

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
July 20, 2009**

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

Supervisor John Schmidt
Councilperson Lynn Killian
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck

Absent: Councilperson Clarence Barber

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Highway Superintendent Timothy Pellam
Deputy Highway Superintendent John Lennon
Code Enforcement Officer Mark VanEtten
Senior Account Clerk Cheryl Gerow
Deputy Town Clerk Sara Sprague

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

David Fanslau Sullivan County Manager

**Solid Waste Management
Summary of Findings and Public Policy Recommendations**

Findings & Recommendations

The Sullivan County Solid Waste System should:

1. be self-sufficient, with no subsidy from the County's General Fund;
2. generate adequate revenue to cover all expenses, including existing and new debt service, capping and closing costs, and capital and operating costs; and
3. consist of a revenue system in which all users of the solid waste system pay for the system.
4. comply with the County Charter and "Green Visioning Resolution" to incorporate an advanced process to reduce the amount of solid waste to be land-filled.

Findings and Recommendation

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1. A new revenue model should be developed via the addition of a local law to the County Code establishing a user fee required of all real property parcels, including properties exempt from ad valorem taxation, with the potential to generate solid waste.
2. Categories should be established for different types of residential and commercial development to ensure a fair distribution of the cost.
3. There will be a need for regulations to support the County's existing mandatory recycling law and the amount of solid waste acceptable within the established user fee.
4. **The user fee would replace existing tipping fees.**

Determining Commercial User Fees

1. To ensure a fair distribution of the cost of the solid waste system, user fees for commercial properties will be based partially on the size of the building, and partially on the type of business and associated waste generation category.
2. The size of the building will be based upon the total square footage as indicated in tax assessment data.
3. The waste generation categories will be established based upon recommendations from an outside consultant responding to the County's RFP: "Classification and Categorization of All Real Property Parcels for User Fees for Solid Waste System."

Findings and Recommendations

- The Administrative Code of the County should be amended to create a separate Division of Solid Waste and Recycling, along with a Commissioner level position to manage the operations of the Solid Waste System. This Division would act independently of DPW.
- A disposal district should be created and maintained in the new Division to oversee the collection of user fees and enforcement of solid waste regulations, such as the mandatory recycling law and established weekly limits on solid waste disposal.
- Implementation of these initiatives should take place no later than 1/11/10.
- In the future, the County may wish to explore the creation of a collection and disposal district to provide full-service solid waste and recycling services throughout the County.
- The Division of Solid Waste and Recycling would oversee contracts providing for the weekly collection of solid waste and recyclables from each parcel in the County that is subject to user fees.
- This option will only be explored after the disposal district and user fee have proven efficient, and will only be implemented if it is determined to provide a financial benefit to County residents.
- The Solid Waste System should be inclusive of a green component, not just land filling or straight exportation.
- The Legislature should explore the possibility of constructing and operating an advanced composting facility to process waste currently being land filled. This facility could reduce the County's waste burden by 1/3, turning organic waste into a useful material that can be used for a variety of applications including soil remediation and landscaping.

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- The coupling of an advanced co-composting facility with aggressive recycling and improvements to the existing Material Recovery Center (MRF) could reduce the County's waste stream by 70%.
- Establishment of a public policy will require the Legislature to deliberate and debate whether fiscal considerations or the long-term control of an asset is in the best interest of the County.
- Exportation would be fiscally less expensive and costs would be known or projected for approximately 15 years, while Phase II would provide a long term asset (40 to 100 years, depending on the County's ability to divert waste from the landfill).
- Whether the Legislature opts for Phase II or exportation, it is highly recommended that an advanced co-composting facility and/or other material recovery system be incorporated into an exportation model.
- If the Sullivan County Legislature does not adopt a progressive solid waste public policy, partially based upon the recommendations provided, then they should prepare for the devolution of the solid waste system in its entirety. The DEC permit for Phase I expires in April 2010.
- The County has an existing debt service for the current solid waste system, which is scheduled to be paid off in 2022. This debt service requires an annual payment of \$4.5 million.
- With no solid waste system to generate revenues, the \$4.5 million would have to be paid through the general fund, resulting in a 9.6% property tax increase.

Next Steps

- Adopt progressive solid waste public policy.
- Begin process to incorporate assets associated with adopted policy.
- Develop new user fee model and local law.
- Develop Disposal District local law that incorporates user fee model.
- Design enforcement of aggressive recycling and user fee system
- Discourage C & D waste from the County's solid waste system. Encourage utilization of other private sector facilities.

Pat Lubin

Advised the Board of the formation of a Neighborhood Watch for Old Loomis Rd, Frankie Lane, Loomis Rd., Scheibe Rd., MT Morris Rd. and Wood Ave. Mrs. Lubin advised that they had two meetings with large turnouts. The 3 main concerns are (1) A dwelling on Old Loomis Rd. (2) Traffic (3) Litter/Garbage.

Discussion followed regarding the speed limit on Old Loomis Rd.

PUBLIC PARTICIPATION

Mary Heinle

Mrs. Heinle advised that she cannot believe that according to the DEC report that they found no violations. She has given up on everything. She is disgusted.

COMPREHENSIVE PLAN UPDATE

Councilperson Lynn Killian will choose a committee.

CORRESPONDENCE

1. Copies of CDC agenda, minutes and financials.
2. 2010 Town of Liberty Budget Calendar.
3. A memo from Finance Director Earl Bertsch regarding the appraisal of the Loomis properties.
4. Copy of a letter from the NYSDEC regarding Water Quality Improvement Projects.
5. Copy of an e-mail from the Department of State regarding grant opportunities.
6. Copies of e-mails from Patrick Kelly to the CDC.
7. Copy of an e-mail sent to Zoning Board Chairman Tom Sprague from Zoning Board secretary Nancy Saucier regarding the new Zoning Board member and the Zoning class scheduled for 7/21.

RESOLUTION NO. -09

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board approved the following:

- July, 2009 Abstract:
Claims #1208 to #1464 totaling \$389,793.27
- Post June, 2009 Abstract:
Claims #1191 to #1207 totaling \$157,132.02

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

APPROVAL OF MINUTES

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

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- 6/15/2009 Regular Monthly Mtg.
- 7/6/2009 Dept. Head Mtg.

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

APPROVAL OF MONTHLY REPORTS

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

- Town Clerk's 6/2009 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 6/30/2009
- Supervisor's 5/2009 & 6/2009 Report

4 AYES - Carried
Councilperson Clarence Barber - Absent

OLD BUSINESS:

1. Discussion regarding logging permits.
2. Fuel accountability policy
3. Sale of Loomis property
4. Code Enforcement issues

RESOLUTION NO. -09

INCREASE RETURN CHECK FEE

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board does hereby increase the return check fee to \$20.00.

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

APPROVAL TO HIRE CONTRACTOR TO BRACE TOWN HALL FRONT PORCH

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby give approval to hire Doug Mootz, at a cost of \$500, to brace the front porch on Town Hall.

4 AYES - Carried
Councilperson Clarence Barber - Absent

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RESOLUTION NO. -09

*KELLY ENGINEERING TO LOOK AT BUILDING LOCATED AT 32 STANTON CORNERS RD,
SWAN LAKE*

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby authorize Kelly Engineering to look at the Old "Black Bear" Building located at 32 Stanton Corners Rd., in Swan Lake.

4 AYES - Carried
Councilperson Clarence Barber – Absent

BOARD DISCUSSION

Supervisor John Schmidt

Supervisor Schmidt advised that he had received the Air Quality report and it will be discussed at the next meeting.

Supervisor Schmidt also advised that he had received a quote from Kelly Masonry regarding replacing 3 steps and acid washing the stone wall and this will also be discussed at the next meeting.

Councilperson Lynn Killian

Councilperson Killian again wanted to know when the meeting for the "Bad Boys (CEO violations) was going to be scheduled. She advised that she has been asking since February and she feels that this should be a top priority of the Board.

Would like the Board to do a letter of support to the County for the recommendation of establishing a user fee as opposed to existing tipping fees for Solid Waste.

Councilperson Thomas Hasbrouck

Councilperson Hasbrouck advised that Parksville study was here and everyone should have a copy.

Councilperson Maurice Gerry

Councilperson Gerry advised that by putting the ad in the paper looking for candidates interested in serving on the Zoning Board of Appeals brought some very good candidates and that this should be something that is done all the time.

RESOLUTION NO. -09

EXECUTIVE SESSION

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Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby go into Executive Session to discuss possible litigation.

4 AYES - Carried
Councilperson Clarence Barber - Absent

RESOLUTION NO. -09

OUT OF EXECUTIVE SESSION

MOTION by **Councilperson Maurice Gerry**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby come out of Executive Session at 8:20 p.m.

4 AYES - Carried
Councilperson Clarence Barber – Absent

On a motion by Councilperson Maurice Gerry, seconded by Lynn Killian the Town Board adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk