

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
August 17, 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
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.

PUBLIC PARTICIPATION

Judy Smith

Mrs. Smith wanted to find out when the Town would be working on Breezy Hill Rd.

Supervisor Schmidt advised that the Town had there Engineer out there to look at the road and that they are trying to put together a synopsis of how much money it is going to take to fix these washouts. There is also a problem with the State Right of Way.

Mrs. Smith advised that Taylor Rd. needs to be ditched and had to be for the last two years.

Joseph Lorincz

Submitted the following letter:

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8/17/09

I AM ASKING THE QUESTION ? WHO WAS THAT OFFICIAL WHO APPROVED THE LICENSE TO THAT DOG OWNER IN WHITE SULPHUR, SCHOOLHOUSE RD, TO OPEN A DOG FARM OR DOG FACTORY NEXT TO THE SCHOOL, AND NEXT TO A TIGHT COMMUNITY WITH FOUR FAMILIES LIVING ON THREE ACRES? THAT WAS AN IRRESPONSIBLE ACT. THAT OFFICIAL SHOULD LOSE HIS OR HER JOB.

I WAS TOLD THAT EVERY HOUSHOLD CAN HAVE MAX. SIX DOGS. IF THE DOGS ARE QUIET TYPE, THAN IT IS OK. BUT, IF THEY HAVE A VICIOUS BARKING NATURE, AND THE OWNER DOES NOT GIVE A DAMN CONTROLLING THEM, IT IS LIKE TELLING A MAD MAN THAT YOU CAN HAVE ONLY SIX MACHINE GUNS BUT NOT SEVEN OR MORE. OUT OF CONTROL, VICIOUS BARKING DOGS ARE MAD MAN'S MACHINE GUNS. THEY DO NOT INFLICT PHYSICAL DAMAGE BUT PSYCHOLOGICAL ONE. TAKE AWAY THAT WEAPON FROM AN IRRESPONSIBLE DOG OWNER. THEY SHOULD NOT HAVE DOGS AT ALL. OR, THEY SHOULD BUY A FARM IN THE MIDDLE OF NOWHERE, WHERE THE NEXT NEIGHBOR IS MILE AWAY. THERE HE CAN STAND ON HIS. WHO WOULD CARE!

THERE IS A SAYING THAT, EVERYBODY HAS THE RIGHT TO DO WHAT HE OR SHE WANTS UNTIL IT DOES NOT HURT THE RIGHTS OF OTHERS! I HAVE RIGHTS TOO! AMONG OTHERS, TO HAVE SOME PEACE IN MY HOME, AND NOT LISTEN TO VICIOUS DOG BARKINGS. MY HOME IS MY CASTLE, AND I HAVE THE RIGHT TO HAVE SOME PEACE IN MY HOME!

IF PEOPLE CANNOT CONTROL THEMSELVES OR THEY ANIMALS, THATS WHY WE HAVE RULES AND LAWS TO CONTROL THEM! WE LIVE IN A CLOSE COMMUNITY, SOCIETY, NOT IN THE JUNGLE!

WITH REGARDS

JOSEPH LORINCZ
WHITE SULPHUR SPR, NY

292-2779

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Mr. Lorincz also brought in a tape in which the barking dogs could be heard from his residence.

Jerry Burd

Advised the Board and showed pictures of the dangerous conditions on Old Lily Pond Rd. Mr. Burd advised that he had spoken to Highway Superintendent Pellam and that the Board needs to give him money and manpower to repair the roads He advised that someone is going to get seriously hurt or killed if the emergency situation is not fixed. Mr. Burd also asked if the Town could get a grant or some stimulus money.

Loretta Duarte

Advised the Board that she was not there for her road, although it was bad also, but for her 90 year old mother's road which is Old Lily Pond Rd. She advised that the conditions are long withstanding and that in 2005 she sent a certified letter to the Town putting them on notice. Mrs. Duarte also had pictures showing the road conditions.

Pat Lubin

Attended the meeting to see how things were going regarding 180 Old Loomis Rd.

CEO VanEtten advised that he had cited the owner for illegal occupancy, garbage & debris and unregistered vehicles. He also advised that he would follow up on 8/18.

Highway Superintendent Timothy Pellam

Advised the Board and public that multiple roads are single lanes and some are closed completely. The Town of Liberty has been hit by multiple floods since 2000. Superintendent Pellam advised that FEMA just repairs what has been damaged and the Town must front the money and then wait for reimbursement which can take 2-3 years. Superintendent Pellam also advised that the DEC will not let them in the brooks until they obtain permits. Superintendent Pellam advised that his office is always open.

