12/31/2015 | N | 20 | |
| Justice | Brian Rourke | 9196 | 36956662 | 6 | 1/1/2012-12/31/2015 | N | 6 | X |
| Highway Superintendent | Timothy Pellam | 1948 | 34309385 | 6 | 1/1/2010-12/31/2013 | N | 20 | |
| Appointed Officials | | | | | | | | |
| Attorney for the Town | Walter Garigliano | 1207 | 34370247 | 6 | 1/1/2012-12/31/2012 | N | 6 | |
| Dog Control Officer | Joanne Gerow | 1137 | 41130410 | 6 | 1/1/2012-12/31/2012 | N | 20 | |

5 AYES - CARRIED

RESOLUTION NO 151-12

APPROVAL FOR HIGHWAY DEPT. TO RENT MOWER

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand** the Town Board does authorize the rental of a mower by the Highway Dept. at a cost of \$6,000.

5 AYES - CARRIED

BOARD DISCUSSION

Councilperson Chris Austin

- Letter to the editor was very well written
- Thanked Matt DeWitt for the use of the White Sulphur Springs Firehouse
- Would be willing to work w/ Legislator Cindy Geiger to form a work group regarding mandate relief.

Councilperson Dean Farrand

- Retaining wall is collapsing we need to get someone to look at it.
- The Ag & Farmland Protection Committee will be meeting for the 3rd time on Wed.
- Thank you also for the use of the WSS Firehouse
- Thank you Legislator Cindy Geiger for attending so many meetings

Councilperson Thomas Hasbrouck

- Advised they are shooting a movie in downtown Parksville.

Councilperson Maurice Gerry

- Presented (2) Eagle Scouts with plaques at the Methodist Church. It was a very moving ceremony.
- Offered his best wishes to Cindy Geiger's brother and family.

Supervisor Charlie Barbuti

- Walked the Hanofee Park trail and said it looked beautiful
- Waiting for report from Barton and Loguidice regarding the air quality at P&R
- Would like to write grant for Town Hall and need to outline the scope of work that needs to be done. (Had Joe Irace come and look at the building)
- Albert having some conflict with I&I study
- Personnel negotiations mtg. on 6/26/12 at 6:00 p.m.

ADJOURN

Motion by Councilperson Chris Austin, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourns the meeting at 8:40 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk