

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
August 18, 2014 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on August 18, 2014 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 Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Budget & Accounting Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague
Water & Sewer Foreman Tom Kehrley
Mary Heinle
Joel Rosenberg
Dr. Jeffrey Cohen
Dr. Eugene Levich
Undersheriff Eric Chaboty
Legislature Cindy Geiger
Dave Ohman
CDC Director Heinrich Strauch

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

CORRESPONDENCE

1. A letter from the NYSDOT regarding a reduced speed limit on Service Road.
2. A letter from the NYSDOT regarding a reduced speed limit on Parksville Road (CR176).
3. A letter from the NYSDOT regarding a reduced speed limit on Parksville Road (TH147).
4. A copy of payments for Loomis Sewer Phase 1.

RECOGNIZE THE PUBLIC

Dr. Jeffrey Cohen

Dr. Cohen advised the board he had come to the 8/4/14 Board Meeting regarding his sewer charges in the Youngs Hill Sewer District. He was told the Board needed some time and would look into the matter and contact him. He advised that no one has contacted him. The Board once

again advised it was gathering information and they needed more time. Dr. Cohen advised that he was getting impatient and that it didn't take him this long to gather his information. The Board once again advised him that they were getting the information and would be in touch with him shortly.

Eugene Levich submitted the following letter:

1. The Town of Liberty has a right-of-way for water run-off on my neighbor's undeveloped property, right on our mutual property line, and the flow from that right-of-way touches and adversely affects my own property.
2. For some thirty-five years, I had no problem with this arrangement, as it caused no damage but, some five years ago, the Village put in new and much larger pipes to transport water run-off to the start of the right-of-way, but did not continue running the pipes past my property. The run-off channel abutting my property consequently has expanded from about three feet to about fifteen.
3. The result is that during rain storms or heavy melting of snow, a terrific volume of water runs through the unprotected channel, undermining half of a large storage shed on my property, and threatening, if the situation is not rectified, to destroy my septic system and wash away a significant percentage of my land.
4. When I first complained about this a few years ago, the Liberty Highway Department representatives responded that they would rectify the problem. They have not done so and the problem becomes more severe each year.
5. I have recently placed my home on the market and the current condition of the affected building and the threat of further damage to a large part of the property makes a sale very difficult.
6. I request of the Town Board, therefore, that it direct the Highway Department to rectify the problem it has created.

Eugene Levich
21 Youngs Hill Rd.

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board approved the following:

- August, 2014 Abstract:
Claims #1405 to #1574 totaling \$411,022.06

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Brian McPhillips**, the Town Board approved the following:

- July, 2014 Post Abstract:
Claims #1377 to #1404 totaling \$387,048.28

Motion by Councilperson Thomas Hasbrouck, seconded by **Supervisor Charlie Barbuti**, the Town Board approved the following:

- July, 2014 General Ledger Abstract:
Claims #197 to #270 totaling \$479,695.39

5 AYES - Carried

RESOLUTION NO

APPROVAL OF MINUTES

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

- Regular Monthly Mtg. 07/21/14

5 AYES - Carried

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Russell Reeves**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 7/14
- Revenue & Expense as of 7/31/14
- Supervisor's Report 5/14

5 AYES - Carried

OLD BUSINESS

1. Loomis WWTF Phase I final payments
Billman & Ross are planning to fix two of the four items.
 - (2) We will make arrangements with the Town's Sewer Department to install the missing rungs in the digester.
 - (4) We will make arrangements with the Town's Sewer Department to fix the supports and tighten the coupling on blower #2.

Item #1 will be added to Phase II.

Attorney Klein will send a letter to Billman & Ross and after #2 & #4 are done the Town will pay the balance that is due.

2. Loomis WWTF Phase II plans:
Dave Ohman presented the board with (3) three different options being considered.
3. Proposed Zoning Law changes – Carryover

DELAWARE ENGINEERING – DAVE OHMAN

Update on Projects

1. **Water System DRBC Application**
 - Application sent out via Fed Ex to DRBC on Wednesday August 13 and confirmed that it was received August 14.
 - Hard copy to Charlie and Tom - today
2. **Loomis WWTP Upgrade**
 - **Site surveying**
 - Topo survey drawing in hand and put onto site plan drawing
 - **Phase 1 contract items that need to be addressed**
 - General Contractor (Billman Ross) responded on August 5 to retainage release and work that needs to be addressed per the contract
 - Planning to fix two of the four items
 - See attached letters and estimated cost table
 - **Plant Data/Sampling Needs**
 - Last week Town began to collect WWTP influent data for the design of Phase 2 RBC (soluble BOD, BOD, TSS, phosphorous, ammonia):
 - 3 times/week for 3-4 weeks
 - 24 hour composite sampling
 - Coordinating with lab on bottles, pickup and delivery
 - Lab analysis cost about \$1,500
 - **Review of Plant Flows**
 - Based on 2012- June 2014 data
 - Over 25% of the days for 2012 and 2014 flow > 50,000 gpd
 - Only 3-5% > 100,000 gpd
 - **Phase 2 Funding**
 - CDBG
 - NYSEFC
 - **Phase 2 NYSDEC**
 - Telephone call with NYSDEC Region 3, Arthur Crawford (plan review coordinator) on permit flow limit of 100,000 gpd relative to design capacity needed

- 2-50,000 gpd treatment trains OK?
- His verbal comments were that plant needs to be able to treat the permit limit flow of 100,000 gpd with one train off line
 - This would be a deviation from planned Phase 1 and 2 duplicate upgrade of 2 trains at 50,000 gpd capacity each
- We prepared and sent an email to him on Friday August 15 – with some additional project information – and requested a written response
- Called this morning and he had not gotten to review the email yet but said he would do so soon

RESOLUTION NO

ADOPT INTRODUCTORY LOCAL LAW #1 OF 2014 ENTITLED “PROHIBITED PARKING”

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby adopt Introductory Local Law No. 1 of 2014 as Local Law No. 1 of 2014 entitled “Prohibited Parking”.

5 AYES - Carried

RESOLUTION NO

INTRODUCE INTRODUCTORY LOCAL LAW NO. 2 OF 2014 ENTITLED “ AMENDING SECTION 60-3 OF CHAPTER 60 OF THE CODE OF THE TOWN OF LIBERTY”

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**
At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town Hall, 120 North Main Street, Liberty, New York, in said Town, on the 8th day of August, 2014 at 4:00 p.m. prevailing time.

The meeting was called to order by Supervisor Barbuti and upon roll being called, the following were:

PRESENT: Supervisor Charlie Barbuti
Councilperson Thomas Hasbrouck
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

ABSENT:

The following resolution was introduced by Councilperson Dean Farrand, who moved its adoption, and seconded by Councilperson Russell Reeves, to wit:

BE IT RESOLVED, that introductory Local Law No. 2 of the Year 2014 entitled “A local law amending Section 60-3 of Chapter 60 of the Code of the Town of Liberty, Sullivan County, New York” is hereby introduced before the Town Board of the Town of Liberty, Sullivan County, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:55 p.m., prevailing time, on September 2, 2014; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the aforesaid local law constitutes a Type II Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for no environmental review is required; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor Charlie Barbuti	voting	AYE
Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Russell Reeves	voting	AYE
Councilperson Brian McPhillips	voting	AYE

The resolution was thereupon declared duly adopted.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$2,040.00 for administrative services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$ 1,375.00 for engineering services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

RESOLUTION NO

APPROVAL OF VOUCHER FOR RAINES & NAGLER CONTRACTING, LLC

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Raines & Nagler Contracting Services, LLC in the amount of \$18,799.13 for contracting services for the White Sulphur Springs Water District Plant upgrades.

5 AYES - Carried

RESOLUTION NO

AWARD OF THE JOINT FUEL BID

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby award the following:

Bid Results for Joint Fuel Bid 8/14/14

#2 Fuel Oil Tank Wagon Price	Ultra Power
Kerosene Tank Wagon Price	County Petroleum

Diesel Tank Wagon Price	Ultra Power
Off Road Diesel Tank Wagon Price	Ultra Power
Unbranded 87% Octane Unleaded Tank Wagon	County Petroleum
Unbranded 89% Octane Unleaded Tank Wagon	Ultra Power
Unbranded 92% Octane Unleaded Tank Wagon	Ultra Power
Branded 87% Octane Unleaded Tank Wagon	Ultra Power
Branded 89% Octane Unleaded Tank Wagon	Ultra Power
Branded 92% Octane Unleaded Tank Wagon	Ultra Power

5 AYES - Carried

RESOLUTION NO

APPROVAL TO RELEASE THE BALANCE OF THE TOWN OF LIBERTY CONTRIBUTION TO THE CDC

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve the release of the remainder of the Town of Liberty's contribution to the Community Development Corporation (CDC) in the amount of \$15,000.

5 AYES - Carried

RESOLUTION NO

APPROVAL FOR SUPERVISOR TO SIGN MOA W/ COUNTY OF SULLIVAN TO ACCEPT \$1300 FROM THE BOY SCOUTS TO BE USED FOR SIGNAGE ON WALNUT MT.

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby authorize the Supervisor to sign Memorandum of Agreement with the County of Sullivan to accept \$1300.00 from the Boy Scouts for signage at Walnut Mountain.

5 AYES - Carried

RESOLUTION NO

MAURICE GERRY APPOINTED AS TOWN OF LIBERTY MARRIAGE OFFICER

Motion by Councilperson Brian McPhillips, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby appoint Maurice Gerry as a Town Marriage Officer for a term expiring 12/31/2017.

5 AYES - Carried

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Dean Farrand, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby go into Executive Session at 8:15 p.m. to discuss a personnel matter and possible litigation.

5 AYES - Carried

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 9:47 p.m.
5 AYES - Carried

ADJOURN

On a motion by Councilperson Russell Reeves, seconded by Councilperson Dean Farrand, the Town Board does hereby adjourn the meeting at 9:48 p.m.

Respectfully submitted,

Laurie Dutcher

Laurie Dutcher, Town Clerk