Highway Superintendent submitted the following list of damaged roadways:

List of Flood Damaged Roadways
As of 8/17/09

<u>Road #</u>	<u>Road Name</u>	<u>Road Length</u>
11	Cold Spring	1.55
13	Tremper	.22
24	Parks	.49
28	Lenape Lake	4.80
46	West Lily Pond	1.74
57	Cutler	2.19
62	Fox Mountain	4.73
71	Breezy Hill	3.06
78	Midway	2.09
86	Willi Hill	3.33

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92	Taylor	.48
1	Aden	3.24
3	Ferndale-Loomis	2.63
16	Corrigan	.55
16A	Chaffee	.14
22	Bennett	.23
25	Huschke	1.05
40	Hall Hill	.50
45	Muhlig	2.36
48	Old Loomis	2.14
51	East Mongaup Section A	1.50
73	Dessecker	2.36
76	Hector	.29
81	Menderis	1.37
84	Lake Marie	2.13
112	Campbell	.31
115	Fishman	.29
4	Anderson	1.59
6	Budnick	1.22
7	Tanzman	4.20
9	Benton Hollow	4.32
14	Cooley Mountain	.39
17	Scheibe	.90
18	Wards	.89
19	Cattail	1.47
23	Devany	1.75
40A	Snow Hill	.53
42	MT Morris	.48
47	Lily Pond	2.05
49	Lenape Lake Ext	.51
50A	Woodland Ave	.06
50D	Summit Ave	.05
52	East Mongaup Section B	.19
58	Stanton Corner	1.16
59	Queen Mountain	.73
61	Golub Hill	.80
66	Cross Farm	.87
74	Wilbur Klein	.78

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79	Mineral Springs	.86
80	Old State Hgwy Rte 52	.35
98	Youngs Hill	.65
99	East Hill	1.91
101	Robertson	.24
121	Highview Acres	.12
124	Thomas Ave	.29
136	Mullen	.26

COMPREHENSIVE PLAN UPDATE

Councilperson Lynn Killian was asked to choose a committee and she advised the Board she would like the following:

Richard Winters, Village of Liberty Mayor
Ed Laguard
Heinrich Strauch
(1) member from Village Planning or Zoning
(1) member from Town Planning or Zoning

CORRESPONDENCE

1. A letter from Gary & Diane Silver regarding a dangerous condition on Summit Ave.

RESOLUTION NO. 152-09

APPROVAL OF AUDIT

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

- August, 2009 Abstract:
Claims #1476 to #1649 totaling \$342,640.21
- Post July, 2009 Abstract:
Claims #1465 to #1475 totaling \$123,068.17

5 AYES - Carried

RESOLUTION NO. 153-09

APPROVAL OF MINUTES

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

- 7/20/2009 Regular Monthly Mtg.

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- 8/3/2009 Dept. Head Mtg.

5 AYES - Carried

RESOLUTION NO. 154-09

APPROVAL OF MONTHLY REPORTS

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

- Town Clerk's 7/2009 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 7/31/2009
- 2009 Tax Collection Close-out Report

5 AYES - Carried

OLD BUSINESS:

- | | |
|--|-----------|
| 1. Discussion regarding logging permits. | CARRYOVER |
| 2. Proposals to repair 3 bluestone steps at Town Hall | CARRYOVER |
| 3. Consolidation of Water Districts | CARRYOVER |
| 4. Air Quality Report | CARRYOVER |
| 5. Workplace Violence | CARRYOVER |
| 6. Fuel Accountability Policy | CARRYOVER |
| 7. Easements for Swan Lake sidewalks | CARRYOVER |
| 8. Speed Zone for Old Loomis Rd. | CARRYOVER |
| 9. Comprehensive Plan Committee | CARRYOVER |
| 10. Prioritize Code Enforcement Issues | CARRYOVER |
| 11. Liberty Environmental Management's mold inspection | CARRYOVER |
| 12. Replacement of waterline on Old Monticello Rd. | CARRYOVER |
| 13. Discussion regarding cooperative purchase w/ Village | CARRYOVER |

RESOLUTION NO. 155-09

ACCEPT RESIGNATION FROM DENISE M. BIRMINGHAM

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby accept the resignation of Denise M. Birmingham from the Town of Liberty Zoning Board of Appeals retroactively as of 1/31/2009.

