

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
July 15, 2013 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on July 15, 2013 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Recording Secretary: Deputy Town Clerk Sara Sprague

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budgeting & Acct. Coordinator Cheryl Gerow
CEO Mark VanEtten
Mary Heinle
Russell Reeves
Brian McPhillips
Corky Chanov
Fritz Meyer
Joan Kittridge
Lou Klugman
Luis Alvarez
Louie Petraglia
Akira Ohio
Paul Savad
Douglas Yaun

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

RECOGNIZE THE PUBLIC

Luis Alvarez spoke regarding new parking ticket forms for the Sheriff's Department. Mr. Alvarez explained that the new forms would be easier to use and would make giving the tickets much quicker and more efficient. To use the new forms the codes on the tickets would have to be changed with the Town Attorney. Mr. Alvarez also suggested checking with the State Troopers to see which forms they are using. Supervisor Barbuti and the Town Board thought this was a good idea and they would check into it and also check into the fee schedule. Supervisor Barbuti also stated that he would check with the court regarding the printing of the forms.

Louis Petraglia spoke regarding the placement of a statue on the corner of the Town of Liberty

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property. Mr. Petraglia stated that he promotes the free movies in the park. He supports team skate and now he would like to support young local art. Each piece of art would be showcased for a 3 or 4 month period then changed. This particular piece of art is a 14 ft. statue that a local artist named Zach Shavrick made and would like to have put on the corner piece of property at the Town Hall of the Town of Liberty. Mr. Petraglia took a poll of 91 people and received 85 yes and 6 no votes. Akiro Ohiso, who opened the Green Door in Liberty, also spoke on behalf of local art. He strongly hopes the Board would consider putting the piece up. The Town Board states their only concern would be the liability. Mr. Petraglia stated he will speak to their insurance company and he is also going to have a camera on the statue. Supervisor Barbuti is also having Budget Coordinating Officer Gerow check with the Town's insurance company regarding the placement of the statue. Councilperson Gerry does not think the spot that was chosen is good for the statue due to the traffic slowing to look at it. He thinks a better place would be in the Creekside Park area. Mr. Petraglia states that it would be a nice place there but for a first project he would like to monitor the project closer. Supervisor Barbuti states that he will get back to Mr. Petraglia regarding the project.

Ann Hart wanted to state that she supports local art and would like to see the statue put up.

Kathy Abraman states that she also supports local artists. This is our way of keeping children here.

Allison Ruef states that supporting local art also supports Liberty. It also supports Liberty graduates. Seeing art starts conversations with people and makes people want to join in their community.

CORRESPONDENCE

1. Memo from the Finance Dept. regarding the 2014 Tentative Budget Calendar
2. A letter from the Catskill Watershed regarding available funding under the Community Redevelopment Zone Program.
3. A letter from the NYS DOT regarding small urban area boundaries.
4. A letter from the Sullivan County Division #1 Public Hearing set for July 18, 2013 at 4:20 p.m. at the Sullivan County Government Center.

RESOLUTION NO

APPROVAL OF AUDIT

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

- July, 2013 Abstract:
Claims #1166 to #1371 totaling \$502,325.08
- June, 2013 Post Abstract:
Claims #1133 to #1165 totaling \$265,858.82

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- General Ledger Abstract:
Claims #189 to #222 totaling \$209,320.79

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 7/2013
- Monthly report of revenue & expense summary as of 6/30/13

4 AYES - Carried
Councilperson Austin-Absent

DISCUSSION ITEMS

1. Loomis Wastewater Treatment Plant grant status report **CARRYOVER**
(Phase One--Waiting for consent order. Attorney Klein speaking with DEC attorney to inform them of delay in building)

2. WSS Water **CARRYOVER**
(Grant survey done. Terry Kelly sent bill.)

3. Summer Camps-Zoning language **CARRYOVER**
(Need Timetable)

4. Proposed changes to the Town of Liberty Zoning charts 7/1/13 **CARRYOVER**
Supervisor Barbuti drafted the following chart:

Proposed changes to Town of Liberty zoning charts 7/1/13

In our SC zone:

Principal uses, add:

- Restaurants and Taverns*
- Dwelling, Single Family
- Dwelling, Two Family
- Dwelling, Owner occupied second story
- Dwelling, non-owner occupied second story*
- Other Retail and service establishments involving less than 7500 sq. ft. (moved from special use and raised square footage from 5000 to 7500)
- Convenience retail establishments less than 7500 sq. ft. (moved from special use and raised square footage from 5000 to 7500)

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Special Uses, add:

Dwelling, multiple (with some limit as to number of units, not yet determined)

In RD zone

Principal permitted use add: Dwelling, Two family

In AC zone

Principal permitted use add: Dwelling, Two Family

Agreed to lower minimum lot size to 5 acres. There was some discussion how we could reduce it further, if certain conditions were met.

In IC Zone

Principal permitted use add: (I think we need to review the whole IC again as some other specials uses could be moved over to principal permitted uses or we should put these in special uses also building supply business is a principal use and lumber yards are special uses???? Neither is defined.

Restaurants and tavern*

Restaurants, Fast food

Hotels and motels

Convenience retail less than 7500 sq. ft.

Special use add dwelling, single family.

*Need definition / clarification

Some other things discussed, but I don't remember if they were resolved:

Private School?

(Checking into definitions going to ask Dan Shuster)

5. Parksville Main Street 30 mph speed limit

CARRYOVER

(Highway Department putting sign up on Main Street)

6. Sunset per 2011 zoning applications/approvals

CARRYOVER

(Councilperson Farrand will look at the list of people that had pending site plan approvals in 2010 with the planning board. Any applicant that has a pending site plan application in front of the planning board since 2010 has until December 31, 2014 to apply for their formal site plan approval. Attorney Klein will write up language to this effect and bring it back to the Town Board.)

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Thomas Hasbrouck, 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 \$500.00 for administrative services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

4 AYES - Carried

Councilperson Austin-Absent

RESOLUTION NO

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APPROVAL OF VOUCHER FOR KELLY ENGINEERING, PC

Motion by Councilperson Thomas Hasbrouck seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering, PC in the amount of \$625.00 for engineering services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING, PC

Motion by Councilperson Thomas Hasbrouck seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering, PC in the amount of \$8,275.00 for engineering services for the WSS Water District Project.

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

SET JOINT FUEL BID for 8/8/2013

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby set the Joint Fuel Bid for August 8, 201 at 11:00 a.m. at the Town Clerks Office 120 N. Main St. Liberty, NY 12754.

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

APPROVAL OF THE STIPULATION OF SETTLEMENT FOR WILLIAM AND ROBERT KRUG

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

WHEREAS, William R. Krug and Robert C. Krug, as Heirs at Law and Beneficiaries under the Last Will and Testament of Nora Krug, deceased ("Petitioners"), have served and

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filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2012 with respect to a parcel owned by them 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 Petitioners have appeared in the aforesaid proceedings by Stoloff & Silver, LLP, Richard A. Stoloff, 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 Petitioners' 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 attorneys of record for the Petitioners, 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, be, and he hereby is 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.

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

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

The resolution was thereupon declared duly adopted.

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

APPROVAL OF THE INTER-MUNICIPAL AGREEMENT BETWEEN THE COUNTY OF SULLIVAN AND THE TOWN OF LIBERTY FOR DOG CONTROL SERVICES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the Inter-Municipal Agreement between the County and the Town of Liberty for Dog Control Services.

**INTERMUNICIPAL
AGREEMENT BETWEEN
THE COUNTY OF SULLIVAN
and
TOWN OF LIBERTY (Accommodations for
dogs that come within the custody of the
Sheriff's Office following an arrest of the owner
or caretaker of said dog)**

AGREEMENT made as of the 1st day of January, 2013, by and between the County of Sullivan, having an address of 100 North Street, P.O. Box 5012, Monticello, NY, 12701 ("County") and the Town of Liberty, having an address of 120 North Main Street, Liberty, NY, 12754 ("Town").

WHEREAS, the Town and County ("Parties") are authorized pursuant to Article 5G of the General Municipal Law to enter into an Inter-municipal Agreement, and

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WHEREAS, pursuant to §373 of the Agriculture and Markets Law, the Sullivan County Sheriff (“Sheriff”) has certain collateral issues in connection with arrests made within the County, and

WHEREAS, the Town has the resources to provide for the housing of dogs under situations where the Sheriff ultimately takes possession and control over a dog incident to the arrest of its owner or caretaker, and

WHEREAS, the Town has offered to provide the County with a viable alternative for the proper accommodation at a reasonable and customary cost for dogs in the care/custody of the County incident to the arrest of its owner or caretaker.

NOW, THEREFORE, in consideration of the foregoing mutual promises and covenants hereinafter set forth, it is agreed as follows:

1. The Town currently has a Dog Control Officer (“DCO”) which has all of the power and authority afforded to DCOs by the Agriculture and Markets Law and the respective local laws and ordinances of the Town within its jurisdiction. The County shall authorize the Town through its DCO to respond to calls made by the Sheriff’s Office on a per diem basis for the purpose of housing said dogs following an arrest of the owner or caretaker thereof.
2. Said DCO shall perform such services, respond to calls on a per diem basis only at the request of the Sheriff or his designee, transport said dogs from the location of the call to a holding facility, subject to availability of space, within the Town and board said dogs, provide for veterinary care in the event of an emergency, through final disposition of the dogs through adoption, euthanasia, or surrender of dogs to an approved facility.

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3. The County shall be solely responsible, at its own cost and expense, with respect to any and all proceedings contemplated pursuant to Agricultural and Markets Law §373(6) and the Town and its DCO have no obligations in connection therewith by reason of this Agreement.
4. For purposes of this Agreement, the Town's DCO shall take direction from and report only to the Sheriff or his designee with respect to such services. The Town's DCO shall only be required to respond to emergency calls at the request of the Sheriff or his designee.
5. The Town's DCO shall be required, for purposes of this Agreement, to maintain a record of his or her activities on behalf of the County upon a form or document setting forth: a) the date and time on which each call/service was performed; b) a description of the call/service performed and by whom; c) the location(s) where the call/service was performed; and d) roundtrip mileage incurred for each call/service. Within five days of the final disposition of the case, the Town shall provide to the County a copy of the aforementioned record of activities made by the Town DCO for services rendered to the County under this agreement, including a completed County Voucher to be considered a final Invoice for the services rendered.
6. The following is a schedule of services to be provided by the Town and fees paid by the County:
 - (a) Call rate – calls responded to on a per diem basis shall have a flat fee of \$75.00 per call plus mileage reimbursement based upon the prevailing IRS rate.
 - (b) Transportation – dogs will be transferred from location of the call on initial visit by the DCO to a holding facility, up to the capacity of the responding vehicle, for mileage only. Additional transportation, in the event more than one trip is necessary, from location to the holding facility will be provided at \$50.00 per load plus mileage.
 - (c) Boarding – dogs shall be boarded at a rate of \$15.00 per day or \$300.00 per month.
 - (d) Veterinary Care – charges for necessary veterinary care are the sole responsibility of the County. Veterinary care will be at the discretion of the DCO and/or holding facility, only in the event of an emergency. All other veterinary care will require prior approval from the County prior to treatment.
 - (e) Final Disposition – final disposition of dogs will be provided through adoption, euthanasia or surrender of the dog to an approved facility. The County will be responsible for any applicable expenses.

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7. The Town shall, at its own expense, maintain in full force and effect during the term of this Agreement policies providing at least the following insurance coverage's:

<u>Type of Coverage</u>	<u>Limits of Coverage</u>
Workers' Compensation and Disability Benefits	Statutory
Employer's Liability or similar insurance	\$1,000,000 each occurrence
Automobile Liability (owned and non-owned)	\$1,000,000 aggregate \$1,000,000 each occurrence
Bodily Injury Property Damage	
Commercial General Liability, including broad form contractual liability, products/completed operations, bodily injury, and property damage	\$2,000,000 aggregate \$1,000,000 each occurrence
Professional Liability (if commercially available for your profession)	\$1,000,000 aggregate \$1,000,000 each claim

Such policies are to be in the broadest form available on usual commercial terms and shall be written by insurers of recognized financial standing satisfactory to the County who has been fully informed as to the nature of the services to be performed. Except for Workers' Compensation and professional liability, the County shall be an additional insured on all such policies with the understanding that any obligations imposed upon the insured (including, without limitation, the liability to pay premiums) shall be the sole obligations of the Town and not those of the County. The Town irrevocably waives all claims against the County for all losses, damages, claims or expenses resulting from risks commercially insurable under the insurance described in this paragraph 7. The provision of insurance by the Town shall not in any way limit the Town's liability under this Agreement. The Town shall attach to this Agreement, certificates of insurance evidencing the Town's compliance with these requirements. HOWEVER, the provision of a certificate of insurance is not sufficient. The Town must provide an endorsement to the policy showing that the County is actually insured together with a copy of the policy declarations page.

Each policy of insurance shall contain clauses to the effect that (i) such insurance shall be primary without right of contribution of any other insurance carried by or on behalf of the County with respect to its interests, (ii) it shall not be cancelled,

including, without limitation, for non-payment of premium, or materially amended, without 30 days' prior written notice to the County, directed to the County's Director of Risk Management and Insurance, and the County shall have the option to pay any necessary premiums to keep such insurance in effect and charge the cost back to the Town.

To the extent it is commercially available, each policy of insurance shall be provided on an "occurrence" basis. If any insurance is not so commercially available on an "occurrence" basis, it shall be provided on a "claims made" basis, and all such "claims made" policies shall provide that:

A. Policy retroactive dates coincide with or precede the Town's start of the performance of the services (including subsequent policies purchased as renewals or replacements);

B. The Town will maintain similar insurance for at least 6 years following final acceptance of the services;

C. If the insurance is terminated for any reason, the Town agrees to purchase an unlimited extended reporting provision to report claims arising from the services performed for the County; and

D. Immediate notice shall be given to the County through the County's Director of Risk Management and Insurance of circumstances or incidents that might give rise to future claims with respect to the services performed under this Agreement.

E. The Town shall obtain replacement insurance within thirty days, in the absence of which the Town shall be in breach of this Agreement.

8. The term of this Agreement shall be for two years commencing January 1, 2013 and terminating December 31, 2014. Notwithstanding the foregoing, either municipality shall have the right to terminate this Agreement with or without cause upon thirty (30) days' notice.

Neither party may assign, transfer, convey, sublet, or otherwise dispose of this Agreement, or of their respective right and/or obligations hereunder to any other person, corporation, municipality, or entity without the prior written consent of the other.

9. This Agreement may not be modified, amended, changed or waived, in whole or in part except by writing, duly authorized and executed by both Parties. No waiver of any term or provision of this Agreement shall in any way effect any

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other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include same.

10. This Agreement constitutes the understanding between the Parties. All prior discussions, negotiations, or Agreements, if any, are merged herein and shall not separately survive.

The Parties agree to comply with the foregoing obligations and acknowledge their consent to same as indicated by the signatures below. This Agreement is authorized by Resolution No. 184-13 adopted by the Sullivan County Legislature on April 18, 2013 and Resolution No. adopted by the Town of Liberty Board of Trustees on July 15, 2013.

4 AYES - Carried
Councilperson Austin-Absent

PRESENT:

Hon. Charlie Barbuti, Supervisor
Chris Austin, Boardmember - Absent
Dean Farrand, Boardmember
Maurice Gerry, Boardmember
Thomas Hasbrouck, Boardmember

In the Matter
of 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: Dean Farrand

Seconded by: Thomas Hasbrouck

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

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

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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, 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; and

WHEREAS, on June 17, 2013 the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on July 15, 2013 at 6:50 o'clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 15th day of July, 2013 at 6:50 o'clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby

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DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1,321,800, with the expectation that grant funds shall be received and any grant funds are authorized to be used to pay a part of the cost of such project, or to pay debt service related thereto; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$1,321,800 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order after Public Hearing in the office of the Clerk of Sullivan County within ten (10) days after adoption thereof.

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

Supervisor Charlie Barbuti

voting-Yes

Boardmember Chris Austin

voting-Absent

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Boardmember Dean Farrand	voting-Yes
Boardmember Maurice Gerry	voting-Yes
Boardmember Thomas Hasbrouck	voting-Yes

The Resolution and Order were declared adopted.

4-AYES – Carried

Councilperson Austin-Absent

INCREASE BUILDING VIOLATION FEES, Look at the fees. The fees haven't been changed since 2009. CEO VanEtten will look into this.

PAUL SAVAD appeared before the Town Board and explained the Residential Subdivision. He explained that he would like his application grandfathered in or change the zoning back to the way it was. He is asking for the Town Boards help. Below is a letter he wrote to the Town Board:

July 3, 2013

Members of the Town Board

Town of Liberty
120 North Main Street
Liberty, New York 12754

Re: White Sulphur Homes Subdivision Application
Owner: Catskills WSR Liberty, LLC
Town of Liberty Sec. 38 Blk 1 Lot 34.12 & 43

Dear Board Members:

This letter is submitted in connection with my appearance at the July 15th Board meeting, as a principal and attorney for Catskills WSR Liberty, LLC owner of the proposed White Sulphur Homes Subdivision. The purpose of my appearance is to request that the Board grandfather the Catskills subdivision application for 31 homes with garages and that the previously scheduled public hearing for Preliminary Approval be rescheduled.

The property consists of 70.54 acres, and is located on White Sulphur Road, approximately 700ft. south of Cutler Road. Its westerly boundary fronts on Cutler Road. The subdivision lot size and layout complied with the ordinance before its recent amendment.

On April 17, 2006, Catskills filed for subdivision approval for 31 residential homes. A public hearing for Preliminary Approval was scheduled to proceed on November 2, 2012.

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Since 2006, I have attended multiple meetings of the Planning Board, Town Board for a recommended zone change, and meetings with Town Planner Thomas Shepstone, and various Town officials.

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Eventually, all concerns regarding the proposed subdivision were addressed after multiple delays.

The DEC approved the project's plan for a package sewer plant and the Town Engineer certified that the subdivision complied with newly adopted Local Law #1 2012 pertaining to private package sewer plants.

The developer has expended the sum of \$926,930.98 to date for the purchase of the property, engineering and related costs. An accounting is annexed.

The Planning Board scheduled a public hearing for Preliminary Approval for November 6, 2012. Attending the meeting was Councilman Dean Farrand, and Supervisor Charlie Barbuti. Just prior to the beginning of the public hearing, Walter Garligliano, Planning Board Attorney, advised all present that he was just informed that the subject property in part was re-zoned from the residential subdivision zone (RS) to the agricultural zone (AC) with a newly adopted ten acre lot size requirement for detached single family dwellings.

Councilman Farrand and Supervisor Barbuti offered at the meeting to assist the developer to obtain relief from the Town rezoning of the property. After a period of time, and submission of various alternatives, I was advised by Councilman Farrand and Supervisor Barbuti after consultation with Ken Klein, Town Attorney, that the Town would consider grandfathering the subdivision because the subdivision application was filed and processed prior to the date of the zone changes.

We respectfully request that the Town Board grandfather this subdivision and permit it to proceed to public hearing for Preliminary Approval.

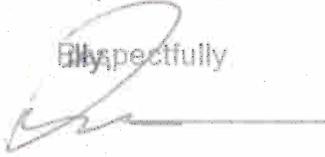
Another similar Catskills residential home application, Lake Marie Subdivision, located on Route 52 is proceeding towards Preliminary Approval. At the request of the Town, the developer agreed to wait three years before proceeding to Preliminary Approval to allow for the Town providing sewer service. The next Planning Board meeting is scheduled for October, 2014.

Catskills is also seeking subdivision approval for 35 homes located on Ulster Heights Road, in the Town of Wawarsing. The proposed subdivision was granted Preliminary Approval in 2009. Thereafter the Town changed the zoning in the area. As the two year period to apply for Final Approval by November, 2011 approached, the Town extended the applicable application time period until November 2013, and again, on June 18, 2013, the Planning Board took the most unusual step of again extending the time to file for Final Approval until November, 2015. The Town of Wawarsing expressed its support for Catskill's residential subdivision for Town residents, and granted the extensions of time to file for Final Approved, based on special circumstances due to the current economic climate (see letter annexed).

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Catskills requests Liberty's support as well.

Respectfully,



RESOLUTION NO

APPROVAL TO FILE AN APPLICATION FOR FUNDS FOR THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR THE TOWN HALL RESTORATION GRANT

Motion by Councilperson Dean Farrand, seconded by Councilperson Thomas Hasbrouck, Charlie Barbuti, as Supervisor of The Town of Liberty, is hereby authorized and directed to file an application for funds for the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Liberty for Town Hall Restoration and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

4 AYES - Carried
Councilperson Austin-Absent

RESOLUTION NO

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town Hall, 120 North Main Street, Liberty, New York, in said Town, on the 15th day of July, 2013 at 7:00 p.m. prevailing time.

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

PRESENT: Supervisor Charles Barbuti
Councilperson Dean Farrand
Councilperson Thomas Hasbrouck

Councilperson Maurice Gerry

ABSENT: Councilperson Chris Austin

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

BE IT RESOLVED, that introductory Local Law No.3 of the Year 2013 entitled “A local law amending Section 147-30 of the Zoning Law of the Town of Liberty, Sullivan County, New York” is hereby introduced before the Town Board of the Town of Liberty, Sullivan County, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; 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 3:50 p.m., prevailing time, on August 5, 2013; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines the said local law to be a Type II action pursuant to §617.5(c) (20) and (27) of the regulations promulgated under the State Environmental Quality Review Act; and

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

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

Supervisor Charlie Barbuti	voting	Yes
Councilperson Maurice Gerry	voting	Yes

Councilperson Thomas Hasbrouck	voting	Yes
Councilperson Dean Farrand	voting	Yes
Councilperson Chris Austin	voting	Absent

The resolution was thereupon declared duly adopted.

4 Ayes – Carried

Councilperson Austin-Absent

BOARD DISCUSSION

Councilperson Dean Farrand

- Farmland Committee – There is no Chairperson and this needs to be addressed as soon as possible. There has not been a meeting in two months.
- Need to sit down with Supervisor Barbuti and the Zoning Regulations Committee. Supervisor Barbuti states that he will get in touch with them. There has not been a meeting with them in two months.

Councilperson Thomas Hasbrouck

- Nothing to report

Councilperson Maurice Gerry

- 14ft Christmas Trees were put up opposite the entrance to Granite Associates and they look very nice.

Supervisor Charlie Barbuti

- Nancy Levine would like to thank CEO Mark VanEtten for all his help in Swan Lake.
- After checking into how the Town of Fallsburg has been cleaning up their Main Street, I feel it would not work for the Town of Liberty.
- There are not enough No Parking signs in Parksville and the ones that are there are not readable. Going to talk to Highway Superintendent Pellam regarding this.
- At the August 5, 2013 Department Head Meeting we are going to be looking at the Zoning Map, just want everyone to be prepared.
- The Jazz Concert that was held Sunday July 7, 2013 in Parksville was a very good.
- For the next meeting we need to know the time frame for the Weitzman Junkyard which they are taking over from Zalkin. We need to look at the site and know how much cash they are posting. Zalkin's will still own the property.
- Did the 239 review come back for the Stevensville Hotel zoning change, if not has it been thirty days since it was sent in. We will need this information for the next meeting.

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck the Town Board of the Town of Liberty does hereby go into executive session at 8:25 p.m. to discuss possible litigation.

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck the Town Board of the Town of Liberty came out of executive session at 8:56 p.m.

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board does hereby adjourn the meeting at 8:58 p.m.

Respectfully submitted,
Sara Sprague, Deputy Town Clerk