

**Public Hearing  
Liberty Town Board  
August 15, 2011**

At a Public Hearing of the Liberty Town Board held on August 15, 2011 at 6:45 p.m. at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to a request for a special use permit to close certain highways in the Town of Liberty for International Rally New York on October 22-23, 2011. The following board members were present:

Present: Supervisor John Schmidt  
Councilperson Maurice Gerry  
Councilperson Lynn Killian  
Councilperson Thomas Hasbrouck  
Councilperson Christopher Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Code Enforcement Officer Mark VanEtten  
Finance Director Earl Bertsch  
Budget & Accounting Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Ann Hart  
Fritz Mayer  
Fran Gager  
Joan Stoddard

Supervisor Schmidt called the meeting to order at 6:45 p.m.

No one from the public wished to be heard and no written comments were received.

Adjourn

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** and carried, the Town Board adjourned the Public Hearing at 6:49 p.m.

Respectfully submitted,

Laurie Dutcher  
Town Clerk

Regular Monthly Meeting  
August 15, 2011 continued.....

**Public Hearing  
Liberty Town Board  
August 15, 2011**

At a Public Hearing of the Liberty Town Board held on August 15, 2011 at 6:45 p.m. at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to Introductory Local Law #1 of 2011 "A local law to amend Chapter 93 of the code of the Town of Liberty" entitled "Junkyards". The following board members were present:

Present: Supervisor John Schmidt  
Councilperson Maurice Gerry  
Councilperson Lynn Killian  
Councilperson Thomas Hasbrouck  
Councilperson Christopher Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Code Enforcement Officer Mark VanEtten  
Finance Director Earl Bertsch  
Budget & Accounting Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Ann Hart  
Fritz Mayer  
Fran Gager  
Joan Stoddard

Supervisor Schmidt called the meeting to order at 6:50 p.m.

No one from the public wished to be heard and no written comments were received.

Adjourn

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** and carried, the Town Board adjourned the Public Hearing at 6:59 p.m.

Respectfully submitted,

Laurie Dutcher  
Town Clerk

Regular Monthly Meeting  
August 15, 2011 continued.....

TOWN BOARD OF THE TOWN OF LIBERTY  
**REGULAR MONTHLY MEETING**  
August 15, 2011  
7:00 p.m.

At the Regular Monthly 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 Maurice Gerry  
Councilperson Lynn Killian  
Councilperson Thomas Hasbrouck  
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

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

**CORRESPONDENCE**

1. A letter from Sullivan County Public Health Services in response to the letter sent by the Town Board.
2. A notice from the Village of Liberty regarding Water & Sewer rates that became effective on 6/1/2011.
3. A memo from Albert Picard regarding an emergency purchase of a pump for Swan Lake Waste Water Treatment Center.
4. Copies of job descriptions from the court.
5. Proposal from General Code.
6. Summary of Real Property tax cap.

**COMPREHENSIVE PLAN UPDATE**

- Mtg. 8/16/11 Non-conforming use law on agenda

**PLANNING & ZONING BOARD MINUTES**

Planning Board        7/5/2011

**RECOGNIZE THE PUBLIC**

Matthew Palmer of Delaney Group

Regular Monthly Meeting  
August 15, 2011 continued.....

Requests permission to perform nighttime excavation and embankment operations on the West end of the project west of Fox Mt. Rd. to complete the new Westbound tie.

**RESOLUTION NO.**

*APPROVAL FOR 30 DAY TEMPORARY VARIANCE ISSUED TO DELANEY GROUP*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town does hereby grant Delaney Group a temporary variance to perform nighttime excavation and embankment operations as outlined below:

**West End (Memories straight up West)**

Hours: 1<sup>st</sup> shift 6:00 am – 2:00 pm  
2<sup>nd</sup> shift 2:30 pm – 11:00 pm

No blasting operations

The Delaney Group will return to the 9/19/2010 meeting for consideration of additional extensions.

5 AYES - Carried

**John Wagner**

Resident of Brooks Rd. concerned with traffic on his road would like to request a speed limit. Mr. Wagner also had concerns regarding lighting on his road.

Mr. Wagner was advised by the board the Town would submit a request to the County asking them to petition the New York State Department of Transportation to establish a lower speed limit on Brooks Rd.

He was also informed that if he wanted a streetlight that he would have to pay for it due to the fact that it was not located in a light district.

**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 BROOKS RD., LIBERTY, NY*

**Motion by Councilperson Thomas Hasbrouck**, seconded **Councilperson Lynn Killian**, 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 30 mile per hour speed limit on Brooks Rd., Town Rd. No. 108.

5 AYES Carried

Regular Monthly Meeting  
August 15, 2011 continued.....

**RESOLUTION NO**

*APPROVAL OF AUDIT*

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

- August, 2011 Abstract:  
**Claims #1392 to #1605 totaling \$307,312.07**
- July, 2011 Post Abstract:  
**Claims #1387 to #1391 totaling \$115,532.81**
- July, 2011 General Ledger Abstract:  
**Claims #206 to #255 totaling \$249,697.16**

5 AYES - Carried

**RESOLUTION NO**

*APPROVAL OF MINUTES*

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

- Regular Monthly Mtg.           7/18/2011
- Dept. Head Mtg.               8/1/2011

5 AYES - Carried

**RESOLUTION NO**

*ACCEPTANCE OF MONTHLY REPORTS*

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

- Town Clerk's Monthly Report 7/2011
- Monthly report of revenue & expense summary as of 7/31/2011
- Supervisor's Report for 7/2011
- 2011 Tax Collection Close-out Report

5 AYES - Carried

**OLD BUSINESS**

1. Non-conforming use law

Regular Monthly Meeting  
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2. Finalize hand gun policy (Councilperson Austin will work on)
3. Village contract

**RESOLUTION NO**

*APPROVAL OF RIDER TO MUNICIPAL COOPERATION AGREEMENT & AUTHORIZATION FOR SUPERVISOR TO SIGN*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby approve of the final rider to the Municipal Cooperation Agreement and authorizes the Supervisor to sign.

5 AYES - Carried

**NEW BUSINESS:**

**(1) RESOLUTION NO**

*APPROVAL TO PAY BLAUER ASSOCIATES IN THE AMOUNT OF \$2,700.00 FOR ADMINISTRATIVE SERVICES FOR THE WSS WATER INTERCONNECT PROJECT*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby give approval to pay Blauer Associates the amount of \$2,700.00 for Administrative Services for the White Sulphur Springs Water Interconnect Project.

5 AYES Carried

**(2) RESOLUTION NO**

*APPROVAL TO PAY KELLY ENGINEERING IN THE AMOUNT OF \$1,875.00. FOR THE WSS WATER INTERCONNECT PROJECT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry** the Town Board does hereby give approval to pay Kelly Engineering the amount of \$1,875.00 for the White Sulphur Springs Water Interconnect Project.

5 AYES Carried

**(3) RESOLUTION NO**

*FRED BRUNSON APPROVED TO ADOPT KELLY BRIDGE RD.*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby accept the Adopt A Road application submitted by Fred Brunson to adopt Kelly Bridge Rd.

5 AYES - Carried

Regular Monthly Meeting  
August 15, 2011 continued.....

**(3) RESOLUTION NO**

*PUBLIC HEARING SET FOR UNSAFE BLDG PROCEEDINGS AGAINST SBL 46.-1-50 FOR 9/19/11*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby give set a public hearing for unsafe building proceedings against Marcy Boucher for property located at 148-153 Stanton Corners Road, Swan Lake SBL #46.-1-50 for 9/19/11 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

5 AYES - Carried

**(4) RESOLUTION NO 161-11**

*APPROVAL TO REPLACE STEAM LINE IN BASEMENT OF TOWN HALL*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry** the Town Board does hereby give approval for Erts Plumbing to replace the cast iron steam line in the basement of Town Hall with copper piping at an estimated cost of \$3,000-\$5,000. If repairs will exceed the approved amount the Councilpersons will be notified.

5 AYES Carried

**(5) RESOLUTION NO 162-11**

*ROAD RALLY NEW YORK, LTD GRANTED SPECIAL USE OF TOWN HIGHWAYS FOR INTERNALTIONAL RALLY NEW YORK TO BE HELD ON OCTOBER 22-23,2011*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry, Councilperson Chris Austin opposed**, the Town Board does hereby grant special permission to Road Rally New York, LTD for the use of:

*0.3 mile of Town Park Rd., from Liberty/ Thompson town line to the intersection with Biig Woods Rd. and Mongaup Rd.*

*0.3 mile of Big Woods Rd., from Liberty / Thompson town line to the intersection with Town Park Rd. and Mongaup Rd.*

4 AYES Carried

1 Opposed- Councilperson Chris Austin

**(6) RESOLUTION NO**

*APPROVAL TO HIRE SKYE WILBUR PART-TIME TO CLEAN TOWN HALL*

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**Motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian** the Town Board does hereby authorize the hiring of Skye Wilbur, part-time (under 20 hrs. per week) to clean Town Hall.

5 AYES Carried

**6) RESOLUTION NO**

*AWARD OF JOINT FUEL BID TO LOWEST BIDDERS*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** the Town Board does hereby award the joint fuel bid to the lowest bidders:

<b>Mirabito Energy Products</b>	<i>Kerosene, Diesel and Off Road Diesel</i>
<b>VanEtten Oil</b>	<i>#2 Fuel Oil</i>
<b>County Petroleum</b>	<i>Unbranded 87%, 89% &amp; 93% Octane unleaded gasoline</i>
	<i>Branded 89%, 93% Octane unleaded gasoline</i>
<b>Ultra Power Corp.</b>	<i>Branded 87% Octane unleaded gasoline</i>

5 AYES Carried

**6) RESOLUTION NO**

*SEQR JUNKYARD AMENDMENT*

**MOTION** by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, 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 the SEQR for the junkyard law amendment; and

BE IT FURTHER RESOLVED: that the amendment 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 Environmental Assessment for the junkyard law amendment as prepared by the Thomas Shepstone and do hereby approve a Negative Declaration.

5 AYES - Carried

**(7) RESOLUTION NO**

*LOCAL LAW NO. 2 OF 2011 ADOPTED*

**Motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby adopt Introductory Local Law No. 1 of 2011

Regular Monthly Meeting  
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as Local Law No. 2 of 2011, a local law amending the Junkyard Law relating to the prohibition of new junkyards.

5 AYES Carried

**RESOLUTION NO**

*ESCROW ACCOUNT ESTABLISHED FOR FEES ASSOCIATED W/ RELOCATION & DEVELOPMENT OF RECYCLING CENTER*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby request that an escrow account be established in the amount of \$5,000.00 to cover any fees incurred by the Town associated with the relocation of Liberty Scrap Metal Company and the development of the Ben Weistman & Son Recycling Center.

5 AYES Carried

**BOARD DISCUSSION**

**Councilperson Chris Austin**

- Wanted to voice his concern regarding Kelly Engineering's billing. Felt that \$2,600 for the heating bid was quite high. Would like to see an itemized bill.

Supervisor Schmidt advised he would talk to Terry Kelly.

**Councilperson Lynn Killian**

- Had a couple of circumstances where there were payment questions.
- Would like to see an itemized bill
- Would also like the Town Engineer present at Dept. Head Mtgs.

**Finance Director Earl Bertsch**

- Budget will be ready on 9/6. There will need to be some serious cutting.

**ADJOURN**

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 8:17 p.m.

Respectfully submitted,

Laurie Dutcher,  
Town Clerk