5 AYES - Carried

RESOLUTION NO. 156-09

M & P UPSTATE CORP. 52 PICKUP MOBIL GRANTED 30 DAY WAIVER FOR ON-PREMISES LIQUOR LICENSE

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Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, **Councilperson Lynn Killian abstaining**, the Town Board of the Town of Liberty does hereby have no objection to an On-Premises Alcoholic Beverage License Renewal being granted to M&P Upstate Corp 52 Pickup Mobil located at 2574 State Route 52, Liberty, New York and do hereby grant the 30 day waiver.

4 AYES - Carried
1 Abstension- Councilperson Killian

RESOLUTION NO. 157-09

EMERGENCY DECLARED & EMERGENCY REPAIRS TO BE MADE TO TOWN ROADS

WHEREAS, the Town Board of the Town of Liberty does hereby declare an emergency for storm damage that occurred on 7/29/2009 & 7/31/2009 and;

WHEREAS, the Town of Liberty must make necessary emergency repairs to the following:

Midway Road – Repair Bank Erosion
Midway Road-Culvert Replacement
Lenape Lake Road-Bridge Replacement
Cutler Road – Culvert Replacement
Breezy Hill Rd.-Bank Stabilization
and;

WHEREAS, the estimates not including engineering fees are as follows:

Midway Road – Repair Bank Erosion	Estimated cost \$35,600-
Midway Road-Culvert Replacement	Estimated cost \$84,000-
Lenape Lake Road-Bridge Replacement	Estimated cost \$97,000-
Cutler Road – Culvert Replacement	Estimated cost \$61,500-
Breezy Hill Rd.-Bank Stabilization	Estimated cost \$56,000-

WHEREAS, Kelly Engineering will get all the necessary permits required, and be it;

RESOLVED, that the Town Board of the Town of Liberty does hereby make an emergency allocation of \$500,000- to make the above necessary emergency repairs.

5 AYES - Carried

RESOLUTION NO. 158-09

APPROVAL OF 2009 BUDGET MODIFICATIONS

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Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the following 2009 budget modifications:

2009 Budget Modifications

Account Number	960 Appropriation	510 Estimated Revenue
DC 5112.3	\$44,627.00	
DC 3501		\$44,627.00
Increase in CHIPS money received for 2009 not included in budget		
A 5132.4	\$3,814.79	
A 2680		\$3,814.79
Insurance Claim for damage done to Town Barn		

5 AYES - Carried

RESOLUTION NO. 159-09

APPROVAL OF JUNK YARD LICENSE FOR LIBERTY SCRAP METAL

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the Junk Yard License for Gary Zalkin dba Liberty Scrap Metal.

5 AYES - Carried

Note: CEO VanEtten advised the Board that he did not do an inspection.

RESOLUTION NO. 160-09

AWARD OF JOINT FUEL BID

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board does hereby award the Joint Fuel Bid to the low bidder as follows:

Ultra Power Corp.
PO Box 946 Kaufman Rd.
Monticello, NY 12701

Item	Published Price	Adjustment	Total Price
87% Octane Unleaded Tank Wagon Price	1.8535	+0875	1.9410

Item	Published Price	Adjustment	Total Price
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Diesel Fuel: Tank Wagon	1.9670	0	1.9670
Off Road Diesel: Tank Wagon	1.9670	0	1.9670

County Petroleum
PO Box 247
Ferndale, NY 12734

Item	Published Price	Adjustment	Total Price
89% Octane Unleaded Tank Wagon Price	1.9120	+.145	2.0570
93% Octane Unleaded Tank Wagon Price	2.0280	+.145	2.1730

Item	Published Price	Adjustment	Total Price
#2 Fuel Oil Tank Wagon Price	1.9180	-.015	1.903
Kerosene (Albany) Tank Wagon Price	2.2845	-.015	2.2695

5 AYES - Carried

RESOLUTION NO. 161-09

ACKNOWLEDGEMENT OF AUDIT FOR LOCAL COURT RECORDS

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby acknowledge that the required audit was conducted of the local court's records.

5 AYES - Carried

BOARD DISCUSSION

RESOLUTION NO. 162-09

EXECUTIVE SESSION

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby go into Executive Session at 8:30 to discuss possible litigation.

5 AYES - Carried

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RESOLUTION NO. 163-09

OUT OF EXECUTIVE SESSION

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby come out of Executive Session at 8:44 p.m.

5 AYES - Carried

On a motion by Councilperson Lynn Killian, seconded by Maurice Gerry the Town Board adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk