

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
July 21, 2008**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on July 21, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

Present: Supervisor John Schmidt
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch
Town Attorney Kenneth Klein
Code Enforcement Officer Mark VanEtten
Deputy Town Clerk Sara Sprague

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

Town Clerk Laurie Dutcher submitted the following correspondence to the Town Board:

CORRESPONDENCE:

1. Copy of letter sent to Jay Zeiger from the Supervisor on behalf of the Town Board regarding the Kaufman subdivision.
2. Copies of Village minutes: 5/28/08 & 6/11/2008.
3. A letter advising the Town that the Village of Liberty Planning Board shall be the lead agency for all environmental reviews for Liberty Commons.

RESOLUTION NO. -08

APPROVAL OF AUDIT

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** to authorize the payment of bills as follows:

REGULAR MONTHLY MEETING
July 21, 2008 Continued

- July, 2008 Abstract:
Claims #1297 to #1579 totaling \$704,282.09
- Post June, 2008 Abstract:
Claims #1275 to #1296 totaling \$139,464.60

**5 AYES
CARRIED**

RESOLUTION NO. -08

APPROVAL OF MINUTES

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Clarence Barber** to approve the following minutes as submitted:

6/16/2008	Regular Monthly Mtg.
7/7/2008	Department Head Meeting
7/9/2008	Joint Public Hearing

**5 AYES
CARRIED**

RESOLUTION NO. -08

ACCEPTANCE OF MONTHLY REPORTS

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** to accept the following monthly reports as follows:

- Town Clerk's Monthly Report June 2008
- Revenue & Expense Summary June 2008
- Supervisor's Report April 2008
- Supervisor's Report May 2008

**5 AYES
CARRIED**

COMPREHENSIVE PLAN UPDATE:

Copies of plan were picked up by Supervisor Schmidt and will be distributed by Councilperson Killian.

OLD BUSINESS

Discussion regarding logging permits: Carryover

Inter-municipal agreement regarding Code Enforcement with the Village of Liberty: The Board gave conceptual approval. Attorney Klein will get in touch with Attorney Silver to see if the Village has reviewed the agreement.

Zoning change for Stephen Poley: Attorney Klein advised that there may be a second parcel involved and that he is working on this.

Consider water line for Kaufman subdivision: Letter was sent by Supervisor Schmidt on behalf of the Town Board to Jay Zeiger, advising that the Town Board had decided to remain with the original proposal. Attorney Zeiger advised that they had just received the letter and did not have a chance to speak w/ there client yet. Carryover

Sewer, water and zoning change for Green Hills.

RESOLUTION NO. -08

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON AUGUST 18, 2008

IN THE MATTER OF THE PROPOSED EXTENSION OF THE ROUTE 55 WATER DISTRICT, IN THE TOWN OF LIBERTY, SULLIVAN COUNTY, NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN LAW

PRESENT:

John Schmidt,	Supervisor
Clarence Barber,	Councilman
Maurice Gerry,	Councilman
Thomas Hasbrouck,	Councilman
Lynn P. Killian,	Councilwoman

Offered by: Councilperson Lynn Killian

Seconded by: Councilperson Thomas Hasbrouck

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town Board" and the "Town", respectively), in the County of Sullivan, New York, has caused Wasson Engineering, competent engineers duly licensed by the State of New York, to prepare a map, plan and report of a proposed extension of the

REGULAR MONTHLY MEETING
July 21, 2008 Continued

Route 55 Water District, in the Town (herein called the "Extension" and the "District", respectively), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Extension of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been reviewed by the Town Board and filed in the office of the Town Clerk; and

WHEREAS, the Town Board of the Town has determined to proceed with the proposed Extension of the District; and

WHEREAS, the proposed Extension is bounded and described as follows:

[Insert Description of the District]

REGULAR MONTHLY MEETING
July 21, 2008 Continued

WHEREAS, the extension to the District will be accomplished at no cost to the Extension, the District, the Town or a Typical Property (as defined in the Town Law) therein, but the costs of the operation, maintenance and improvements to the District, as extended, shall be assessed, levied and collected from the several lots and parcels of land within the District, as extended, in the same manner and at the same time as other Town charges; Now, therefore, it is hereby

DETERMINED AND STATED that the estimated cost of hook-up fees is \$400.00 and the estimated cost of the District to the Typical Property (as defined in the Town Law) is \$225.00; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed, and further that the cost of the District to such Typical Property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the Comptroller of the State of New York; and it is hereby

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall in the Town, on the 18th day of August, 2008, at 6:50 o'clock P.M. (Prevailing Time), to consider the proposed Extension of the District as described herein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and it is hereby

FURTHER ORDERED, that the Town Clerk publish at least once in the "SULLIVAN COUNTY DEMOCRAT," a newspaper having a general circulation in the Town and hereby designated the official newspaper of the Town, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid; and it is hereby

FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Comptroller of the State of New York on or about the date of the publication of a copy of this Order.

**5 AYES
CARRIED**

RESOLUTION NO. -08

**ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON
AUGUST 18, 2008**

**PROPOSED EXTENSION OF THE SWAN LAKE SEWER DISTRICT,
IN THE TOWN OF LIBERTY, SULLIVAN COUNTY, NEW YORK,
PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

PRESENT:

John Schmidt,	Supervisor
Clarence Barber,	Councilman
Maurice Gerry,	Councilman
Thomas Hasbrouck,	Councilman
Lynn P. Killian,	Councilwoman

REGULAR MONTHLY MEETING
July 21, 2008 Continued

Offered by: Councilperson Lynn Killian
Seconded by: Councilperson Thomas Hasbrouck

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town Board" and the "Town", respectively), in the County of Sullivan, New York, has caused Wasson Engineering, competent engineers duly licensed by the State of New York, to prepare a map, plan and report of a proposed extension of the Swan Lake Sewer District, in the Town (herein called the "Extension" and the "District", respectively), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has given due consideration to the impact that the Extension of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been reviewed by the Town Board and filed in the office of the Town Clerk; and

WHEREAS, the Town Board of the Town has determined to proceed with the proposed Extension of the District; and

WHEREAS, the proposed Extension is bounded and described as follows:

[Insert Description of the District]

DRAFT

REGULAR MONTHLY MEETING
July 21, 2008 Continued

WHEREAS, the extension to the District will be accomplished at no cost to the Extension, the District, the Town or a Typical Property (as defined in the Town Law) therein, but the costs of the operation, maintenance and improvements to the District, as extended, shall be assessed, levied and collected from the several lots and parcels of land within the District, as extended, in the same manner and at the same time as other Town charges; Now, therefore, it is hereby

DETERMINED AND STATED that the estimated cost of hook-up fees is \$15.00 plus labor and materials and the estimated cost of the District to the Typical Property (as defined in the Town Law) is \$630.00; and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed, and further that the cost of the District to such Typical Property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the Comptroller of the State of New York; and it is hereby

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall in the Town, on the 18th day of August, 2008, at 6:55 o'clock P.M. (Prevailing Time), to consider the proposed Extension of the District as described herein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and it is hereby

FURTHER ORDERED, that the Town Clerk publish at least once in the "SULLIVAN COUNTY DEMOCRAT," a newspaper having a general circulation in the Town and hereby designated the official newspaper of the Town, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid; and it is hereby

FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Comptroller of the State of New York on or about the date of the publication of a copy of this Order.

**5 AYES
CARRIED**

Legal action against Ironic: Carryover

RESOLUTION NO. -08

***ACCEPTABLE TRAINING FOR PLANNING BOARD AND ZONING BOARD
OF APPEALS MEMBERS***

Offered by: Councilperson Thomas Hasbrouck

Seconded by: Councilperson Lynn Killian

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS, the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, BE IT

RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation and;
- 2) The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and it sections, and the Metro New York Chapter of the American Planning Association and its sections; and
- 3) The Catskill Center for Conservation and Development, and Hudson Valley regional Council; and

REGULAR MONTHLY MEETING
July 21, 2008 Continued

- 4) The Sullivan County Division of Planning and Environmental Management; Sullivan County Division of Public Works; and Sullivan County Soil and Water Conservation district; and
- 5) The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension units; and
- 6) On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy;

AND LET IT FURTHER BE

RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and be it further

RESOLVED, that any new member appointed to fill the last months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be if further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further

RESOLVED, that the Secretary of the Department of Planning and Zoning shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointing authority prior to considering a member for reappointment.

**5 AYES
CARRIED**

RESOLUTION NO. -08

FUEL ACCOUNTABILITY POLICY - TABLED

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** the Town Board does hereby table adoption of the Fuel Accountability Policy.

**5 AYES
CARRIED**

Update on Senior Citizen roof repair: Waiting for insurance certificate from Ellis Woodworking.

Sidewalks in Swan Lake: Carryover

RESOLUTION NO. -08

EXTEND LIMITED PRIVATE SEWAGE TREATMENT PLANT MORATORIUM FOR (3) THREE MONTHS

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

PRESENT: Supervisor John Schmidt
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

ABSENT:

REGULAR MONTHLY MEETING
July 21, 2008 Continued

The following resolution was introduced by Councilperson Lynn Killian, who moved its adoption, and seconded by Councilperson Maurice Gerry, to wit:

WHEREAS, on January 22, 2008, the Town Board duly adopted Local Law No. One (1) of the year 2008 imposing the "Town of Liberty Limited Private Sewage Treatment Plant Moratorium" ("the Moratorium") for the purpose of protecting the public health, safety and welfare by restricting the development of non-Publicly Owned Sewage Treatment Works, commonly known and referred to as "Package Plants," within the Town of Liberty for a limited period of time in order to prevent the unregulated development thereof pending revision of the Town's Zoning Law and/or Subdivision Regulations and/or Sewer Use Regulations to address and regulate the development, use and operation of such non-Publicly Owned Sewage Treatment Works in the Town of Liberty; and

WHEREAS, the Moratorium, by its terms, is effective for an initial period of six (6) months measured from the dated of its adoption, with the Town Board having the authority thereunder to extend the Moratorium for up to two (2) additional periods not exceeding three (3) months each by resolution of the Town Board upon a finding of necessity for such extension; and

WHEREAS, the Supervisor, Deputy Supervisor, Attorney for the Town and the Assistant Town Attorney have met with the Town's planning consultant for the purpose of developing an outline of the basis for the drafting of regulations governing the development of Package Plants within the Town of Liberty; and

WHEREAS, the Town's planning consultant is in the process of drafting a set of proposed regulations for consideration by the Town Board, which draft is not yet completed but is anticipated to be completed shortly; and

WHEREAS, in the absence of an extension of the Moratorium, it will expire before such draft regulations are presented to the Town Board for consideration and, if deemed acceptable, implementation, which could result in rendering such regulations ineffective and their purpose defeated as the result of approval, in the interim, of developments utilizing Package Plants.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds and determines that a necessity exists for extension of the Moratorium for a period of three (3) months in order to afford the Town's planning consultant an opportunity to complete and present to the Town Board proposed regulations and to enable the Town Board an opportunity to consider and, if deemed appropriate, implement the same without the Moratorium lapsing and such prospective regulations being rendered ineffective and their purpose being defeated as the result of approval in the interim of developments utilizing Package Plants; and be it further

RESOLVED, that the Town Board does, in accordance with the provisions of §5 of the Moratorium, hereby extend the Moratorium for an additional period of three (3) months.

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

REGULAR MONTHLY MEETING
July 21, 2008 Continued

Supervisor John Schmidt voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Lynn Killian voting	AYE
Councilperson Clarence Barber voting	AYE

The resolution was thereupon declared duly adopted.

**5 AYES
CARRIED**

Consider annexation request of the premises of Herman Laufer, situated at 160 Sullivan Avenue and identified as tax map parcel 29-3-7.2 to the Village:
Carryover 8/4/08 will have Order and Resolution

RESOLUTION NO. -08

ANASTASIS ANNEXATION REQUEST - TABLED

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** the Town Board does hereby table annexation request by Dennis J. Anastasis.

**5 AYES
CARRIED**

NEW BUSINESS

RESOLUTION NO. -08

APPOINTMENT OF KAREN DOTY TO THE PARK & REC BOARD

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby appoint Karen Doty to the Park & Recreation Board for a term ending 12/31/2011 to fill the unexpired term of Maria Torres.

**5 AYES
CARRIED**

RESOLUTION NO. -08

APPROVAL OF ESTIMATE TO STRIP & WAX FLOORS AT HIGHWAY DEPT.

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Clarence Barber** the Town Board does hereby accept the estimate of \$725 given by Bill Prince to strip & wax floors at the Highway Dept.

**5 AYES
CARRIED**

RESOLUTION NO. -08

RESOLUTION "ADDRESSING ROAD IMPACTS RELATIVE TO NATURAL GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION OF MINERAL, OIL, AND GAS RESOURCES; REQUESTING HOMERULE AUTHORITY FROM THE STATE OF NEW YORK ON IMPLEMENTING ROAD ASSESSMENT FEES, PERFORMANCE BONDS, AND REQUIRING STEEL TANK STORAGE OF FRACING MATERIAL PER WELL SITE TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE TOWN"

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve following resolution:

WHEREAS, the Town of Liberty is located in Marcellus Shale Field Basin; and

WHEREAS, the Marcellus Shale is a deep, fine grained sedimentary rock deposited by a shallow sea and that such Shale is a porous rock that contains hydrocarbons but has practically no permeability; and

WHEREAS, due to technological advances and energy related issues, the exploration and production of natural gas in the Marcellus Shale Gas Field has become economically feasible in the recent past; and

WHEREAS, oil and natural gas operations include the clearing and leveling of a site, the construction of access roads, potential digging of reserve pits and impacts upon the water supply; and

WHEREAS, well stimulation, which is the process of creating or enlarging existing pores to allow gas to more readily reach the producing well, and hydraulic fracturing ("fracing"), associated therewith, includes the use of a fracturing fluid, high pressure, and proppants such as sand; and

WHEREAS, drilling and fracing usually involves the use of heavy equipment, including large trucks and related equipment, and often excessive amounts of noise, light, and potential damage to public roads and streets; and

REGULAR MONTHLY MEETING
July 21, 2008 Continued

WHEREAS, oil and natural gas exploration and operations are exempt from the Federal Clean Air Act, Federal Clean Water Act, Safe Drinking Water Act (SDWA) and exempt from local planning and zoning review under the NYS Environmental Conservation Law, Section New York Environmental Conservation Law (ECL) Section 23-0303; and

WHEREAS, the Environmental Conservation Law, Section New York Environmental conservation Law (ECL) Section 23-0303, preempts towns from regulating land use of Gas and Oil Mining in NYS except over local roads or the rights of local governments under the real property tax law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LIBERTY APPROVES THAT ACTION MUST BE TAKEN TO ADDRESS IMPACTS OF THE HEALTH, SAFETY, AND WELFARE TO THE TOWN:

BE IT FURTHER RESOLVED, that the Town will engage in a road assessment study of impacts related to heavy truck traffic with the assistance of the Sullivan County Division of Planning and Environmental Management; and

BE IT FURTHER RESOLVED that because gas companies are privileged to be exempt from federal clean air and water acts, federal safe drinking act, and further exempt from local review that a road assessment study will focus on truck traffic related to gas operations as specified under Section New York Environmental Conservation Law (ECL) Section 23-0303; and

BE IT FURTHER RESOLVED that as the Town pursues a road assessment study in preparation for potential gas drilling that the Town, in conjunction with the Supervisors Association, requests our NYS Assembly and Senate representatives to offer legislation, and/or sponsor a local law, to allow the Town more Home Rule discretion in implementing the results of the road assessment study to collect impact fees, performance bonds prior to the DEC issuing a permit to gas drilling companies; and

BE IT FURTHER RESOLVED that additional Home Rule authority is necessary to ensure that the tax burden is not increased or passed on to the residents of the Town due to impacts of the gas industry as it relates to impacts on infrastructure; and

BE IT FURTHER RESOLVED that additional Home Rule authority is necessary to require that fracing material be stored in steel tanks per well site to insure the health, safety, and welfare of town residents from flooding and natural disasters which are becoming more frequent in Sullivan County; and

BE IT FURTHER RESOLVED that the certified copy of this resolution be filed with the New York State Department of State, Office of the Assembly, Office of the NYS Senate, and the Governor's Office to convey that necessary action is needed to update New York Environmental conservation Law (ECL) Section 23-0303 to allow for more local influence in protecting the health, safety, and welfare of town residents.

**5 AYES
CARRIED**

RESOLUTION NO. -08

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT W/ LEWIS & GREER, P.C. IN REGARD TO THE SWAN LAKE DAM EMERGENCY ACTION PLAN

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby authorize the Supervisor to sign agreement with Lewis & Greer, P.C. in the matter of supervision of the preparation of the Swan Lake Dam emergency action plan, subject to the agreement of the Town of Bethel and Tony Murolo and that all money is put up ahead of time.

**5 AYES
CARRIED**

RESOLUTION NO. -08

APPROVAL TO REPLACE TRANSFER SWITCH FOR THE SWAN LAKE WASTEWATER TREATMENT FACILITY STANDBY GENERATOR

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby give approval to the Water & Sewer Department to order a replacement transfer switch for the Swan Lake Wastewater Treatment Facility standby generator at a cost of \$5,666 without installation which is reimbursable by the insurance company.

**5 AYES
CARRIED**

RESOLUTION NO. -08

ADOPTION OF THE 2009 BUDGET CALENDAR

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby adopt the following 2009 Budget Calendar:

- 7/21/2008 Budget request forms given to Department Heads
- 8/18/2008 Budget request forms completed and returned
- 8/25/2008 Budget requests entered in computer & first draft of budget run
- 9/3/2008 Budget Officer prepares Tentative Budget
- 9/10/2008 Tentative Budget filed with Town Clerk
- 9/15/2008 Town Clerk submits Tentative Budget to Town Board
- 10/6/2008 Town Board reviews and makes changes as required (date to be set if work session needed)
- 10/20/2008 Public hearing on Budget
- 10/20/2008 Adoption of the 2009 Budget

**5 AYES
CARRIED**

RESOLUTION NO. -08

E 911 ELIMINATE STACY LANE RENAME ENTIRE ROAD BROOKVIEW DRIVE

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Lynn Killian** the Town Board does hereby eliminate Stacy Lane and rename entire road Brookview Drive.

**5 AYES
CARRIED**

RESOLUTION NO. -08

RESOLUTION ESTABLISHING MINIMUM TIME AN ELECTED OR APPOINTED OFFICIAL MUST WORK FOR THE PURPOSE OF DETERMINING DAYS WORKED REPORTABLE TO THE NYS AND LOCAL EMPLOYEE'S RETIREMENT SYSTEM

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Thomas Hasbrouck**

BE IT RESOLVED, that the Town Board of the Town of Liberty be and hereby establishes the minimum time as a standard workday for elected and appointed

officials for the purpose of determining days worked reportable to the New York State and Local Employee's Retirement System:

ALL ELECTED OFFICIALS

Supervisor
Councilperson
Town Clerk
Town Justices
Superintendent of Highways

Five day work week; six hour day

ALL APPOINTED OFFICIALS

Members of Board of Zoning
Members of Board of Planning
Attorney for the Town of Liberty
Dog Control Officer

Five day work week, six hour day

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. -08

APPOINTMENT OF HEINRICH STRAUCH TO THE FARMLAND PROTECTION COMMITTEE

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber** the Town Board does hereby appoint Heinrich Strauch to the Farmland Protection Committee.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. 08

APPROVAL TO MOVE TOWN SIGN TO RIGHT SIDE FOR BETTER VISIBILITY

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Clarence Barber** the Town Board does hereby give its approval to move the Town sign on the left of the front lawn to the right front side for better visibility.

**5 AYES
CARRIED**

RESOLUTION NO. -08

CONGRAGULATORY RESOLUTION IN RECOGNITION OF PHILLIP ERIC SIMS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve the following resolution:

WHEREAS, Philip Eric Sims is a Swan Lake resident; and

WHEREAS, Phillip is a graduate of the Liberty Central High School class of 2008; and

WHEREAS, Phillip has been an active and exemplary member of the Cub Scouts and Boy Scouts since 1995; and

WHEREAS, Phillip has successfully completed the requirements necessary for Eagle Scout designation; and

WHEREAS, on July 26, 2008 Phillip was awarded the highest honor to be bestowed upon a Boy Scout, that of an Eagle Scout;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Liberty recognizes the significance of the Eagle Scout Honor; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Liberty urge all our residents to join Phillip's parents, his friends and associates in the Boy Scouts and other friends and family members in congratulating Phillip on his impressive accomplishment in being awarded the honor of Eagle Scout.

**5 AYES
CARRIED**

RESOLUTION NO. -08

MILEAGE RATE INCREASED TO 58.5 CENTS

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby approves the mileage reimbursement rate increase to 58.5 cents per mile as per IRS guidelines.

**5 AYES
CARRIED**

RESOLUTION NO. -08

EXECUTIVE SESSION

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** that the Town Board does hereby go into Executive Session at 8:35 p.m. to discuss personnel salaries and possible litigation.

**5 AYES
CARRIED**

RESOLUTION NO. -08

OUT OF EXECUTIVE SESSION

MOTION by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** that the Town Board does hereby come out of Executive Session at 8:55 p.m.

**5 AYES
CARRIED**

RESOLUTION NO. -08

TOWN BOARD TO PROCEED W/ LEGAL ACTION AGAINST ROBERT RISING

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize and direct Attorney Klein to proceed with legal proceedings in Supreme Court against Robert Rising, SBL 22.-3-2 located at 7 Cold Spring Rd., Liberty.

**5 AYES
ALL IN FAVOR - CARRIED**

RESOLUTION NO. -08

TOWN BOARD TO HIRE CHERYL McCAUSLAND AS SPECIAL COUNSEL TO HANDLE MENDERIS APPEAL

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby authorize the hiring of Cheryl McCausland at a fee of \$200 per hour, capped at \$8,000, as Special Council to handle the Menderis Appeal

REGULAR MONTHLY MEETING
July 21, 2008 Continued

**5 AYES
CARRIED**

Adjourn

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board adjourned the meeting at 8:56 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk

DRAFT