

TOWN BOARD OF THE TOWN OF LIBERTY  
**REGULAR MONTHLY MEETING**  
July 16, 2012

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held at 7:00 p.m. at, 108 Somewhere in Time Lane, Parksville, 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  
Deputy Town Clerk Sara Sprague  
Budget Accounting Coordinator Cheryl Gerow  
Timothy Kelly  
Anne Hart  
Jon Sutherland  
Justine Sutherland  
Justin Sutherland  
Sean Zigmund  
Tom Caltabellota  
Wes Illing  
Jodi Lieberman  
Doug Yaun

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

**CORRESPONDENCE**

**PLANNING & ZONING BOARD MINUTES**

Planning Board	5/5/2012
Planning Board	6/19/12

**RECOGNIZE THE PUBLIC**

**Sean Zigmund**

Mr. Zigmund advised the Board that the Building Dept. had received (3) complaints regarding him. He stated that he was growing food, does not make any noise and he does not farm with machines. Mr. Zigmund stated he felt that farming was a positive thing not a negative thing. He also advised that when he was told about the 75 ft. setback he was not offered any guidance from the Code Enforcement Officer.

Mr. Zigmund said that he works a full time job during the day and farms at night and he feels like the Town is working against him.

### **Jodi Fiddle-Lieberman**

Advised the Board that due to the decisions of the Town Board and the NYSDOT the business that her father built 49 years ago is down 50% and it is deeply upsetting.

### **Tom Caltabellota**

Mr. Caltabellota said that you would need to stand on a car to even see Parksville.

### **Wes Illing**

Mr. Illing stated that the blasting company did not follow procedure. Much of the testing was done nine months after the blasting. They were known as "thugs" to many residents. Damage was done mostly to piers in the range of \$5,000-\$20,000.

## **RESOLUTION NO**

### *APPROVAL OF AUDIT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin**, the Town Board approved the following:

- July, 2012 Abstract:  
**Claims # 1189 to # 1403 totaling \$624,736.00**
- Post, June, 2012 Abstract:  
**Claims # 1166to # 1188 totaling \$250,131.77**
- June, 2012, General Ledger Abstract:  
**Claims # 167 to # 209 totaling \$244,182.87**

5 AYES - Carried

## **RESOLUTION NO**

*APPROVAL OF MINUTES*

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

- Regular Monthly Mtg. 6/18/2012

5 AYES - Carried

**RESOLUTION NO**

*ACCEPTANCE OF MONTHLY REPORTS*

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

- Town Clerk's Monthly Report 6/2012
- Monthly report of Revenue & Expense summary as of 6/30/2012

5 AYES - Carried

**OLD BUSINESS**

**NEW BUSINESS**

*PRESENTATION OF THE 2013 BUDGET CALENDAR*

July 20, 2012	Budget Request Forms given to Department Heads
August 3, 2012	Budget Request Forms completed and returned
August 10, 2012	Budget Requests entered in computer and first draft of budget run
August 24, 2012	Budget Officer prepares Tentative Budget
September 4, 2012	Tentative Budget filed with the Town Clerk and submitted to Town Board
September 17, 2012	Town Board reviews and sets up schedule to meet with Department Heads make necessary changes
October 15, 2012	Public Hearing on Budget

October 15, 2012          Adopt the 2013 Budget

**RESOLUTION NO 170-12**

*NEGATIVE DECLARATION FOR REPAVING PARKING LOT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for SEQR for the repaving of the parking lots on North Main Street; and

BE IT FURTHER RESOLVED: that the project has been determined to be an unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Quality Review Act: and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept the Short Assessment Environmental Form and the findings contained therein, as prepared by the Town Engineer and does hereby approve a Negative Declaration.

5 AYES - CARRIED

5 AYES - CARRIED

**RESOLUTION NO 170-12**

*NEGATIVE DECLARATION FOR REPLACEMENT OF DAMAGED HEADWALL*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for SEQR for the replacement of the damaged headwall under Town Highway #3; and

BE IT FURTHER RESOLVED: that the project has been determined to be an unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Quality Review Act: and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept the Short Assessment Environmental Form and the findings contained therein, as prepared by the Town Engineer and does hereby approve a Negative Declaration.

5 AYES - CARRIED

**RESOLUTION NO 170-12**

*NEGATIVE DECLARATION FOR TOWN HALL RESTORATION*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for SEQR for the restoration of Town Hall; and

BE IT FURTHER RESOLVED: that the project has been determined to be an unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Quality Review Act: and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept the Short Assessment Environmental Form and the findings contained therein, as prepared by the Town Supervisor and does hereby approve a Negative Declaration.

5 AYES - CARRIED

**RESOLUTION NO 170-12**

*NEGATIVE DECLARATION FOR INTRODUCTORY LOCAL LAW #1 OF 2012 "REGULATION OF OFF-SITE (CENTRAL) SEWAGE TREATMENT SYSTEMS"*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for SEQR for the amendment to the Zoning Law entitled "Regulation of off-site (central) sewage treatment systems"; and

BE IT FURTHER RESOLVED: that the project has been determined to be an unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Quality Review Act: and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept the Short Assessment Environmental Form and the findings contained therein, as prepared by the Town Attorney and does hereby approve a Negative Declaration.

5 AYES - CARRIED

**RESOLUTION NO 170-12**

*NEGATIVE DECLARATION FOR INTRODUCTORY LOCAL LAW #1 OF 2012 "REGULATION OF OFF-SITE (CENTRAL) SEWAGE TREATMENT SYSTEMS"*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for SEQR for the amendment to the Zoning Law entitled "Regulation of off-site (central) sewage treatment systems"; and

BE IT FURTHER RESOLVED: that the project has been determined to be an unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Quality Review Act: and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept the Short Assessment Environmental Form and the findings contained therein, as prepared by the Town Attorney and does hereby approve a Negative Declaration.

5 AYES - CARRIED

#### **RESOLUTION NO**

*ADOPTION OF INTRODUCTORY LOCAL LAW #1 OF 2012 AS LOCAL LAW 1 OF 2012 "REGULATION OF OFF-SITE (CENTRAL) SEWAGE TREATMENT SYSTEMS"*

**Motion by Councilperson Maurice Gerry**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby adopt Introductory Local Law #1 of 2012 as Local Law #1 of 2012. Said local law adds a new §147-20(M) to the Town of Liberty Zoning Law to provide for review and approval of proposed privately operated off-site (central) sewage treatment systems to ensure that the cost of operation and maintenance thereof shall be reasonable and that adequate security is put in place to guarantee financial performance.

5 AYES - CARRIED

*CONSIDER ADOPTION OF INTRODUCTORY LOCAL LAW #2 OF 2012 "A LOCAL LAW TO AMEND THE ZONING LAW TO AUTHORIZE THE PLANNING BOARD TO WAIVE SITE PLAN REVIEW REQUIREMENTS"*

***TABLED (AWAITING 239 REVIEW FROM COUNTY)***

*CONSIDER ADOPTION OF INTRODUCTORY LOCAL LAW #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"*

***TABLED (AWAITING 239 REVIEW FROM COUNTY)***

#### **RESOLUTION NO**

*REQUEST FOR LOWER SPEED LIMIT ON PARKSVILLE RD.*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby request with the submittal of a completed TE-9 that the County of Sullivan Department of Public Works request the State of New York Department of Transportation to establish a 35 mile per hour speed limit on Parksville Rd., Town Rd. #

5 AYES - CARRIED

**BOARD DISCUSSION**

Councilperson Chris Austin

- Advised the Board of a proposed "Law Enforcement Commission" He said they need to take a real good look at it because the rumor is they would like to get rid of the road patrol.
- Advised that there would be a 2nd "Mandate Relief Mtg." on 7/25/12 at the Senior Center.
- Thank Dr. & Mrs. Sutherland for allowing us to hold a meeting at the Yoga Center and also wished them a Happy Anniversary.

Councilperson Dean Farrand

- Wanted to also thank Dr. & Mrs. Sutherland for the use of the Yoga Center for the meeting.
- Advised that the Zoning Regulations Committee had met (3) times now.

Councilperson Thomas Hasbrouck

- Nothing to report

Councilperson Maurice Gerry

- Nothing to report

Supervisor Charlie Barbuti

- Nothing to report

ADJOURN

Motion by Councilperson Chris Austin, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourns the meeting at 8:39 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk