

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
August 17, 2015

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on August 17, 2015 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Present:

Supervisor Charlie Barbuti
Councilperson Dean Farrand
Councilperson Russell Reeves

Absent:

Councilperson Thomas Hasbrouck
Councilperson Brian McPhillips

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
CEO Mark VanEtten
Budget and Accounting Clerk Cheryl Gerow
Water & Sewer Foreman Thomas Kehrley
Matt DeWitt Highway Foreman
Confidential Secretary Angela Dalton
Deputy Town Clerk Sara Sprague
Loretta Duarte
Doug Atkins
Mahmut Aslan
Dan Cerezo
Vicky Ferguson
Ernie Feasel

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

CORRESPONDENCE

1. Copy of letter from NYSDEC regarding modification of the SPDES permit.
2. Copy of letter from NYSDEC regarding the Triple L Lake Dam.
3. Copy of letter from the Greater Liberty Chamber of Commerce regarding the annual Fourth of July celebration and the Street Fair.
4. A letter from Connie VanKeuren w/ support of Town Employees regarding the mold issue at Town Hall.
5. Part 2 of the Cornell Local Roads Program by Troy Johnstone.

RECOGNIZE THE PUBLIC

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AUGUST 17, 2015 CONTINUED.....

Loretta Duarte, Doug Atkins and Mahmut Aslan came to the board to discuss a possible zoning change for property located at 2896 Rt. 52, Liberty. Ms. Duarte explained to the Board that Mr. Aslan would like to buy Mr. Atkins property and start a shitake mushroom farm. The property is currently zoned SC which does not allow what he would like to use the property for. After a long discussion it was decided that the property would be subdivided into SC and RD. Attorney Klein was directed to draw up a local law and resolution for the 9/8/15 mtg.

Dan Cerezo asked the Board to allocate money to repair his road, Mahogany Lane. He advised that it had been started last year and they ran out of blacktop by his house so they did a skim coat which did not last. He stated that the Highway Department doesn't do anything but plow snow.

Mr. Cerezo also asked for a speed limit sign and children at play sign. The board felt that a dead end and children at play sign would be more effective than a speed limit sign.

Mr. Cerezo also inquired about the status of a pitbull that he claims is a known biter. It was explained to him that the Town DCO was aware of the issue and has been out there several times.

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Russell Reeves**, the Town Board approved the following:

- August, 2015 Abstract:
Claims # 1394 to #1601 totaling \$394,196.08
- July, Post Audit:
Claims #1371 to #1393 totaling \$139606.45
- July General Ledger Abstract:
Claims #193 to #249 totaling \$302,817.33

3 AYES - Carried

2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

APPROVAL OF MINUTES

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Russell Reeves**, the Town Board approved the following minutes as submitted:

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- Public Hearing 8/3/15
- Dept. Head Mtg. 8/3/15
- Bid Opening (Joint Fuel Bid) 8/13/15

3 AYES - Carried

2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board approved the following:

- Town Clerk's Monthly Report 7/15
- Monthly Town Board Revenue & Expense Report as of 7/31/15
- Supervisor's Report 7/15

3 AYES - Carried

2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

OLD BUSINESS

Town Hall Front Porch renovation/restoration

The Supervisor was directed to find out from Architect Joe Irace what can be done for \$100,000 w/ options. The Supervisor advised the Board that in Mr. Irace's opinion you would only be able to do the porch footings, trusses, and a few new posts. After a short discussion it was decided that the perimeter drains would be done first and the porch would have to wait until next year.

Perimeter Drains

Supervisor Barbuti advised the Board that Glenn Sanders signed the contract. The Supervisor also advised that they did not want to replace the existing perimeter drains but would like to install drains 4-6 feet from the building due to the compromised condition of the foundation.

NEW BUSINESS

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

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Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the payment of voucher for Blauer Associates for administrative services for the WSS Water District Phase 5 Improvements Project in the amount of \$437.50.

3 AYES - Carried
2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING DPC

Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the payment of voucher for Delaware Engineering DPC for engineering services for the WSS Water District Phase 5 Improvements Projects in the amount of \$6,005.00.

3 AYES - Carried
2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

AWARD OF JOINT FUEL BID

Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby accept the low bid as submitted for the Joint Fuel Bid:

Town of Liberty Joint Fuel Bid 8/13/15

Diesel & Kerosene

Bidder	#2 Fuel Oil Tank Wagon Price	Kerosene Tank Wagon Price	Diesel Tank Wagon Price	Off Road Diesel Tank Wagon Price
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	Published	Adj	Total									
Ultra Power PO Box 946 Monticello, NY 12701	1.6141	+.086	1.7001	2.1010	+.10	2.2010	1.6675	+.054	1.7215	1.6675	+.054	1.7215
Mirabito PO Box 5306 Binghamton, NY 13902	1.6110	+.0946	1.7056	2.1285	+.0777	2.2062	1.6675	+.0733	1.7408	1.6725	+.0733	1.7458
County Petroleum PO Box 247 Ferndale, NY 12734	1.6141	+.1266	2.2276	2.1010	+.1266	2.2276	1.6675	+.1095	1.777	1.6675	+.1095	1.777

Un-Branded Regular & Unleaded Gasoline

Bidder	87% Octane Unleaded Tank Wagon	89% Octane Unleaded Tank Wagon	92% Octane Unleaded Tank Wagon
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AUGUST 17, 2015 CONTINUED.....

	Published	Adj	Total	Published	Adj	Total	Published	Adj	Total
Mirabito	1.7060	+.1411	1.8471	1.9280	+.1411	2.0691	2.3960	+.1044	2.5371
County Petroleum	1.7060	+.18	1.8860	N/B	N/B	N/B	N/B	N/B	N/B
Ultra Power	1.7060	+.1122	1.8182	1.9280	+.6000	2.5280	2.2910	+.6000	2.8910

Branded Regular & Unleaded Gasoline

Bidder	87% Octane Unleaded Tank Wagon	89% Octane Unleaded Tank Wagon	92% Octane Unleaded Tank Wagon
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	Published	Adj	Total	Published	Adj	Total	Published	Adj	Total
Mirabito	1.7285	+.1411	1.8696	1.8650	+.1411	2.0061	*2.3960	+.1411	2.5371

3 AYES - Carried
2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

AUTHORIZE TOWN CLERK TO PLACE LOOMIS WWTP DRAFT SPDES PERMIT NOTICE IN OFFICIAL NEWSPAPER & OBTAIN AFFIDAVIT OF PUBLICATION AS REQUIRED BY NYSDEC

Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the Town Clerk to place the Loomis WWTP draft SPDES permit notice in the Town’s official newspaper and obtain an affidavit of publication from the newspaper as proof of publication required by the NYSDEC.

3 AYES - Carried
2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

AUTHORIZE SUPERVISOR TO RELEASE WESTERN SURETY COMPANY FROM ANY OBLIGATIONS UNDER A PERFORMANCE BOND ISSUED TO SULLIVAN BUILDERS, INC ON 7/1/15 FOR THE PORCH RECONSTRUCTION PROJECT AND TO RETURN BOND TO WESTERN SURETY CO.

Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to release Western Surety Company from any obligations under a performance bond issued to Sullivan Builders, Inc. on 7/1/15 for the Porch Reconstruction Project and to return bond to Western Surety Company.

3 AYES - Carried

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2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

BUDGET OFFICER PRESENTED THE PRELIMINARY BUDGET TO THE BOARD

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby go into Executive Session to discuss a personnel matter and potential litigation at 8:38 p.m.

3 AYES - Carried

2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 9:05 p.m.

3 AYES - Carried

2 Absent – Councilperson Thomas Hasbrouck / Councilperson Brian McPhillips

ADJOURN

On a motion by Councilperson Dean Farrand, seconded by Councilperson Russell Reeves, the Town Board of adjourned the meeting at 9:12 p.m.

Laurie Dutcher, Town Clerk