

**PUBLIC HEARING
LIBERTY TOWN BOARD
August 18, 2008**

At a Public Hearing of the Liberty Town Board held on August 18, 2008 at 6:40 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 No. 1 of the Year 2008 entitled "A local law amending Chapter 60, entitled 'Building Construction and Fire Prevention Administration,' of the Code of the Town of Liberty." The following board members were present:

Supervisor John Schmidt
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Absent: Councilperson Maurice Gerry

Also present: Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Code Enforcement Officer Mark VanEtten

Recording Secretary: Town Clerk Laurie Dutcher

Supervisor Schmidt called the public hearing to order at 6:40 p.m.

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

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian the Town Board adjourned the meeting at 6:44 p.m.

Respectfully submitted,

Laurie Dutcher
Liberty Town Clerk

**PUBLIC HEARING
LIBERTY TOWN BOARD
August 18, 2008**

At a Public Hearing of the Liberty Town Board held on August 18, 2008 at 6:45 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and

REGULAR MONTHLY MEETING
August 18, 2008 Continued

written comments from concerned citizens with regard to Introductory Local Law No. 2 of the Year 2008 entitled "A local law amending the zoning map of the Town of Liberty to remove portions of tax map parcels 36-1-59 and 40-1-12.1 from the RD Rural Development District and add them to the adjoining RS Residential Settlement District". The following board members were present:

Supervisor John Schmidt
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Absent: Councilperson Maurice Gerry

Also present: Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Code Enforcement Officer Mark VanEtten

Recording Secretary: Town Clerk Laurie Dutcher

Supervisor Schmidt called the public hearing 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 Thomas Hasbrouck, seconded by Councilperson Lynn Killian the Town Board adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Laurie Dutcher
Liberty Town Clerk

**PUBLIC HEARING
LIBERTY TOWN BOARD
August 18, 2008**

At a Public Hearing of the Liberty Town Board held on August 18, 2008 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens with regard to the Green Hills Estates Water District extension. The following board members were present:

Supervisor John Schmidt

REGULAR MONTHLY MEETING
August 18, 2008 Continued

Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Absent: Councilperson Maurice Gerry

Also present: Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Code Enforcement Officer Mark VanEtten

Recording Secretary: Town Clerk Laurie Dutcher

Supervisor Schmidt called the public hearing 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 Thomas Hasbrouck, seconded by Councilperson Lynn Killian the Town Board adjourned the meeting at 6:54 p.m.

Respectfully submitted,

Laurie Dutcher
Liberty Town Clerk

**PUBLIC HEARING
LIBERTY TOWN BOARD
August 18, 2008**

At a Public Hearing of the Liberty Town Board held on August 18, 2008 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, New York to hear oral and written comments from concerned citizens with regard to the proposed extension to the Swan Lake Sewer District. The following board members were present:

Supervisor John Schmidt
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Absent: Councilperson Maurice Gerry

Also present: Finance Director Earl Bertsch

REGULAR MONTHLY MEETING
August 18, 2008 Continued

Deputy Town Clerk Sara Sprague
Code Enforcement Officer Mark VanEtten

Recording Secretary: Town Clerk Laurie Dutcher

Supervisor Schmidt called the public hearing to order at 6:55 p.m.

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

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian the Town Board adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Laurie Dutcher
Liberty Town Clerk

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
August 18, 2008**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on August 8, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

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

Absent: Councilperson Maurice Gerry
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. A copy of the Coalition of Watershed Towns newsletter.
2. A letter from Assemblywoman Aileen Gunther regarding the copy of a resolution with the Town Boards concerns regarding gas drilling in Sullivan County.

RESOLUTION NO. 203-08

APPROVAL OF AUDIT

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

- August, 2008 Abstract:
Claims #1600 to #1798 totaling \$396,104.29
- Post July, 2008 Abstract:
Claims #1580 to #1599 totaling \$123,475.92

4 AYES

ABSENT Councilperson Gerry

CARRIED

RESOLUTION NO. 204-08

APPROVAL OF MINUTES

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

7/21/2008	Regular Monthly Mtg.
8/4/2008	Department Head Meeting
8/14/2008	Joint Fuel Bid

4 AYES

ABSENT Councilperson Gerry

CARRIED

RESOLUTION NO. 205-08

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 July 2008
- Revenue & Expense Summary July 2008

4 AYES

ABSENT Councilperson Gerry

CARRIED

COMPREHENSIVE PLAN UPDATE:

Councilperson Killian will distribute the copies to the appropriate places.

OLD BUSINESS- CARRIED OVER

1. Discussion regarding logging permits.
2. Zoning change for Stephen Poley.
3. Consideration of water line for Kaufman subdivision.
4. Legal action against Ironic.
5. Fuel accountability policy.
6. Memo from Albert Picard regarding Rt. 55 pump station.

7. Update on Senior Citizen roof repair

Supervisor received insurance certificate and Ellis Woodworking will begin work on 8/25.

8. Sidewalks in Swan Lake

Did a walk through w/ Kelly Engineering & Walter Mall and will be putting in sidewalks from the corner to Presidential Estates and across from Presidential to the Firehouse.

9. Consider annexation request of the premises of Dennis J. Anastasis, situated at North End Avenue and Youngs Hill Road and identified as tax map parcels 18-1-28 and 20-2-4 to the Village.

Applicant withdrew request from the Village.

RESOLUTION NO. 206-08

*INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF LIBERTY REGARDING
CODE ENFORCEMENT*

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Clarence Barber** the Town Board does hereby authorize the Supervisor to sign the following agreement:

RESOLUTION NO. 207-08

ANNEXATION OF THE PREMISES OF HERMAN LAUFER

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber** the Town Board approves the following:

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Liberty, New York (the "Town") on or about May 14, 2008, for the annexation of certain territory in the Town to the Village of Liberty, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit "A", and

WHEREAS, a joint hearing of the Town Board of the Town and the Village Board of the Village was duly held on said petition for annexation, according to the law in such cases made and provided, on July 9, 2008, at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board of the Town has duly considered said petition and the evidence presented at said hearing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town finds as follows:

- (1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17; and
- (2) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest in that the annexed territory thereby has access to municipal sewer service; that all real

REGULAR MONTHLY MEETING
August 18, 2008 Continued

or personal property and rights in real and personal property, including, but not limited to, streets, avenues, roads, highways, bridges, overpasses, underpasses, culverts, sidewalks, street lighting fixtures, and conduits, pipes, drains, either above or below the ground surface, and appurtenances and appurtenant rights in relation thereto, owned by the Town shall become the property of the Village; and that any such apportionment of any indebtedness or and any contract or other liabilities or interest shall be a charge to the Village as required by Article 17 of the General Municipal Law.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Town Board of the Town is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition at Exhibit "A" to the Town.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 208-08

ACCEPT JON SUTHERLAND'S RESIGNATION FROM PLANNING BOARD

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby accept Jon Sutherland's resignation from the Town of Liberty Planning Board effective September 1, 2008.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 209-08

APPOINT JOHN VANETTEN TO PLANNING BOARD

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Lynn Killian** the Town Board does hereby appoint John VanEtten to fulfill the unexpired term of Jon Sutherland which expires on 12/31/2010.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 210-08

APPOINTMENT OF JON SUTHERLAND AS ALTERNATE TO THE PLANNING BOARD

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby appoint Jon Sutherland as an alternate to the Planning Board to fill the unexpired term of John VanEtten which expires 12/31/2008.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 211-08

ACKNOWLEDGEMENT OF AUDIT FOR LOCAL COURT RECORDS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** to acknowledge that the required audit was conducted of the local court's records.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 212-08

APPROVAL OF MODIFICATION TO BURNING PERMITS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber**, the Town Board does hereby give approval to the following modifications made to the Town of Liberty burning permits:

TOWN OF LIBERTY

120 North Main Street, Liberty, New York 12754
845-292-5110 / Fax 845-292-1310

RESTRICTED BURN PERMIT

Property Owner: _____ Date: _____

Address: _____ Phone: _____

Address of Open Burn (if different): _____

Person Supervising Open Burn: _____

Phone: _____

Type of Restricted Burning: [] Residential Brush Disposal [] Recreational Bon Fire
[] Land Clearing [] Other:

REGULAR MONTHLY MEETING
August 18, 2008 Continued

Diameter of area (in feet): _____

Distance of burn site from nearest structure: _____

Method for controlling and extinguishing fire: _____

If you are in the Liberty Fire District notification is to be made to Liberty Police Department before starting and upon completion of any open burn by calling: 292-4422

APPLICANT CERTIFICATION:

I hereby agree to all conditions of this permit and understand that the Town of Liberty Code Enforcement Official or Liberty Fire Chief or their representatives, may extinguish or cause to be extinguished any open fire for which a burn permit has been issued if in their professional opinion such fire is creating a public nuisance; is endangering or is likely to endanger any person's health or property or if the burning is being conducted in an unsafe manner or not in compliance with the rules and regulations.

CONSENT TO ENTER PROPERTY:

I recognize that by signing this application, I am giving consent to the Town of Liberty Officials to enter the subject property for the purpose of ascertaining compliance with the Permit.

Signature of Owner of Premises: _____ Date: _____

--OFFICIAL USE ONLY--

Approved Permit No.: _____
 Denied, Reason: _____ Expiration: _____
Signature: _____ Date: _____

The following conditions apply in addition to those on the reverse side of this application:

Revised 8/18/2008

**4 AYES
ABSENT Councilperson Gerry
CARRIED**

RESOLUTION NO. 213-08

**RESOLUTION INTRODUCED BY THE TOWN OF LIBERTY BOARD
AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON THE HECTOR
FARM**

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

REGULAR MONTHLY MEETING
August 18, 2008 Continued

WHEREAS, the Sullivan County Agriculture and Farmland Protection Board has scored and recommended the Hector farm for submission in the New York State Purchase of Development Rights Program; and

WHEREAS, in an effort to increase the number of farm applications submitted to the State, the Sullivan County Agriculture Farmland Protection Board is requesting that the Town of Liberty also be an applicant to the program; and

WHEREAS, the County of Sullivan will provide technical assistance for the administration and monitoring for any successful application for funding; and

WHEREAS, the Town of Liberty is an eligible application under the grant guidelines, and will not be required to expend any funding for this program.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Liberty does hereby authorize the Town Supervisor to apply for, accept and administer New York State Department of Agriculture and Markets funding as described above.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 214-08

AWARD OF JOINT FUEL BID

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Lynn Killian** the Town Board does hereby award the Joint Fuel Bid to the low bidder Ultra Power who submitted the following bid:

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

Item	Published Price	Adjustment	Total Price
87% Octane Unleaded Tank Wagon Price	3.0765	+.0795	3.1560
89% Octane Unleaded Tank Wagon Price	3.1290	+.0975	3.2265
93% Octane Unleaded Tank Wagon Price	3.2815	+.0975	3.3790

Item	Published Price (7/30/08)	Adjustment	Total Price
#2 Fuel Oil Tank Wagon Price	3.6815	+.012	3.6935

REGULAR MONTHLY MEETING
August 18, 2008 Continued

Kerosene (Albany) Tank Wagon Price	4.0485	+.075	4.1235
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Item	Published Price (7/30/08)	Adjustment	Total Price
Diesel Fuel: Tank Wagon	3.8470	+.0249	3.8719
Off Road Diesel: Tank Wagon	3.8470	+.0249	3.8719

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. 215-08

CONCEPTUAL AGREEMENT REGARDING BARKLEY GARDENS AGREEMENT

MOTION by Councilperson Clarence Barber, seconded by **Councilperson Lynn Killian** the Town Board does here by give conceptual approval to the following agreement regarding Barkley Gardens:

DRAFT

REGULAR MONTHLY MEETING
August 18, 2008 Continued



August 12, 2008

Hon. William Smith, Mayor
Village of Liberty
Municipal Building
167 North Main Street
Liberty, New York 12754

Hon. John E. Schmidt, Supervisor
Town of Liberty
Government Center
120 North Main Street
Liberty, New York 12754

Michael Vanyo, Superintendent
Liberty Central School District
115 Buckley Street
Liberty, New York 12754-1600

Re: *Barkley Gardens, Liberty, NY*

Dear Sirs:

I appreciated the opportunity to meet with the three of you and your respective counsel to discuss the future of Barkley Garden Senior Apartments. As you are aware, our firm, Conifer Realty, LLC ("Conifer"), has entered into an agreement to purchase Barkley Gardens thru the HUD Foreclosure process and complete significant capital improvements to the project to preserve it as affordable housing for seniors for the next twenty years. Conifer will establish a redevelopment company, as that term is defined by N.Y. Public Housing Finance Law §§ 103 and 125, as a single asset entity to own Barclay Gardens.

The purpose of this letter is to outline the general terms for a partial tax exemption agreement (the "Agreement") which we discussed at our meeting on July 29, 2008 in the Village's offices. The proposed terms of the Agreement are as follows:

- Conifer agrees that the project will remain affordable to seniors earning 80% or less of the area median income for a minimum period of 20 years. A use agreement will be recorded with the deed;
- Conifer agrees to make a minimum of \$1,100,000 in capital improvements to the project to be completed no later than August 15, 2010;
- Conifer agrees to file audited financials statements and rent roll to the Assessor of the Town of Liberty by May 31st of each year of the Agreement for purposes of the Village, Town, and School District verifying the appropriateness of the partial tax exemption;
- The Town, Village, and School District agree that Conifer will receive a 70% tax exemption on the value of the Barkley Gardens buildings for the assessment rolls of 2009 thru 2018 (years 1 thru 10 of the Agreement). The land value will be assessed with no exemption;

building opportunities, achieving dreams

183 East Main Street, Suite 600
Rochester, NY 14604
phone: 585.324.0500
fax: 585.324.0556
www.coniferllc.com



REGULAR MONTHLY MEETING
August 18, 2008 Continued

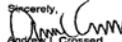
AUG-14-2008 12:25 FROM:LIBERTY CSO 845+292+1164 TO:518 487 7777 P.3/3

Letter to Town, Village and School District
Re: Barkley Gardens Partial Tax Exemption
August 12, 2008 – Page 2

- The Town, Village, and School District agree that Conifer will receive a 65% tax exemption on the value of the Barkley Gardens buildings for the assessment rolls of 2019 thru 2028 (years 11 thru 20 of the Agreement). The land value will be assessed with no exemption;
- Conifer's first tax bill under the Agreement will be generated by the School District in September 2009, followed by a Town, Village and County bill in January 2010. The actual taxes paid by Conifer in each year of the Agreement will be determined by applying the then-current tax rates to the assessed value of the land and the partially exempted assessed value of the buildings;
- Conifer will pay the Village's sanitation assessment;
- Conifer will waive its right to seek any and all other exemptions for the property and will not commence an challenge to the assessed valuation of the real property during the life of the Agreement;
- The Agreement shall be entered into by Conifer, the Town, the Village, and the School District, shall be contingent on the continued use of the property in the manner described above, and shall not be transferable or assignable;
- The Agreement shall terminate in the event of a future mortgage or tax foreclosure; and
- The Town, the Village, and the School District represent to Conifer that there is no past or outstanding taxes due for the property which will be an obligation of Conifer or any entity established by Conifer to own Barkley Gardens.

We understand that Counsel for the School District will draft the partial tax exemption agreement for the project. Once finalized, the actual Agreement would be subject to approval by Conifer and the Boards of the Town, Village and School District.

Please sign below to acknowledge your respective entities' agreement to the terms set forth in this letter. To expedite the process, the letter may be signed in counterparts.

Sincerely,

Glenn L. Crossed
Vice President of Development

ACCEPTED AND AGREED:

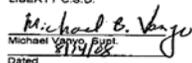
TOWN OF LIBERTY

VILLAGE OF LIBERTY

LIBERTY C.S.D.

John E. Schmidt, Supv.

William Smith, Mayor

Michael Vanzo, Supl.


Dated

Dated

Dated

RESOLUTION NO. 216-08

AUTHORIZATION FOR EXECUTION OF CHANGE ORDER TO LOCAL CONSULTATION ON LAND ACQUISITION CONTRACT WITH THE CATSKILL WATERSHED CORPORATION

MOTION by Councilperson Clarence Barber, seconded by Councilperson Thomas Hasbrouck

WHEREAS, the Town of Liberty is a signatory to the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA); and

WHEREAS, under Paragraph 148 of the Watershed MOA, the Catskill Watershed Corporation (CWC) administers the Local Consultation on Land Acquisition Program which provide reimbursement for costs actually incurred by a Town or Village to review, assess, and comment on submissions provided by the New York City Department of Environmental Protection (NYCDEP) regarding lands or conservation easements in the Town or Village which NYCDEP seeks to acquire under its land acquisition program; and

WHEREAS, the Town of Liberty previously executed an agreement with CWC to provide for reimbursement of eligible costs under the Local Consultation on Land Acquisition program; and

WHEREAS, THE Town of Liberty previously executed an agreement with CWC to provide for reimbursement of eligible costs under the Local Consultation on Land Acquisition Program for eligible costs was increased to up to \$30,000 for each Watershed Town and Village; and

WHEREAS, the Town of Liberty has reviewed the proposed change order to the Local Consultation on Land Acquisition Contract between the Town and the CWC increasing the total amount of funding to \$30,000.

NOW THEREFORE, the Liberty Town board authorizes the Supervisor to execute the Change Order to the Local Consultation on Land Acquisition Program contract with CWC and to submit invoices to CWC from time to time as the Town incurs expenses which may be eligible for reimbursement under the contract.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RECOGNIZE THE PUBLIC

Bob Krupman

- Condition of road by Bungalow Colony on Heinle Rd.
- Will attend 9/2 mtg.

Mary Heinle

- Manure problem w/ Divine Mission
- Supervisor will check on mediation

Wes Illing

- Concerned w/ weight of trucks would like to see weight limitations
- Wanted to know if the Town Board supported the Park in Parksville

BOARD DISCUSSION

Councilperson Clarence Barber

- Thank you to Joanne Gerow & Nancy Sunshine they did a beautiful job on the cemetery.
- Used to do the budget process w/ the Dept. Heads
- WSS Sign
- Would like thank you letters sent to Senator Bonacic, Maurice Hinchey and Assemblywoman Aileen Gunther for the \$600,000 CDBG Grant the Town received

Councilperson Lynn Killian

REGULAR MONTHLY MEETING
August 18, 2008 Continued

- Cold Spring Bridge by Allie Hasbrouck and Mary Warren is in very bad shape and the residents are concerned.
- Town Topics article Capital Infrastructure would like to discuss next meeting
- Ron Shea never received Adopt A Road sign on Chaffee Rd.
- Congratulations to Swan Lake for winning the Silver award.
- 8/20 Farmland Preservation Mtg.
- 8/27 Joint Comprehensive Mtg.

Adjourn

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Clarence Barber, the Town Board adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk