

TOWN BOARD OF THE TOWN OF LIBERTY  
**DEPARTMENT HEAD MEETING**  
September 12, 2011

At the Dept. Head Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Councilperson Chris Austin  
Councilperson Thomas Hasbrouck  
Councilperson Lynn Killian  
Councilperson Maurice Gerry

Absent: Supervisor John Schmidt

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Water & Sewer Supervisor Albert Picard  
Highway Superintendent Tim Pellam  
Assessor Kathy Sprague  
Park & Recreation Director Brian Scardefield  
Code Enforcement Officer Mark VanEtten  
CDC Director Heinrich Strauch

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

**CORRESPONDENCE**

1. A letter from Supervisor Schmidt for a hardship clause for Marlene Ross.
2. An invitation to the Town Supervisor and Board to attend the award of Eagle Scout to Anthony Louis Esposito on September 25, 2011.

**RECOGNIZE DEPARTMENT HEADS**

**Assessor**

Ongoing and working on:

911 data-base update

Pictures

Exemptions: Driving License, etc.

Destroying/updating files

Information:

Working on litigation parcels (More this year than in the past – economy) a spreadsheet will be handed out to you at the meeting

Audrey received a 98 on the final examination for the Appraisal Principles & Procedures. In lieu of my fall conference, the NYSAA is offering a part 2 valuation course in the Town Of Montgomery, and I'm sending Audrey for further education in October

Working on 2012 assessment roll, field work, and litigation. etc.

Going to be mailing out STAR renewals towards the end of this month (after the school taxes have been out for 2-3 weeks)

Many calls regarding the school taxes (increases; assessments; address changes, etc.,) for Liberty and other townships, which I forward on)

Otherwise business as usual

### **Highway Superintendent**

Spent the beginning of August paving Hy Sa Na Road, Lake Marie Road and Castle Hill Road.

Spent the last of the month cleaning up after Hurricane Irene.

Temporarily had several roads shut down due to flooding.

Large number of trees fell into roadways.

Most employees worked 12.5 hours overtime on August 28 due to Hurricane Irene.

Hauling sand to get ready for winter.

### **Water & Sewer**

September 2, 2011-Emergency dig job-Infirmiry Sewer-Leak on force main from Sullivan County Infirmiry. Had John Schmidt on site. Due to not being able to shut the Infirmiry down, and lack of manpower (holiday weekend) I hired Howard Osterhoudt to dig the leak and make repairs.

W.S.S. Well Project is proceeding very slowly due to weather and flooding.

W.S.S. Pipeline project-They are working slow due to the weather conditions.

Pres. Estates Pump Station- Have a contractor that gave a very good price. Still waiting on more prices and also need John Schmidt to get 3-phase service to that pump station. (Neversink Electric)

Stevensville Well #4-Done with testing for N.Y.S.D.E.C in order to amend W.A.S. permit in order to pump 450 GPM from Well #4. Also need to have 450 GPM pump looked at. It may need to be rebuilt as it will not produce 450 GPM.

Smoke Test-Loomis Sewer Collection System was done on 8/24-8/25/11. Will let Kelly Engineering know what was found (New York Rural Water Assn did the testing). We will need to send report to N.Y.S.D.E.C.

Would like to buy a spare pump for Loomis Sewer Pump Station. I am afraid if both pumps go down at the same time I would not have a spare to put back in. Need to see if Earl has money to do this. Stacey is getting a quote for the pump.

Anything else that may arise after these topics have been submitted.

Business as usual

### **CEO**

- 22 Building Permits opened
- 5 Closed Building Permits
- 17 Complaints
- 3 Closed Complaints
- 1 New Planning Board applications
- 0 Approved Planning Board applications
- 1 Zoning Board applications
- 0 Approved Zoning Board applications

### **Park & Recreation**

The pool, camp, and concession are closed. We closed concession the last day of camp because we were not making enough money on the weekends to make it worth while to stay open. We closed the pool the last week of August.

We are sponsoring the movie "Cars" on September 9<sup>th</sup> as part of the Free summer outdoor movie nights.

The Pee-Wee football season has started. We have 55 football players and 15 cheerleaders. Adam is running the program now because Jason Semo (Liberty's Athletic Director) who used to run it left Liberty for another position.

The bathrooms are all framed up. The roof and walls are covered. I spoke to Bill Dresher from BOCES to see if they would be interested in putting on the metal roof and walls and completing any other work on it. I am meeting with him Thursday so he can take a look at it, but it sounds like they will do it.

I spoke with Cliff Asdal the forester who worked on the logging plans for Walnut Mountain and Hanofee Park back in 1995. He walked through Hanofee Park and Walnut Mountain Park in August and said we only have about \$5,000 - \$10,000 worth of lumber on the back side of walnut and about 30 cherry and some hemlock trees at Hanofee.

Our Fall Program flyer is going out to the schools and around town this week.

Held the Swing Shift concert on August 18<sup>th</sup>. We had rescheduled it due to rain when it was supposed to be held, but the weather wasn't so great that night either. We had about 40 people show for it.

Finished the budget and handed it in to Cheryl.

Maureen set up a ribbon cutting for the new kitchen in the Liberty Senior Center for August 31<sup>st</sup>. There should be an article in the Democrat soon.

The Liberty School is going to be holding some modified soccer games at our Walnut Soccer Field this fall because they have a big sink hole in the school field that they play on.

We had around 100 children show up for the movie "Cars" this past Friday at the stage. It was a big hit with the children. We passed out free ice cream and bubbles.

BOCES is going to put the metal roofing and siding on the bathrooms. The metal should be here next week. They also said they may be able to work on the interior of the building during the winter.

We had an elderly person lose his balance and fall on the pool deck after coming out of the shallow end of the pool. He refused medical treatment. His wife took him to the hospital in Orange County and he ended up have a broken hip. The Town's insurance company sent out an adjuster the other day to take pictures of the location.

CDC

Regional Economic Development Council

The Governor has created 10 Regional EDC's to develop and submit economic development strategies to compete for a total of \$1Bn in cash and tax credits. The top 4 regions will each get \$200 Million, and the remaining 6 regions share the remainder. Sullivan County is part of the Mid-Hudson region that includes Orange, Westchester, Rockland, Ulster, Dutchess, and Putnam. We are represented by Jonathan Rouis as County Legislature Chair, and Terri Ward per County Chamber of Commerce. All regions' proposals are due by November 14. Main target is job creation. The Mid-Hudson REDC is inviting residents to a public forum / community workshop on 9/12 from 5-6:30 pm @ Bethel Woods to gather input. As facilitated by the County Planning Department, the CDC is part of a 'Planning' subcommittee for Sullivan that is working towards the

formulation of the County's position within the region. Pattern for Progress (Jonathan Drapkin and Joe Czajka) were hired as consultants. First meetings have identified 4 main directions for the county to pursue: Agriculture / Food Systems; Main Street Redevelopment; Tourism Initiatives; and Essential Services / Infrastructure. Within these groups 'low hanging fruit' projects as well as longer-term initiatives were discussed for inclusion into the regional plan. In addition, the newly possible 'landbanking' as an economic development tool was discussed, with further details to be developed.

### ***Parksville***

The CDC, with Lynn Killian, County Planning and County DPW met with DOT representatives to discuss future road maintenance and potential property transfers related to the DOT's Parksville project.

As previously indicated, the County will become responsible for the maintenance of the extended Old Rt. 17 from Liberty up to Cooley Road; the Town will be responsible for the service road/former Rt. 17 from Cooley Road to Fox Mountain Road (with bridges over 20ft County responsibility). Main Street and the O'Keefe Hill are also Town responsibilities. The County will maintain Short avenue up to State maintenance lines around the Rt. 17/I-86 exit ramps.

There will be no automatic property transfer of any parcels becoming 'vacant' due to the DOT abandoning its right-of-way along the old track of Rt. 17. All proposals for future use need to be submitted to the DOT for review and will be decided on case-by-case basis. For use as public space a 'usage agreement' with the DOT may be easier to obtain than a formal property transfer. Proposals for commercial use of available space will require some financial transactions to reimburse the DOT for the original purchase of the properties. The DEC, as well as other potentially interested state agencies, has a 'first right' towards all property transfers.

### ***Main Street Grant***

The first construction projects are under way (Liberty Fitness, Alembic Realty, Immaculate Concepts, Barbuti, Eddie's Antiques, Public Library) and some have reached first milestones that qualify for reimbursement. The CDC is preparing a first project reimbursement request to establish the administrative flow with NYS OCR. All projects must be completed by August/September 2012.

### ***Economic Development***

**HVADC**, the Hudson Valley AgriBusiness Development Corporation is expanding its field of operation into Sullivan County. Funded by USDA, the organization provides technical and financial assistance to farmers and farm-related businesses. Todd Erling, the Executive Director, is planning to visit Sullivan County communities, soon. See [www.hvadc.org](http://www.hvadc.org) for more information.

The proposed **Red Meat** facility has finalized their site plans and submitted them to the Village Planning Board for a first review on 9/7, including the much-discussed stormwater management plans.

**Ideal Snacks** is submitting plans to expand into the 'Grossman's Tire' property, replacing the existing building with newly constructed storage facilities.

3 retailers are opening operations in **Sullivan's**: A shoe store, a women's clothing store and a giftcard store (all non-chain, independent owners).

The **Greater Liberty Chamber of Commerce** has its Annual Meeting on 9/22 from 6-9 pm at Cracolizzi's on Rt. 52.

### ***Public Spaces***

The **Liberty Community Garden** has installed a rainwater capture system, utilizing the roof run-off from the Shortline service building. Also planned for 2011 is a small greenhouse/shed to be able to begin 'growing from seed' in 2012.

The Village Board will award contracts on repair/replacement of a sidewalk section in front of the **Senior Center** on 9/12.

The CDC is supporting an **Eagle Scout Project** by Jonathan Griesbeck to build a school bus shelter at the corner of Corrigan Road and Cherry Lane.

**Movie Nights** are to be completed on September 10 with 'Cars', in collaboration with Parks & Rec. ... weather permitting. The move to Friday nights was successful – the crowds (at 50-60 people) were larger than in previous years.

### ***Zoning***

The Zoning Review committee has finalized its proposed draft for a revised version of Chapter 84/Article IX dealing with Non-conforming use. The revised draft version will be submitted to the Town Board for review.

## **DCO**

9 dogs at kennel

Picked up 7 dogs

Picked up 2 County dogs

1131 miles

I am currently working with a web-designer to develop a website in order to find adoptive homes for our municipality dogs. I have donated the cost of the domain # and hosting of this site. I spoke to Ken about this and he recommended contacting Marshall and Sterling to inquire about liability issues.

Laurie contacted Marshall and Sterling and was informed that it was not an issue for the town to adopt out dogs as many municipalities do so.

Note: NYS Law allows for the adoption of dogs through municipalities and includes a section on the DL-18(State form used for municipality dogs) for such.

The recent no-kill status of Middletown Humane Society has deepened the plight of our county regarding unwanted stray animals. Healthy, adoptable dogs are now being

ethanized in the county because there are no resources in our County and we no longer have the services of the Middletown Humane Society. This is a critical problem. Sullivan County Public Health - At some point, I would like to sit down with the board and establish a policy creating precise responsibilities for my position regarding rabies. We are not mandated to provide rabies quarantine, seizure and follow-up for Public Health, although I am constantly called to do so. There are potential consequences for the town that I feel need to be addressed before a situation occurs. I addressed this with Ken last year and he said at minimum, a contract should be in effect to protect the town and establish some sort of formal protocol.

### **Finance Director**

1. Prepared 2012 Tentative Budget
2. Communicated with Marshall and Sterling regarding claims
3. Contacted County about their Propane Bid
4. Contacted Fallsburg Gas regarding the participation of the Town on the County's propane bid
5. Reviewed changes submitted and made for the contract with the Village by the Village attorney
6. All other daily responsibilities

### **Court**

• V&T Received	556
• V&T Appearances	276
• Criminal Appearances	600
• Ordinance Appearances	20
• Civil Appearances	35
• Total Fines Collected	\$70,616.50
• Total Fines to Town of Liberty	Not Available
• Total Fines to Village	Not Available

### **RESOLUTION NO**

#### *RE-BID WATER & SEWER 2005 CHEVY SILVERADO*

**Motion by Councilperson**, seconded by **Councilperson**, , the Town Board of the Town of Liberty does hereby re-bid the Water & Sewer 2005 Chevy Silverado Truck VIN# 2GCEK19V951231155 surplus equipment and do hereby set a bid date for 10/12/11/2011 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty, NY.

4 Ayes – Carried

1 Absent – Supervisor Schmidt

**RESOLUTION NO**

*APPROVAL TO PURCHASE USED 2010 KOMATSU WHEEL LOADER*

**On a motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby accept the bid submitted by Pine Bush Equipment, Co. in the amount of \$68,720.00 for the purchase of a used 2010 Komatsu Wheel loader.

4 Ayes – Carried  
1 Absent- Supervisor Schmidt

**RESOLUTION NO**

*MARK BLAUER TO PREPARE SEQR & FEDERAL NEPA COMPLIANCE*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby accept Mark Blauer’s proposal to prepare the Environmental Review record to obtain Federal NEPA compliance along with the necessary forms and resolutions to satisfy SEQRA. The charge for Federal NEPA compliance is not to exceed \$2,400.00 and the SEQRA compliance amount not to exceed \$750.00.

4 Ayes – Carried  
1 Absent- Supervisor Schmidt

**RESOLUTION NO.**

*APPROVAL TO ADVERTISE FOR ENGINEERING INSPECTION / CONSTRUCTION PERIOD SERVICES AND PROJECT ADMINSTRATIVE SERVICES FOR THE PENDING SMALL CITIES APPLICATION FOR THE LOOMIS SEWER DISTRICT*

**Motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby grant approval to advertise for Engineering Inspection/Construction Period Services and Project Administrative Services for the pending Small Cities Grant Application for the Loomis Sewer District.

4 AYES - Carried  
1 Absent – Supervisor Schmidt

**RESOLUTION NO**

*RESOLUTION OF ACHIEVEMENT TO ANTHONY LOUIS ESPOSITO FOR RECEIVING THE EAGLE SCOUT AWARD*

**On a motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby make the following resolution of achievement for Anthony Louis Esposito:

***Congratulatory Resolution  
In Recognition  
of  
Anthony Louis Esposito***

**WHEREAS**, Anthony Louis Esposito is a Town of Liberty resident; and

**WHEREAS**, Anthony is a graduate of the Liberty Central High School Class of 2011; and

**WHEREAS**, Anthony has been an active and exemplary member of the Cub Scouts and Boy Scouts since 2000; and

**WHEREAS**, Anthony has successfully completed the requirements necessary for Eagle Scout designation; and

**WHEREAS**, on June 28, 2011 Anthony was awarded the highest honor to be bestowed upon a Boy Scout, that of an Eagle Scout:

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Liberty recognizes the significance of the Eagle Scout Honor; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Liberty urge all our residents to join Anthony's parents, his friends and associates in the Boy Scouts and other friends and family members in congratulating Anthony on his impressive accomplishment in being awarded the honor of Eagle Scout.

4 Ayes – Carried

1 Absent- Supervisor Schmidt

(7) Discussion regarding the Heating System Modification bid. Supervisor Schmidt will set up a meeting with Glenn Erts and try to get an itemized bill.

**RESOLUTION NO**

*SEND LETTER FROM SUPERVISOR SCHMIDT TO THE ZONING BOARD*

**On a motion by Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby request that the letter below from Supervisor Schmidt asking that a "hardship clause" exception be made sent to the Zoning Board for them to make a decision and for them to contact CEO VanEtten and Assessor Kathy Sprague:

*"Dear Town Councilpersons,*

*I received a request from Marlene Ross to re-install a mobile home at Beech Lane off of Rt. 55. Previously there was a mobile home on this property that was rented out, but the occupants of the mobile home did not take care of the property and Mrs. Ross had to demolish the mobile home.*

*There is a concrete pad and it has its own water & sewer hook-ups from the previous double-wide home.*

*Marlene Ross is not in good health and would like to be near her family. She is therefore asking for a hardship clause to put a mobile home in the location to be near her family. She is therefore asking for a hardship clause to put a mobile home in the location to be near family with the agreement that it will be removed upon her death or until she no longer needs it. The town would not be setting precedence by allowing this for it has been previously done for Bernice Smith to install a mobile home located by her son on Briscoe Rd.*

*Sincerely,  
John E. Schmidt"*

4 Ayes – Carried  
1 Absent- Supervisor Schmidt

#### **RESOLUTION NO**

*EXTEND HANDRAIL ON SIDEWALK TO BOTTOM OF STAIRS*

**On a motion by Councilperson Chris Austin**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby give their approval to extend the handrail to the bottom of the steps as requested by the CEO.

4 Ayes – Carried  
1 Absent- Supervisor John Schmidt

#### **RESOLUTION NO**

*ESTABLISH TRUST FUND FOR THE HEALTH & WELL BEING OF THE DOGS*

**On a motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board does hereby approve of establishing a trust fund for dog donations to be used for the health and well being of the dogs.

4 Ayes – Carried  
1 Absent- Supervisor John Schmidt

## **RESOLUTION NO**

*DCO JOANNE GEROW WILL NO LONGER PERFORM SERVICES FOR PUBLIC HEALTH NURSING PERTAINING TO RABIES*

**On a motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby direct the Town Attorney to write a letter to Public Health Nursing informing them that the Town of Liberty Dog Control Officer Joanne Gerow will no longer be available to do any investigation, quarantine or follow-up visits pertaining to rabies on behalf of Sullivan County Public Health, effective immediately.

4 Ayes – Carried  
1 Absent- Supervisor John Schmidt

## **RESOLUTION NO**

*BUDGET WORKSESSION SET FOR 9/26/11 @ 1:00 PM*

**On a motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby schedule a budget worksession for September 26, 2011 at 1:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 Ayes – Carried  
1 Absent- Supervisor John Schmidt

## **DISCUSSION**

**Councilperson Chris Austin** advised that he would like to see (3) sealed quotes for the 3 phase electric service at Presidential Estates.

**CEO Mark VanEtten** advised that he had been mandated to Margaretville to help out with inspecting houses, etc. He has now been mandated to Binghamton to check out houses.

The Board advised they have no problem with this as long as Mark's schedule allows.

**Finance Director Bertsch** advised that some questions had been brought up regarding the pay for the Highway and W&S Depts. for the Saturday that a State of Emergency was issued. He advised that he felt that because the Town was not open that day, the rate of pay would be time and a half.

The Town Board agreed.

**DCO Joanne Gerow** advised the Board Supervisor Schmidt purchased (9) doors for the kennel without her consent.

ADJOURN

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 5:08 p.m.

Respectfully submitted,  
Laurie Dutcher, Town Clerk