

REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
September 15, 2014 7:00 p.m.

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At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on September 15, 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
Finance Director Earl Bertsch
Deputy Town Clerk Sara Sprague
Angela Dalton Confidential Secretary to the Supervisor
Water & Sewer Foreman Tom Kehrley
Mary Heinle
Morton Neufeld
Helen Budrock
Jane Hyman
Maria Pappas
Michael Pappas
Sharon Green
Lillian Stettner
Roberta Bryon –Lockwood
Herb Clark
Kyle Mangan
Nancy Levine
Allen Werlau
Paul Savad
Joan Kittredge
Matt DeWitt

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

**CORRESPONDENCE**

1. A letter from the Sullivan County Commissioner of Public Works notifying the Town of paving on CR 72/73 to CR14 effective 9/15/14 and to continue for 14 days.
2. A letter from the Sullivan County Commissioner of Public Works notifying the Town of paving on CR 14/15 to CR 141/143 effective 9/15/14 and to continue for 10 days.
3. A letter from the NYSDOT regarding the Little Beaver Kill Stream Bank Stabilization work to begin on 9/15/14 and being completed by 9/30/14.
4. Copy of letter & pictures from Barbara Ward - Blank regarding the conditions on Brookview Drive.

**RECOGNIZE THE PUBLIC**

**Presentation of certificates to the Town of Liberty winners of the 2014 Renaissance Awards**

**Paul Savad – Lake Marie Homes Subdivision / White Sulphur Homes Subdivision**

Mr. Savad spoke to the board regarding the introductory Local Law extending the:

Preliminary approval from the Planning Board by 3/31/2015

Final unconditional approval from the Planning Board by 12/31/2015

He feels that he should be given this extension.

**Matt DeWitt**

Matt just wanted to tell the Board that the Liberty Fire District was very well represented in the County Parade and walk away with (3) awards.

**Morty Neufeld**

Morty had been to a few meetings concerned about the condition of Old Lily Pond Rd he now wanted to come to the Board and publicly thank the Liberty Highway Dept. for the great job they did on Old Lily Pond Rd.

**Presentation by the WSS Zoning Committee**

**Mary Heinle**

Ms. Heinle feels that the WSS Development with Paul Savad is a whole new plan and advises the Board to keep their eyes open.

**RESOLUTION NO 204-14**

*APPROVAL OF AUDIT*

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

- September, 2014 Abstract:  
Claims #1603 to #1789 totaling \$415,664.93
- August Post Audit:  
Claims #1575 to #1602 totaling \$134,158.59
- August General Ledger Abstract:  
Claims #271 to #322 totaling \$293,376.31

5 AYES - Carried

**RESOLUTION NO 205-14**

*ACCEPTANCE OF MONTHLY REPORTS*

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

- Town Clerk's Monthly Report 8/2014
- Monthly Town Board Revenue & Expense Report as of 8/31/14
- Supervisor's Report for 7/2014 & 8/2014

5 AYES - Carried

**OLD BUSINESS**

1. Loomis Wastewater Treatment Facility Phase II Plans
2. Proposed Zoning changes
3. Emergency Preparedness Plan

**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.
- Last week, three comments received from DRBC reviewer and we responded back (Sept 11 email attached)

**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
    - Compressor piping fix done
    - Steps into digester tank work still pending
- **Plant Data/Sampling Needs**
  - Town collected 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
  - Low BOD coming in despite flow being low (should be more concentrated at low flows) – impacts process selection – Ok for RBCs, too low for some others
  - Added sampling clarifier effluent (soluble BOD, BOD, TSS, phosphorous, ammonia) on September 5 now to see what remains after RBC /clarifier treatment
    - Needed to assess sand filter options if RBC process remains as the main process
  - Current data indicates that RBC is removing ammonia satisfactorily
  - Data sheet attached
- **Phase 2 NYSDEC**
  - Per August 19, 2014 e-mail (See attached) NYSDEC Region 3, Arthur Crawford (plan review coordinator) on permit flow limit of 100,000 gpd relative to design capacity needed
    - Two -50,000 gpd treatment trains not sufficient
    - Need to be able to treat up to 100,000 gpd permit flow limit with the largest treatment unit or 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
  - Phase 2 needs to include this larger capacity
- **Phase 2 Jar testing by Chemical Suppliers**
  - Two Chemical supplier(s) did on-site jar testing of chemicals for phosphorous removal (done at no cost to Town) to see if chemicals can get it down to less than 0.5 ppm (new permit limit)
    - Slack Chemical did testing on August 28 – report attached

- With filtering, able to get to <0.5 ppm total phosphorous with a chemical that would cost \$27/day ( at 50,000 gpd) – about \$10,000/year in chemical cost
  - Holland Chemical tested on September 10
- Bottomline is that jar tests indicate that phosphorous can be removed with the right dose and type of chemical to the required limit if decent filtration follows the clarifiers
  - Upflow sand filters would work well (proven in NYC watershed) as long as phosphorous going into the filters is 1 -1.5 ppm.
  - Rebuilt sand filters should work but would likely be susceptible to plugging/require more frequent sand replacement due to chemical solids carryover. Considering “cheap” rotary screen filters upstream of rebuilt sand beds
- **Phase 2 work – most likely elements generally following the CDBG-funded/planned path:**
  - Common items
    - Items needed to finish up Phase 1
    - New Equalization Tank to provide a more uniform hydraulic load to the plant with an overflow to go to existing sand beds or new sand filters **or refurbished lagoon**
    - Treatment to address new permit requires total phosphorous limit of 0.5 mg/l
  - Process Options being considered:
    - See attached schematics
    - **Due to low BOD strength, Common theme is RBCs followed by chemical addition ahead of the clarifiers to reduce phosphorous, then into some sort of sand filtration to finish removal of phosphorous**
    - **Alternative 1:** One new 50,000 gpd RBCs and clarifier with chemical addition ahead of clarifiers to (reduce phosphorus levels to 1.5 or less ppm) followed by two new Upflow sand filters sand filters (instead of rebuilding the sand beds) for phosphorous removal
      - Redundant 50,000 gpd unit is one Upflow sand filter in parallel with RBCs
        - this unconventional concept will need to be proven to NYSDEC- may not be accepted
        - alternative is a third RBC which would not be able to start up and operate quickly
      - diversion of flows over 50,000 – two options
        - 50,000 to 100,000 gpd to new (redundant) upflow sand filter or
        - Divert to existing refurbished polishing lagoon (300,000 gallon capacity) to hold and pump back to head of plant for treatment when flow goes down
    - **Alternative 2:** One new 50,000 gpd RBC and clarifier with chemical addition ahead of clarifiers, followed by new rotary drum screens (to remove excess chemical solids) followed by rebuilt existing sand beds
      - Redundant 50,000 gpd unit is one Upflow sand filter in parallel with RBCs (same as Alternative 1)

- diversion of flows over 50,000 – two options ( same as Alt 1)
  - 50,000 to 100,000 gpd to new (redundant) upflow sand filter or
  - Divert to existing refurbished polishing lagoon to hold and pump back to head of plant for treatment when flow goes down
- Based on monitoring data, incoming wastewater is too low in BOD (Food) for other processes – but still investigating a bit more.
- Gathering cost information on equipment for the options
- It appears that all options will cost > than CDBG grant
- Developing basis of design, schematics and cost estimates and decide upon a project plan and then review with NYSDEC
- **Delaware's contract for Phase 2**
  - Will submit once we agree upon a likely WWTP process schematic/plan and cost with the Town

**3. Attachments**

- September 11 email response to DRBC on water system
- WWTP sampling data summary
- Slack Chemical Jar test summary – 09-10-2014
- Holland Chemical jar test summary

**RESOLUTION NO 206-14**

*SCHEDULE BUDGET WORKSESSIONS*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby schedule the following budget work sessions:

9/29/14            3:00 p.m.  
10/6/14            Immediately following the Department Head Mtg.

5 AYES - Carried

**RESOLUTION NO 207-14**

*NAMING OF CHICKEN PLANT LANE SBL #46.-1-32.1 & DUCK FARM LANE SBL #46.-1-36*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby approve naming SBL #46.-1-32.1 Chicken Plant Lane and SBL #46.-1-36 off of Brooks Rd.

