

**TOWN BOARD OF THE TOWN OF LIBERTY**  
**DEPARTMENT HEAD MEETING**  
July 12, 2010

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:

Supervisor John Schmidt  
Councilperson Chris Austin  
Councilperson Maurice Gerry

Absent:  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian

Recording Secretary:  
Town Clerk Laurie Dutcher

Also present:  
Deputy Highway Superintendent John Lennon  
Water & Sewer Supervisor Albert Picard  
Code Enforcement Officer Mark VanEtten  
Assessor Kathy Sprague  
Budget Coordinator Cheryl Gerow  
CDC Director Heinrich Strauch

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

**CORRESPONDENCE**

Delaney Group

Matthew Palmer attended the meeting as requested by the Board to make sure that the noise variance issued by the Town, was not creating a disturbance to the residents. No one on the Board had received any complaints. The Delaney Group was advised to attend the 7/19/2010 mtg. to consider another 30 day extension of the noise ordinance.

**RECOGNIZE DEPARTMENT HEADS**

**Assessor**

- Getting a lot of census workers in the office looking for information because of being supplied w/ inaccurate information.
- Business as usual

**Highway Superintendent**

- Received Chips \$\$

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- Doing some paving
- Lenape Lake Rd. Bridge repair going good
- Will be digging up the waterline at the Barn on 7/14/10
- Business as usual

Supervisor Schmidt asked Deputy Lennon for an updated list of roads that were due to be paved.

Attorney Klein advised that the Deed had been filed for Sol & Dave Lane and that the Town now owns it and are responsible for its maintenance. Mr. Klein also advised that the bond would now have to be returned.

**Water & Sewer**

- Old Monticello Rd. & Station Hill Rd. are done
- Lightning Rod protection is done
- Thought there was a bullet hole in the Ferndale tank turned out to be just a hole in the gasket material. Stacy repaired the hole.
- Swan Lake Sewer plant is falling apart.
- Roth Well is pumping 480 gals at its best
- Stevensville 350 gals
- Using approx 1 million gals per day
- Have had a lot of overtime
- Would like to purchase new truck if the 30 day waiting period is over
- Business as usual

**CEO**

- 15 Building permits issued
- 17 CO's issued
- 17 Inspections
- 11 complaints
- No work has been done at the Charles Jones property

**Park & Rec.**

- Filled Day camp. Camp is going Well. Adam Lake and his camp staff are doing a great job.
- Swim lessons going well w/ many of the lower levels being full. Only a few spots in the upper levels left. Lessons started on June 28<sup>th</sup> and are also going well.
- The pool is up and running. The kiddy pool had some damage due to frost over the winter. Some of the blocks on the top had heaved. Patched as best as they could for now. The pool has been very busy this summer due to the high temperatures.
- Linda Mullen held the Washington D.C. trip in June. Everyone had a great time.
- Held the Car/Tractor/Motorcycle show at the July 4<sup>th</sup> parade. Had a great turn out with 35 cars, 8 tractors and 7 motorcycles. Worked out good on South Main Street because of the additional room. Would like to thank Mark VanEtten for helping out with the show.
- In the process of back filling the bathrooms at Walnut and hope to pour the floor w/ the help of Chuck Young (from the Civil War re-enactment) next week.

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- Person holding the triathlon at Hanofee Park had to cancel due to low registration.
- Held the annual Children's Fishing Derby on 7/10 had only 12 children show most likely due to weather.

**DCO**

- Mileage 1201
- Calls 73
- Dogs @ kennel 6
- Dog bites 5

**Town Clerk/Tax Collector**

- Received quote for dog enumeration came in at \$2,839 to mail 8,233 fold over postcards. Feel that this is a lot of money and would suggest just putting some ads in the newspaper and hopefully people would come in to license the dogs.
- Would also like to hold a Town sponsored rabies clinic in the near future.
- Received notification from the NYSDOT lowering the speed limit on Loomis Rd. to 35 mph.

**Finance Director**

- Advised the Board that he contacted the other auditors that he had originally sent proposals to and they advised him that they didn't have enough staff until after tax season.

**RESOLUTION NO. 177-10**

*COOPER & NIEMAN APPROVED AS AUDITORS FOR THE 2010 AUDIT*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby hire Cooper & Nieman to do the independent audit for 2010 at a fee not to exceed \$17,000 and renewable in 2011 for \$17,500 and 2012 for \$18,000 if the board so chooses.

3 AYES - Carried

2 Absent – Councilpersons Hasbrouck & Killian

**RESOLUTION NO. 178-10**

*BID AWARDED FOR CUTLER RD. CULVERT REPLACEMENT PROJECT*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby award the bid for the Cutler Rd. Culvert Replacement Project to Gary Myers in the amount of \$55,327.90

3 AYES - Carried

2 Absent – Councilpersons Hasbrouck & Killian

**RESOLUTION NO. 179-10**

**CHARLES & PAMELA JONES UNSAFE BUILDING  
RESOLUTION MAKING CERTAIN FINDINGS AND 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 21st day of December, 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	✓	
Councilperson, Maurice Gerry	✓	
Councilperson, Thomas Hasbrouck		✓
Councilperson, Chris Austin	✓	
Councilperson, Lynn Killian		✓

The following resolution was introduced by Councilperson, Chris Austin who moved for its adoption, and seconded by Councilperson, Maurice Gerry, 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; and

WHEREAS, on November 25, 2009, the Town of Liberty Code Enforcement Officer inspected the premises located at 160 Sunset Lake Road, which premises are identified on the tax map of the Town of Liberty as Section 30, Block 1, Lot 103 ("Premises") and rendered a Report of Inspection, dated December 11, 2009, which report concluded that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public and such building(s) and/or structure(s) should be removed; and

WHEREAS, by Resolution No.: 237-09 of the year 2009, the Town Board of the Town of Liberty considered such Report of Inspection and ordered that (i) Mark VanEtten, Code Enforcement Officer of the Town of Liberty serve a Notice of Unsafe Building as provided in Sections 64-7 and 64-8 of Chapter 64 of the Code of the Town of Liberty upon the owner(s) 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 ("Notice"); and (ii) a hearing be scheduled to consider evidence related to the removal of such building(s) and/or structure(s) if such removal is not commenced within thirty (30) days from the date of the Notice; and

WHEREAS, the Notice was served on the owner(s) of the Premises and those having an interest in the Premises and the owner(s) of the Premises failed to remove the dangerous and/or unsafe building(s) and/or structure(s) on the Premises commencing within thirty (30) days from the date of service of the Notice and the entire sixty (60) days within which the owner(s) of the Premises must comply under Chapter 64 of the Code of the Town of Liberty has elapsed; and

WHEREAS, the hearing was held on this date at June 21, 2010 at 7:00 p.m. at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York to determine if the order dated December 21, 2009 shall be affirmed, modified or vacated; and

WHEREAS, Mark VanEtten, Code Enforcement Officer of the Town of Liberty appeared in support of the application and Charles Jones having defaulted; and after due deliberation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the order of the Town Board of the Town of Liberty of December 21, 2009 is hereby affirmed; and, be it further

RESOLVED, that, if such order is affirmed, then said dangerous and unsafe building(s) and/or structure(s) shall be removed from the Premises and all costs and expenses incurred by the Town of Liberty in connection with the proceedings to remove or secure such dangerous and unsafe building(s) and/or structure(s), including the actual cost of repairing or removing such building(s) and/or structure(s) shall be assessed upon the Premises and such assessment shall be assessed on the next town assessment roll as an additional tax to the regular tax assessment against such property and the same shall be levied and collected in the same manner as the regular town tax; and, be it further

RESOLVED, that Mark VanEtten, Code Enforcement Officer of the Town of Liberty, be, and hereby is, authorized to advertise for bids for the removal of the said dangerous and/or unsafe building(s) and/or structure(s) on the Premises; and, be it further

RESOLVED, that this resolution shall take effect immediately.

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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	√	
Councilperson, Maurice Gerry	Voting	√	
Councilperson, Thomas Hasbrouck	Voting	Absent	
Councilperson, Christopher Austin	Voting	√	
Councilperson, Lynn Killian	Voting	Absent	

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 180-10**

*BID DATE SET FOR DEMOLITION AND REMOVAL OF UNSAFE BUILDING(S) CHARLES & PAMELA JONES 160 SUNSET LAKE RD. SBL# 30.-1-103*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby set a bid date of 7/29/2010 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, for the demolition and removal of unsafe building(s) located at 160 Sunset Lake Rd. Liberty, SBL #30.-1-103.

3 AYES - Carried

2 Absent – Councilpersons Hasbrouck & Killian

Part Time Guard for court sessions- TABLED

**RESOLUTION NO. 181-10**

*AUTHORIZE AND DIRECT TOWN ATTORNEY TO DRAW UP LOCAL LAW FOR THE RETIREMENT INCENTIVE PLAN*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby authorize and direct the Town Attorney to draw up a local law for the 2010 retirement incentive plan.

3 AYES - Carried

2 Absent – Councilpersons Hasbrouck & Killian

**BOARD DISCUSSION**

**Councilperson Chris Austin**

- Wanted to know if anyone heard anything else about Cornell Co-operative Extension moving to Bethel.

No one heard anything and think that it was just a rumor.

**Award of concrete slab for fuel tanks @ Highway Dept.**

Councilperson Austin made a motion to accept the low bid as submitted by Dubas, but withdrew that bid after discussion regarding new DEC regulations as to an ansel system and roof requirements advising that we should clarify the rules with the DEC before awarding the bid.

**RESOLUTION NO. 182-10**

*APPROVAL OF STIPULATION OF SETTLEMENT FOR MILLPOND MANAGEMENT SBL# 36-1-81.2*

The following motion was offered by Councilperson Maurice Gerry, who moved its adoption, and seconded by Councilperson Chris Austin, to wit:

**WHEREAS**, Millpond Management, Inc. ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2009 with respect to a parcel owned by it located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Bleakey Platt & Schmidt, LLC, Hugh D. Fyfe, Esq., of counsel; and

**WHEREAS**, following negotiations among the parties 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 Petitioner's complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, and Kathy Sprague, Sole Assessor of the Town, be, and they hereby are authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, 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 the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor John Schmidt voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Lynn Killian voting	ABSENT
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 183-10**

*APPROVAL OF STIPULATION OF SETTLEMENT FOR ARON SULEYMANOV SBL# 118-1-25*

The following motion was offered by Councilperson Maurice Gerry, who moved its adoption, and seconded by Councilperson Christopher Austin, to wit:

**WHEREAS**, Aron Suleymanov ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2009 with respect to a parcel owned by it located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Bruce Perlmutter, Esq.; and

**WHEREAS**, following negotiations among the parties 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 Petitioner's complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, and Kathy Sprague, Sole Assessor of the Town, be, and they hereby are authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, 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 the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor John Schmidt voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Lynn Killian voting	ABSENT
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 184-10**

APPROVAL OF STIPULATION OF SETTLEMENT GABRIEL SULEYMANOV SBL# 111-1-27

The following motion was offered by Councilperson Maurice Gerry, who moved its adoption, and seconded by Councilperson Chris Austin, to wit:

**WHEREAS**, Gabriel Suleymanov ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a

real property assessment for the year 2009 with respect to a parcel owned by it located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Bruce Perlmutter, Esq.; and

**WHEREAS**, following negotiations among the parties 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 Petitioner's complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, and Kathy Sprague, Sole Assessor of the Town, be, and they hereby are authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, 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 the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor John Schmidt voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Lynn Killian voting	ABSENT
Councilperson Chris Austin voting	ABSENT

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 185-10**

*APPROVAL OF STIPULATION OF SETTLEMENT FOR AMERICAN INDUSTRIAL GROUP, INC. SBL# 102-1-3*

The following motion was offered by Councilperson Maurice Gerry, who moved its adoption, and seconded by Councilperson Chris Austin to wit:

**WHEREAS**, American Industrial Group, Inc. ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2008 with respect to a parcel owned by it located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Kalter, Kaplan, Zeiger & Forman, Esqs., Jay L. Zeiger, Esq. of counsel; and

**WHEREAS**, following negotiations among the parties 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 Petitioner's complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, and Kathy Sprague, Sole Assessor of the Town, be, and they hereby are authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, 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 the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor John Schmidt voting

AYE

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Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Lynn Killian voting	ABSENT
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

ADJOURN

On a motion by Maurice Gerry, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 5:00 p.m.