

TOWN BOARD OF THE TOWN OF LIBERTY  
**REGULAR MONTHLY MEETING**

August 20, 2012

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 the Swan Lake Firehouse, Swan Lake, New York, the following Town Board Members were present:

Supervisor Charlie Barbuti  
Councilperson Maurice Gerry  
Councilperson Dean Farrand  
Councilperson Thomas Hasbrouck  
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein  
CEO Mark VanEtten  
Finance Director Earl Bertsch  
Budgeting & Accounting Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Pat Lubin  
Carol Benton  
Nancy Levine  
Helene Rothstein  
Fred Brunson  
Anne Hart  
Judy Siegel

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

**CORRESPONDENCE**

1. A copy of the 239 Review from the Sullivan County Division of Planning & Environmental Management regarding Introductory Local Law #3 of 2012.
2. A copy of A Notice of Order from the NYS Department of Transportation regarding a 65 mph on Rt. 17.
3. A copy of A Notice of Order from the NYS Department of Transportation regarding Section 1048.00 being repealed.

**PLANNING & ZONING BOARD MINUTES**

None submitted

## RECOGNIZE THE PUBLIC

### Pat Lubin

- Thanked the Board for all their hard work. The Loomis Watch received the Judges Choice Plaque.
- Stated that Old Loomis Rd. is in dire need of repair. She would like the road to look a certain way.
- Complained that Rolling V is testing their tires on the road and would like the board to ask them to test them somewhere else. She has sent a letter to Tim Pellam and Rolling V.

### Fred Brunson

- Advised the Board that he had adopted Kelly Bridge Rd. and tries to clean it but the people keep throwing garbage there. He also wanted the Board to know that he had not received an Adopt A Road sign.

## RESOLUTION NO

### *APPROVAL OF AUDIT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- August, 2012 Abstract:  
**Claims #1429 to #1665 totaling \$718,333.05**
- July, 2012 Post Abstract:  
**Claims #1404 to #1428 totaling \$125,430.12**
- July,2012 General Ledger Abstract:  
**Claims #210 to #266 totaling \$293,504.11**

5 AYES - Carried

## RESOLUTION NO

### *APPROVAL OF MINUTES*

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

- Regular Monthly Mtg. 7/16/12

Regular Monthly Meeting  
August 20, 2012 continued.....

- Public Hearing (Intro LL #2) 7/16/12
- Public Hearing (Intro LL #3) 7/16/12
- Special Meeting 7/17/12
- Dept. Head Mtg. 8/6/12

5 AYES - Carried

**RESOLUTION NO**

*ACCEPTANCE OF MONTHLY REPORTS*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 7/12
- Monthly report of revenue & expense summary as of 7/31/2012
- Supervisor's Report for 7/12

5 AYES - Carried

**OLD BUSINESS**

1. Loomis Sewer Treatment Plant- Albert has mtg w/ BOCES on 8/21/12
2. Wind power regulations-Zoning Regulation Committee should look at
3. Town Code-Will set up a mtg.
4. Introductory Local Law #2

**NEW BUSINESS:**

**(1) RESOLUTION NO**

*ACCEPT RESIGNATION OF PETER BELGARD FROM ZONING BOARD*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby give accept the resignation of Peter Belgard from the Town of Liberty Zoning Board.

5 AYES Carried

**(2) RESOLUTION NO**

*ACCEPT RESIGNATION OF RAYMOND KELLY FROM PLANNING BOARD*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby accept the resignation of Raymond Kelly from the Planning Board.

5 AYES Carried

**(3) RESOLUTION NO**

*APPOINTMENT OF JUDY SIEGEL TO THE PLANNING BOARD*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby appoint Judy Siegel to fill the unexpired term of Raymond Kelly expiring on 12/31/2013.

5 AYES - Carried

**(4)** Approval for Special Use Road Permit for Rally New York, Lt to use Town Park Rd. & Big Woods Rd. for the International Rally New York on October 20-21, 2012.

**TABLED**

**(5) RESOLUTION NO**

*APPROVAL TO PAY BLAUER ASSOCIATES*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board does hereby authorize the payment to Blauer Associates in the amount of \$475. for administrative services for the Loomis Sewer District Wastewater Treatment Plant.

5 AYES Carried

**(6) RESOLUTION NO**

*APPROVAL TO PAY BLAUER ASSOCIATES*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby authorize the payment to Blauer Associates in the amount of \$225. for administrative services for the Loomis Sewer District Wastewater Treatment Plant.

5 AYES Carried

**(7) RESOLUTION NO**

*APPROVAL OF STIPULATION OF SETTLEMENT FOR MICHAEL HOCHMAN & LOUIS SAPERSTEIN SBL #107.-2-5*

Regular Monthly Meeting  
August 20, 2012 continued.....

The following motion was offered by Councilperson Farrand, who moved its adoption, and seconded by Councilperson Thomas Hasbrouck, to wit:

**WHEREAS**, Michael Hochman and Louis Saperstein (“Petitioners”) have served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2011 with respect to a parcel owned by them located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioners have appeared in the aforesaid proceedings by Baum Law Offices, LLP, Morton I. Baum, of counsel; and

**WHEREAS**, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

**WHEREAS**, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioners’ complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorneys of record for the Petitioners, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other

Regular Monthly Meeting  
August 20, 2012 continued.....

documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor Charlie Barbuti voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Chris Austin voting	AYE

The resolution was thereupon declared duly adopted.

5 AYES Carried

**(8) RESOLUTION NO**

*APPROVAL OF STIPULATION OF SETTLEMENT FOR MICHAEL & JOAN HOCHMAN SBL  
#107.-2-5*

The following motion was offered by Councilperson Thomas Hasbrouck, who moved its adoption, and seconded by Councilperson Maurice Gerry, to wit:

**WHEREAS**, Michael Hochman and Joan Hochman (“Petitioners”) have served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2011 with respect to a parcel owned by them located in the Town of Liberty; and

**WHEREAS**, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioners have appeared in the aforesaid proceedings by Baum Law Offices, LLP, Morton I. Baum, of counsel; and

Regular Monthly Meeting  
August 20, 2012 continued.....

**WHEREAS**, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

**WHEREAS**, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioners' complaint with respect to the subject assessment;

**NOW, THEREFORE**, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the attorneys of record for the Petitioners, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it further

**RESOLVED**, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation of settlement.

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

Supervisor Charlie Barbuti voting	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Thomas Hasbrouck voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Chris Austin voting	AYE

Regular Monthly Meeting  
August 20, 2012 continued.....

The resolution was thereupon declared duly adopted.

(9) Adoption of Introductory Local Law #2 of 2012 entitled "A local law to amend the Zoning Law to Authorize the Planning Board to waive Site Plan Review Requirements."

**TABLED (CHANGE LANGUAGE)**

**(10) RESOLUTION NO**

*ADOPTION OF INTRODUCTORY LOCAL LAW #3 AS LOCAL LAW #2*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby adopt Introductory Local Law No. 3 of 2012 as Local Law No. 2 of 2012, a local law entitled "A local law to add "cemeteries" as a Special Use in the R-1 (Low density residential) District".

5 AYES Carried

**(11) RESOLUTION NO**

*RE-APPOINTMENT OF CARRIO RAMOS TO THE PARK & REC BOARD*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Chris Austin** the Town Board does appoint Carpio Ramos to the Park & Rec Board for a term expiring 12/31/2016.

5 AYES Carried

**(12) APPROVAL OF JOINT FUEL BID**

**TABLED**

(13) Discussion on air quality report for P&R received from Barton & Loguidice.

Mold levels are normal. Has elevated carbon monoxide. Needs an air circulator.

**BOARD DISCUSSION**

**Councilperson Chris Austin**

- Tim Pellam advised him that the "Welcome to Liberty" signs had come in but were damaged.

**Councilperson Dean Farrand**

Regular Monthly Meeting  
August 20, 2012 continued.....

- Farmland Protection Committee meets the 3<sup>rd</sup> Monday of each month. Have a website and will have a brochure shortly.
- Mandate Relief continues to meet down to 4 people. Focusing on what unfunded mandates there are and also on the tax base. They meet the 2<sup>nd</sup> Wednesday of each month.

**Councilperson Thomas Hasbrouck**

- Thanked Nancy Levine and all her workers

**Councilperson Maurice Gerry**

- Would also like to thank Nancy Levine and also told Pat Lubin that her project was beautiful.

**Supervisor Charlie Barbuti**

- The CDC & Dan Ratner won the \$10,000 award  
Nancy Levine wanted to add that Mark VanEtten goes out of his way to help.

**ADJOURN**

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

Respectfully submitted,

Laurie Dutcher,  
Town Clerk