5 AYES - Carried

**Budget Worksessions** will be as follows:

<b>9/29/14 3:00 p.m.</b>
<b>Court</b>
<b>Building</b>
<b>Dog Control</b>
<b>Town Clerk</b>
<b>Assessor</b>
<b>Park &amp; Recreation</b>
<b>10/6/14</b>
<b>Highway</b>
<b>Water &amp; Sewer</b>

**RESOLUTION NO 208-14**

*APPROVAL TO REPLACE WELL SYSTEM PUMP AT LOOMIS SEWER*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize the replacement of the well system pump at Loomis Sewer by Silverman Mechanical in the amount of \$6,050.

5 AYES - Carried

**RESOLUTION NO 209-14**

*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 Main upgrades.

5 AYES - Carried

**RESOLUTION NO 210-14**

*TOWN BOARD REQUESTS THAT THE COUNTY OF SULLIVAN PETITION THE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION TO ESTABLISH A LOWER SPEED LIMIT ON KELLY BRIDGE RD., SWAN LAKE, NY*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby request with the submittal of a completed TE-9

that the County of Sullivan Department of Public Works request the State of New York Department of Transportation to establish a 35 mile per hour speed limit on Kelly Bridge Rd., Swan Lake, NY, between CR 142 and TR 3.

5 AYES - Carried

**RESOLUTION NO 211-14**

*ALAN GERRY MEMORIAL PARK SUBDIVISION ROAD RESOLUTION*

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 15<sup>th</sup> day of September, 2014 at 7:00 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 Thomas Hasbrouck, who moved its adoption, and seconded by Councilperson Russell Reeves, to wit:

**WHEREAS**, Robin-Ann Realty Co., Inc. ("Robin-Ann") is applying to the Town of Liberty Planning Board for approval of a 2-lot subdivision, entitled "Memorial Garden Subdivision," to create a 3.0 acre parcel out of a 66.8 acre parent parcel of Old Loomis Road; and

**WHEREAS**, the proposed 3.0 acre lot, which shall not be developed for residential purposes but only for the purpose of establishing a private family memorial garden, would be accessed from

Old Loomis Road by means of a private road that was constructed prior to the application for subdivision and that would remain private; and

**WHEREAS**, pursuant to §130-18(B)(1) of the Town of Liberty Subdivision Law and other applicable local laws, private streets are required to be built to the same standards as public streets unless different standards are approved by the Town Board; and

**WHEREAS**, Robin-Ann has requested that the Town Board approve the existing private road at the standard to which it has already been constructed in lieu of requiring that the same be built to the same standards as those required for public streets; and

**WHEREAS**, the Town Board engaged the services of Glenn L. Smith, P.E. to examine the existing private road and advise the Town Board as to its sufficiency as a means of ingress and egress to the 3.0 acre lot, particularly as respects adequacy for emergency vehicle access; and

**WHEREAS**, Glenn L. Smith, P.E. has rendered his written report to the Town Board, dated September 11, 2014, describing the standards to which the existing private road has been constructed and advising the Town Board that in his opinion the existing private road, as constructed, with satisfactory drainage, a paved width of 12 feet minimum and adequately sized and spaced turnouts constructed along its entire length, is adequate for proper and rapid access by emergency vehicles; and

**WHEREAS**, pursuant to §130-18(B)(3) of the Town of Liberty Subdivision Law and other applicable local laws, prior to final plat approval, the Town Board shall review and approve a private road maintenance agreement relative to all proposed private streets; and

**WHEREAS**, Robin-Ann has presented to the Town Board a form of private road maintenance agreement relative to the proposed Memorial Garden Subdivision, entitled "Private Pathway

Maintenance Agreement,” which has been reviewed the Attorney for the Town and found by him to be satisfactory in form and substance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The current standard to which the existing private road providing access from Old Loomis Road to the proposed 3.0 acre lot depicted on the Memorial Garden Subdivision plat, as described and documented in the aforesaid report received by the Town Board from Glenn L. Smith, P.E., is hereby approved by the Town Board pursuant to §130-18(B)(1) of the Town of Liberty Subdivision Law and other applicable local laws in lieu of the standards otherwise required for public streets.

Section 2. The form of private road maintenance agreement relative to the proposed Memorial Garden Subdivision, entitled “Private Pathway Maintenance Agreement,” presented to the Town Board by Robin-Ann and approved as to form and substance by the Attorney for the Town, is hereby approved by the Town Board pursuant to §130-18(B)(3) of the Town of Liberty Subdivision Law and other applicable local laws.

Section 3. The approvals granted in this resolution are contingent upon Robin-Ann reimbursing to the Town of Liberty all charges incurred by it in connection with the inspection and report made by its engineer, Glenn L. Smith, P.E., and upon the aforesaid Private Pathway Maintenance Agreement being duly executed and recorded simultaneously with the filing of the Memorial Garden Subdivision plat following approval thereof by the Town of Liberty Planning Board.

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.

**RESOLUTION NO 212-14**

*AUTHORIZATION TO PAY BILLMAN & ROSS \$16,000*

**Motion by Councilperson Brian McPhillips**, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize the Finance Department to pay Billman & Ross \$16,000 of the \$36,556.52 owed leaving a balance of \$20,556.52 owed.

5 AYES - Carried

**RESOLUTION NO 213-14**

*INTRODUCTION OF LOCAL LAW #3 OF 2014 ENTITLED "A LOCAL LAW AMENDING SECTION 31-5 OF CHAPTER 31, ENTITLED 'PLANNING BOARD,' TO THE CODE OF THE TOWN OF LIBERTY*

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 15<sup>th</sup> day of September, 2014 at 7:00 p.m. prevailing time.

The meeting was called to order by Supervisor Charlie 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 Supervisor Charlie Barbuti, who moved its adoption, and seconded by Councilperson Thomas Hasbrouck, to wit:

**BE IT RESOLVED**, that introductory Local Law No. 3 of the Year 2014 entitled “A local law amending Section 31-5 of Chapter 31, entitled ‘Planning Board,’ to 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 said local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on 10/20, 2014; 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; 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 which no environmental review is required.

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
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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.

## **BOARD DISCUSSION**

Supervisor Charlie Barbuti

The Supervisor advised the Board that Jeffrey Miller asked for his overage fees on his water bill be waived because the excess usage was for watering the flowers. The Board has denied this request.

The Supervisor also advised that the Village of Liberty was amending the terms of the agreement with the Town and is proposing the following:

Rent for the use of the courtroom will be raised from \$200 to \$500

The Officer(s) used for court will be paid \$48 + float pay and benefits at a minimum of 3 hrs.

The Board tabled this until next month.

Supervisor Barbuti advised the Board that Fusco Engineering will be coming on 9/16 to work with the Building Dept.

The Board discussed the letter received from Wes Illing regarding the Parksville Priorities Committee and felt that it needed to be addressed. Councilperson Brian McPhillips will draft a letter and send to the Board for review before it is sent.

Supervisor Barbuti advised that Alan Gerry will be paying for the perimeter drain plans.

### **Councilperson Dean Farrand**

County Fireman Parade –Liberty was very well presented the weather was lousy.

Councilperson Farrand advised that the State abandoned Old Highway had no exemptions and no tax ID#. He said that the corridor can be used for municipal use. No permission is needed for the West side stop sign but the east side stop sign you would need permission from the County.

### **Councilperson Russell Reeves**

Councilperson Reeves advised that the property would be nice if the Town could legally own it and use it.

### **Councilperson Brian McPhillips**

Councilperson McPhillips advised that he had gotten some numbers for improvements at Walnut Mt. Park & Hanofee Park:

\$5,100 for dirt at Walnut

\$10,800 dirt at Hanofee

\$8,000 excavation current field 4"-6" dirt and sand mixture Walnut

\$13,100 for Walnut (Best use of the money) need to get 3 quotes at prevailing wages

**ADJOURN**

On a motion by Councilperson Brian McPhillips, seconded by Councilperson Russell Reeves the Town Board of adjourns the meeting at 9:35 p.m.