

TOWN BOARD OF THE TOWN OF LIBERTY
DEPARTMENT HEAD MEETING
August 6, 2012

At the Dept. Head Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor 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
Budget & Accounting Coordinator Cheryl Gerow
Water & Sewer Supervisor Albert Picard
Deputy Highway Superintendent Kevin Austin
Assessor Kathy Sprague
Park & Recreation Director Brian Scardefield
Code Enforcement Officer Mark VanEtten
CDC Director Heinrich Strauch
Sara Sprague Deputy Town Clerk
Matthew DeWitt

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

CORRESPONDENCE

1. A copy of a letter sent by Albert Picard to Jean Perrault regarding a shut off water line on his property.

RECOGNIZE DEPARTMENT HEADS (Reports as submitted by Dept. Heads)

Assessor

Ongoing and working on:

911 data-base update
Pictures
Exemptions; driving license updates, etc.

Destroying/updating files
Working 2013 assessment roll

New:

Receiving notices of Art 7's and small claims. I'll give a report on the cases next month. All should be filed by August 10th.

Mailing out enhanced STAR renewals

Doing general office business

Information:

- Will be reviewing the zoning change for open space and 10 ac; received a map from the County – now verifying the parcel information; will be speaking with Mark in the near future regarding the changes

Requests an Executive Session

Water & Sewer

Lots of Lightning storms. July 26, Storm damage to Loomis water and Sherwood wells. Minor repairs required have been made. The storm on 7/29, Swan Lake was without electric for 12 hours. I had 2 men working, pumping pump stations with tanker. The portable generator was also used in Ferndale pump station and Loomis sewer. Swan Lake WWTF ran on generator for 12 hours.

85 Ferndale Loomis Rd. Temporary water line is feeding the property from the fire hydrant.

The paving project on Route 55 is done.

Trouble with W.S.S.well #2. Layne Christiansen was here to make repairs on pump issues and a leak in piping with the well.

Leak on old Rt 17 by Camp Shane was repaired with the help of the highway dept.

Working on budgets for next year.

Small leak at Rt. 55 storage tank may be able to fix without draining tank.

Leak on Jade Lane

Bleeder in White Sulphur has been turned off.

Highway Superintendent

Mine inspector was at gravel bank, only received 3 minor violations all of which have been corrected.

Still waiting on FEMA money from August 2011

Paved Lenape Lake Road, 2.5 miles

All dirt roads have been graded

Patching

Mowing of the sides of the roads has been completed

New trailer came in

Cleaned up from storm damage (washouts, trees down) from the heavy thunderstorms

Getting Wade Road ready to be paved, weather permitting

Fixing shoulders of road on Twin Bridge Road

New cleaner at highway department started

CEO

For the month of July 2012 we had the following activity:

Building Permits **29**

Building Permits Closed **11**

Complaints **19**

Complaints Closed **4**

Planning Board new applications **3**

Planning Board approved applications **2**

Zoning Board new applications **1**

Zoning Board approved application **0**

Paramount Hotel may be doing demolition. Will let Board know more next month.

Sent a denial letter to Mr. Leonard for holding a party w/ 200 people, camping, etc.

Busy w/ fire inspections

Park & Recreation

Day Camp and the pool are going well. Camp will be over August 10th and the pool will be closing at the end of August when we loose our guards to school.

The bathrooms at Walnut are open. Just have to do some minor touches to have it complete. They were open for the Civil War Re-enactment. Also the civil War group is hopefully receiving a grant from the county that will go towards pavers for a walkway up to the bathrooms. The Town is going to be listed on the grant so I will submit it to the Town Board for approval when they send me the paperwork.

The outdoor movie Kung Fu Panda 2 on Friday July 13th was a success. We had around 100 people show up for it.

The Civil War Re-enactment went well.

Have been working on brush hogging and trimming back all the trails at Walnut.

We had ten people apply for the Assistant Recreation Directors position. We are currently conducting interviews.

Have been working on budget.

Have been getting everything ready for the youth football program. It will be starting the end of August. This year the parents will be helping to do fundraisers which will be done through the Liberty Schools Booster Club. The children are going to be selling candy and possibly a car wash.

A day camp child fell and broke his leg.

The concession stand was broken into and \$300 was stolen.

Health Dept. inspected the pool & concession stand and passed w/ flying colors.

Town Clerk

Licenses:

Conservation 8

Marriage Licenses 9

Marriage Certificates 4

Photocopies 318

Dog Licenses 48

Redeemed Dogs 3

Boarding Fees 1

Filed Local Law #1 with the Department of State

Sent letters to Senator Bonacic and Assemblywoman Aileen Gunther opposing the "Uniform Notice of Claim Act"

Sent final documents to General Code

Sent out 3,266 notices to Liberty residents advising of dog enumeration and free rabies clinic on 8/14 at Hanofee Park

Working on FOIL requests

Meetings, minutes, agendas, public notices, etc.

DCO

12 dogs picked up

1 County Call

1 Town of Thompson Call

1 Dog Bite

1 Domestic Animal Attack

732 Miles

5 dogs @ kennel (3 Liberty 1 Thompson 1 Fallsburg)

Town Of Thompson has requested a municipal contract with us as they have no boarding facilities for their dogs. I assisted them on July 29 with an emergency involving 2 loose Pit Bulls for which I will submit an invoice to the Town of Thompson.

Village of Monticello Manager, John LiGreci has expressed a desire to have a county meeting with the Town Supervisors and the Legislature to discuss the lack of animal Services in the county. I assisted him this month with a serious abandonment case for which he had no resource. He has asked me to speak at the meeting. If this is arranged, I would like to participate and ask for the Board's approval.

The Pit Bull situation in Liberty and County wide has become very serious. Since last December with the exception of an extremely old Lab and a very old and nasty Jack Russell, ALL dogs euthanized after seizure and mandatory impoundment at the expense of the Town of Liberty have been Pit Bulls. This is a shocking statistic. All other seized dogs were redeemed by their owners, adopted or sent to Middletown Humane Society. Right now, 2 of the Liberty dogs at the kennel are very young Pit Bull puppies. This is also unprecedented as it is rare that I pick up a puppy under 3 months. Other DCOs in the County are experiencing the same. Also, ALL dogs at the kennel at this time are Pit Bulls.

Finance Director

Submitted YTD Expenditure listing as of 6/30/12 to each department

Submitted budget requests to each department

Began preparation of 2013 budget

Updated Investment Policy

Worked with Data Processing to update networking

Obtained information for cafeteria plans section 125 to exempt health insurance deductions from taxes effective January 1, 2013

Compiled data from other Town's for Joint Fuel Bid

All other daily duties and responsibilities.

Finance Director Bertsch will be on vacation until 8/20.

CDC

Liberty Main Street Grant

Liberty Theatre project currently on hold due to intervention from Department of Labor. Work should resume shortly. Liberty Museum project to begin any day to improve facades of Museum building and Serendipity building. Grant contract extension requested until 12/31/2012 to allow stalled projects to proceed as planned.

2012 Sullivan Renaissance activities

Sullivan Renaissance judging will happen on August 11. Liberty is in competition to for the \$25,000 "Golden Feather" award.

2012 NYS Consolidated Funding Application (CFA)

CDC submitted applications for 2 grants under CFA:

- Main Street Program Phase 2 (Village Main Street) \$250,000 - NYS Parks Historic Preservation Program (Town Hall) \$373,613 Also submitted paper application for Village for LGPEP program. CDBG RARP was abandoned since required information was not available in time.

Liberty Skatepark Location

Waiting for survey & site analysis proposal from engineers.

Swan Lake

Planning to use parts of remaining funds from Golden Feather & DOT Multi-Modal to clad streetlight bases along Stanton Corners Road in stone (see proposal from Kelly Masonry).

Summer Movie Nights

First two movie sessions were successful – all 5 dates found sponsors. Remaining dates are August 10, 24, and September 7.

Court	July
V&T Received	475
V&T Appearances	374
Criminal Appearances	548
Ordinance Appearances	0
Civil Appearances	20

Total Fines Collected	\$75,410.16
Total Fines to Town	Not available
Total Fines to Village	Not available

BOARD DISCUSSION

Councilperson Chris Austin

- Reminder that the 8/20/12 mtg. will be held in Swan Lake at the Firehouse.

Councilperson Dean Farrand

- Farmland Committee is looking to become part of the Farmers Market and or a community kitchen for local farmers.
- Need to work on a law that forbids private wells in water districts.
- Have an example of refusing to comply w/ stop work orders. Mark needs guidance. Do we want to prosecute or get injunction orders.
- Need to mull these over and decide what to do.

Councilperson Thomas Hasbrouck

- Gas station in Parksville is now closed.

Councilperson Maurice Gerry

- Nothing to Report

Supervisor Charlie Barbuti

- NYSDOT will not start work on Exit 100 until next spring.

The Board members would like the Supervisor to request that they finish by 7/1/2013.

- Would like the Board to look over the wind power regulations that he had furnished them with.

RESOLUTION NO

MUNICIPAL AGREEMENT FOR DOG CONTROL W/ TOWN OF FALLSBURG

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the following Intermunicipal agreement with the Town of Fallsburg:

INTERMUNICIPAL AGREEMENT

AGREEMENT made as of the 1st day of August, 2012, by and between **TOWN OF LIBERTY**, having an address of 120 North Main Street, Liberty, NY 12754 ("Liberty") and **TOWN OF FALLSBURG**, having an address of Railroad Extension, South Fallsburg, NY ("Fallsburg").

WITNESSETH:

WHEREAS, Liberty and Fallsburg are authorized pursuant to Article 5-G of the General Municipal Law to enter into inter-municipal agreements; and

WHEREAS, Liberty and Fallsburg have each appointed and employ Joanne Gerow as their Dog Control Officer for the purposes of enforcing provisions of the Agriculture and Markets Law of the State of New York and their respective local laws and ordinances pertaining to the control of dogs; and

WHEREAS, Liberty and Fallsburg recognize the benefit of consolidation of services; and

WHEREAS, Liberty and Fallsburg desire to enter into a cooperative arrangement pursuant to which their common Dog Control Officer may utilize the Town of Liberty Kennel Facility for the housing of Fallsburg's seized dogs to the mutual benefit of both Towns.

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

1. In consideration of the Town of Mountandale Kennel Facility as primary facility for the Town of Fallsburg, The Town of Liberty kennel Facility shall also be considered Primary Kennel Facility for all Town of Fallsburg Dogs at the discretion of the Dog Control Officer.
2. The Town of Fallsburg shall be responsible to pay the common Dog Control Officer's mileage to and from the Liberty kennel for care of dogs at any time there is a Fallsburg Dog at the Liberty Facility.
3. In addition, Fallsburg shall be responsible for purchase of all items required for the care of its dogs including, but not limited to dog food, Veterinary care and supplies, Cleaning Supplies and equipment.
4. Winter Surcharge – In consideration of the significant expense of heating the kennel facility and providing hot water for laundry and cleaning purposes, Fallsburg agrees to pay Liberty a fee of \$5.00 per dog per day at times when heat is required at the Town of Liberty Facility.
5. Fallsburg shall indemnify and hold harmless Liberty with respect to any and all claims, demands, actions, proceedings, orders, judgments, settlements and/or payments made or incurred, including reasonable attorney's fees, resulting or arising from any Fallsburg Dogs while housed at the Liberty Facility
6. The term of this agreement shall be from year to year. Commencing January 1 and ending December 31 and shall renew automatically unless either municipality shall notify the other, in writing, not less than thirty days prior to the end of any year of it's election to terminate the agreement effective as of the end of such year. Notwithstanding the foregoing, either municipality shall have the right to terminate this agreement, with or without cause, upon thirty days written notice to each other.
7. The making of this agreement has been duly authorized or ratified by resolutions of the respective Town Boards of Liberty and Fallsburg.
8. Neither Liberty nor Fallsburg may assign, transfer, convey, sublet or otherwise dispose of this agreement, or of their respective rights and/or obligations hereunder, to any other person, corporation, municipality or entity without the prior written consent of the other.

9. Each and every provision of law and clause required by law to be inserted in this agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon application of either party, this agreement shall be physically amended forthwith to make such insertion.
10. This agreement may not be modified, amended, changed. Or waived, in whole or part, except by a writing duly authorized and executed by the parties. No waiver of any term or provision of this agreement shall in any way affect any other terms or condition of this agreement or constitute a cause of excuse for a repetition of such or any other breach unless the wavier shall include the same.
11. This agreement constitutes the entire understanding between the parties. All prior discussions, negotiations or agreements, if any, are merged herein and shall not separately survive.

5 Ayes – Carried

RESOLUTION NO

AUTHORIZE THE SUBMISSION & ADMINISTRATION OF GRANT THROUGH JCAP OFFICE OF COURT ADMINISTRATION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the submission and administration of a grant application through the 2012-13 Justice Court Assistance Program of the State of New York, Office of Court Administration, for funding in the amount of \$30,000.00.

5 AYES – CARRIED

RESOLUTION NO

AUTHORIZE TOWN ATTORNEY TO SIGN ORDER OF CONSENT AND PAYMENT OF \$15,000 TO THE NYSDEC

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the Town Attorney to sign Order on Consent with the NYSDEC regarding the Loomis Wastewater Treatment Plant and do hereby authorize the payment of \$15,000 as agreed upon in the Order on Consent.

5 AYES – CARRIED

RESOLUTION NO

APPROVAL OF PROPOSAL SUBMITTED BY KELLY MASONRY & DESIGN, INC. TO VENEER LAMP POSTS IN SWAN LAKE FOR SWAN LAKE RENAISSANCE PROJECT

Motion by Councilperson Chris Austin, seconded by **Councilperson Maurice Gerry**, the Town

Board of the Town of Liberty does hereby approve the proposal submitted by Kelly Masonry & Design, Inc. to veneer lamp posts in Swan Lake for the Swan Lake Renaissance Project. Deposit will be paid when materials are on site.

5 AYES – CARRIED

RESOLUTION NO

RESCHEDULE SEPTEMBER REGULAR MONTHLY MEETING

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby reschedule its September Regular Monthly Mtg. to 9/24/12 at 7:00 p.m. at the CVI Building, Ferndale, NY.

5 AYES – CARRIED

RESOLUTION NO

TOWN BOARD REQUESTS THAT THE COUNTY OF SULLIVAN PETITION THE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION TO ESTABLISH A LOWER SPEED LIMIT ON DENMAN RD., LIBERTY, NY

Motion by Councilperson Thomas Hasbrouck, 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 Denman Rd., from St. Rt. 52 to Huscke Rd.

5 AYES – CARRIED

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby go into Executive Session 5:30 p.m. to discuss personnel matters and pending litigation.

5 AYES – CARRIED

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 6:05 p.m.

5 AYES – CARRIED

RESOLUTION NO

SPECIAL MEETING SCHEDULED FOR 8/20/12

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby schedule a Special Meeting with the Personnel Committee for employee negotiations and any other business that may come before the board at that time. The meeting will be held on August 20, 2012 at 3:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York.

5 AYES – CARRIED

RESOLUTION NO

SPECIAL MEETING SCHEDULED FOR 9/4/12

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby schedule a Special Meeting with the Personnel Committee for employee negotiations and any other business that may come before the board at that time. The meeting will be held on August 20, 2012 at 3:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York.

5 AYES – CARRIED

ADJOURN

On a motion by Councilperson Dean Farrand, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 6:07 p.m.

Respectfully submitted,
Laurie Dutcher, Town Clerk