

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
September 15, 2008**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on September 15, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

Present: Deputy Supervisor / Councilperson Clarence Barber
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Clarence Barber

Absent: Supervisor John Schmidt
Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch
Deputy Highway Superintendent John Lennon
Code Enforcement Officer Mark VanEtten
Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Deputy Supervisor Barber 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 letter from the New York Regional Interconnection (NYRI).
2. A letter from Governor Paterson regarding receipt of the Town Board's resolution expressing concern over Natural gas exploration & development.
3. A letter from Natoli & Natoli, LLP regarding the Town of Norwich not permitting a waiver of any local law for the NYRI.
4. A letter from the Catskill Watershed Corp. regarding the Annual Catskills Local Government Day to be held on October 22, 2008.

RESOLUTION NO. -08

APPROVAL OF AUDIT

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

- September, 2008 Abstract:
Claims #1819 to #2029 totaling \$338,279.14
- Post August, 2008 Abstract:
Claims #1799 to #1818 totaling \$251,704.71

4 AYES
ABSENT Supervisor Schmidt
CARRIED

RESOLUTION NO. -08

APPROVAL OF MINUTES

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

8/18/2008 Regular Monthly Mtg.
9/2/2008 Department Head Meeting

4 AYES
ABSENT Supervisor Schmidt
CARRIED

RESOLUTION NO. -08

ACCEPTANCE OF MONTHLY REPORTS

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** to accept the following monthly reports as follows:

- Town Clerk's August, 2008 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of August 31, 2008.
- Supervisor's Report June 2008

4 AYES
ABSENT Supervisor Schmidt
CARRIED

COMPREHENSIVE PLAN UPDATE:

OLD BUSINESS- CARRIED OVER

1. Discussion regarding logging permits.
2. Zoning change for Stephen Poley.
3. Fuel accountability policy.
4. Sidewalks in Swan Lake.
5. Read SEQRA for Introductory Local Law #2 of 2008.
6. Consider adoption of Introductory Local Law #2 of 2008.
7. Updating building fees.
8. Approval of transfer of Junk Yard license from Weinert's to Sims Metal East, LLC.

RESOLUTION NO. -08

AG & FARMLAND PROTECTION PLAN CONSULTING AGREEMENT

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize the Supervisor to sign the following agreement:

RESOLUTION NO. -08

OPPOSING STATE'S RECOMMENDATION TO MOVE REGISTRAR TO COUNTY LEVEL

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

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments, and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioners, and

WHEREAS, the local Registrars provide residents with efficient, individualized services at a reasonable cost, and

WHEREAS, in Sullivan County it would take some residents of the County more than one hour to travel to the County Seat in Monticello to transact business, during a time when the cost of gasoline is \$4.00 per gallon, and

WHEREAS, the local Registrars charge \$10.00 per certified copy and the State proposed that the County will charge \$30.00 per certified copy, and

WHEREAS, in this time of economic hardship, it is inappropriate to suggest that the residents incur extra unnecessary expenses, and

WHEREAS, New York State Department of Health has inappropriately attached these proposed changes in changing the structure of the Registrar of Vital Record's duties to the "Pandemic Flu and Public Health Emergency Preparedness Law" §8184 (Hannon) and A11550 (Gottfried),

NOW, THEREFORE, BE IT RESOLVED, that the Town of Liberty Town Board adamantly opposes the proposal to move the Registrar duties to the County level, as it would create a great hardship and a disservice to our local residents and taxpayers, and

BE IT FURTHER RESOLVED, that a Certified Copy of this resolution be forwarded to Governor David Paterson, Senator Charles E. Schumer, Senator Hillary Rodham Clinton, Senator John J. Bonacic, Congressman Maurice D. Hinchey and Assemblywoman Aileen M. Gunther.

4 AYES

ABSENT Supervisor Schmidt

CARRIED

RESOLUTION NO. -08

BUDGET WORKSESSION SCHEDULED 10/6/2008

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby set a Budget Worksession immediately following the 4:00 p.m. Department Head Meeting on October 6, 2008 at Town Hall, 120 North Main Street, Liberty, New York.

4 AYES
ABSENT Councilperson Gerry
CARRIED

RESOLUTION NO. -08

***DEFERRED COMPENSATION COMMITTEE RESOLUTION TO
AMEND AND RESTATE THE MODEL PLAN***

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve the following and authorize the Supervisor to sign:

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Liberty (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Liberty, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Liberty;

WHEREAS, A Request for Proposal (RFP) for a new agreement to provide Administration and Trust Services to the employees of the Town of Liberty was offered and proposals were received from three qualified firms; and

WHEREAS, There is no direct cost to the Town of Liberty for offering this program to its employees; and

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.

REGULAR MONTHLY MEETING
September 15, 2008 Continued

- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Liberty has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Liberty by adopting the amended Model Plan.

WHEREAS, After review of the proposals and interviews with the most qualified applicants, the Deferred Compensation Committee recommends that the Town of Liberty continue to retain the services of Nationwide Retirement Solutions as its Plan Administrator and Nationwide Trust Company FSB, as its Trustee; now, therefore, be it

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Liberty hereby renews the Deferred Compensation Plan for the Employees of the Town of Liberty for a period of five years effective from September 15, 2008 through September 14, 2013

AND FURTHER BE

RESOLVED, that the Town of Liberty hereby amends the Deferred Compensation Plan for Employees of the Town of Liberty by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

RESOLVED, that the Town of Liberty selects Nationwide Retirement Systems as Plan Administrator and Nationwide Trust Company, FSB as Trustee; and, be it further

RESOLVED, that the Town of Liberty be and hereby is authorized to enter into appropriate contracts with Nationwide Retirement Systems and Nationwide Trust Company, FSB, 100 Nationwide Blvd, Columbus, OH 43215, which in no event shall be of greater duration than five years and subject to all rules and regulations of the New York State Compensation Board.

4 AYES
ABSENT Supervisor Schmidt
CARRIED

RESOLUTION NO. 0-08

*AUTHORIZE SUPERVISOR TO SIGN CONSULTING W/ NAN C. STOLZENBURG
DBA COMMUNITY PLANNING & ENVIRONMENTAL ASSOCIATES*

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize the Supervisor to sign consulting agreement between Nan C. Stolzenburg dba Community Planning & Environmental Associates to develop Agricultural and Farmland Protection Plans for the Town of Liberty and Bethel.

4 AYES
ABSENT Supervisor Schmidt
CARRIED

RESOLUTION NO. -08

AUTHORIZE A LOAN FROM GENERAL FUND TO HIGHWAY FUND IN THE AMOUNT OF \$73,504.

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby authorize a loan from the General Fund to the Highway Fund in the amount of \$73,504. to be repaid by budgetary or bonding monies for repairs to Youngs Hill Rd.

4 AYES
ABSENT Supervisor Schmidt
CARRIED

RESOLUTION NO. -08

AUTHORIZE REPAIRS TO BE MADE TO YOUNGS HILL RD

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby authorize repairs to be made to Youngs Hill Rd. in the amount of \$73,504, which includes pipe, drainage, paving and labor.

4 AYES
ABSENT Supervisor Schmidt

CARRIED

RESOLUTION NO. -08

MOVE "RECOGNIZE THE PUBLIC" TO THE BEGINNING OF THE REGULAR MTG.

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby direct the Town Clerk to move "Recognize the Public" to the beginning of each Regular Monthly Meeting.

4 AYES
ABSENT Supervisor Schmidt
CARRIED

BOARD DISCUSSION

Councilperson / Deputy Supervisor Clarence Barber

- Water leak on South Main Street Ext. across Rt. 17 to Grossinger's

Councilperson Lynn Killian

- Would like to discuss article on Capital Planning / Will get to Laurie for next meeting
- Spoke w/ Cornell Cooperative Extension regarding Mary Heinle's problem w/ her neighbor spreading manure.
 - Spoke w/ Brian Brussman & Trish checked for runoff situations.
 - Advised that owner has right to have trucks of manure which consist of a eggshell by product.
 - Joe Walsh suggested that a letter be written to the neighbor from the Town Board asking for consideration to his neighbors.
 - If this is not successful then Town Board could go to the suppliers and then they would deal w/ the farmer

RESOLUTION NO. -08

TOWN BOARD TO SEND LETTER TO JAMES STOYER

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby direct the Supervisor to draft a letter to be sent to James Stoyer, neighbor of Mary Heinle, asking for consideration to the neighbors.

4 AYES
ABSENT Supervisor Schmidt
CARRIED

- Monument unveiling and dedication will be 9/27 @ 11:00 a.m. at the Public Library.
- Attended "A Taste of County" workshop which by Pure Catskills and organization collaborated by farmers and fresh food purveyors in local counties with the goal of increasing support of local farm businesses, both agriculture and forestry.

RESOLUTION NO. -08

*LETTER TO BE SENT TO LOCAL GROCERIES AND RESTAURANTS REGARDING
LOCAL FOODS*

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does hereby authorize that a letter be sent out to all local groceries and restaurants explaining the best way to help preserve farming in our area is to contribute by purchasing local farm products.

4 AYES

ABSENT Supervisor Schmidt

CARRIED

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