

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
September 16, 2013 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on September 16, 2013 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Absent:
Councilperson Thomas Hasbrouck

Recording Secretary: Town Clerk Laurie Dutcher

Also present:
Town Attorney Kenneth Klein
Finance Director Earl Bertsch
CEO Mark VanEtten
Budgeting & Accounting Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague
Tim Kelly
Andrew Arias of Cooper & Neimann
Eli Ruiz
Russell Reeves
Gary Silver
Jim & Robin Green
Thelma McGiver
Fred Thompson
Kyle Mangan
Tom Malley

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

CORRESPONDENCE

1. An article regarding utilities struggling with "flushables".

RECOGNIZE THE PUBLIC

James Green & Robin Green

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- September, 2013 Abstract:
Claims #1666 to #1830 totaling \$436,210.09
- August, 2013 Post Abstract:
Claims #1639 to #1665 totaling \$121,739.04
- August, 2013 General Ledger Abstract:
Claims #289 to #332 totaling \$282,008.50

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF MINUTES

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

| | |
|-------------------------------------|-----------|
| Department Head Mtg. | 8/5/2013 |
| Worksession Mtg. (zoning revisions) | 8/15/2013 |

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Dean Farrand, seconded by **Supervisor Charlie Barbuti**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 8/2013
- Monthly report of revenue & expense summary as of 8/31/2013
- Supervisor's Report 8/2013

4 AYES - Carried
Councilperson Hasbrouck – absent

DISCUSSION ITEMS

1. 2014 Budget discussion
(Discuss at next mtg. end of Dept. Head Mtg.)
2. Indian Lake Sewer **CARRYOVER**
(Ready to go real soon)
3. Parking lot grant status report **CARRYOVER**
(Re-submitted form due to date error)
4. Loomis Sewer & change order **CARRYOVER**
(\$48,000 over OSHA safety / concrete will be done next week)
5. WSS Water **CARRYOVER**
(TK would like to put out to bid in Feb. / Town Board wants Nov. / Supervisor will talk to TK)
6. Proposed Zoning changes **CARRYOVER**
PUD (Sent to Planner / Waiting for definition of resort / will have next mtg.)
Summer Camp Regulations (Matt will have parcel names next mtg.)
7. Infirmary Rd. Sewer Agreement w/ Village of Liberty **CARRYOVER**
(Spoke w/ Mayor \$51 per ft. from pump station to manhole 9A by Panda's Parlor / Would like to wrap up by the 9/30/13 mtg. w/ Village)

RESOLUTION NO

RESOLUTION TO AUTHORIZE SPECIAL RELEVY ON THE TOWN OF LIBERTY 2014 TAX ROLL FOR DEMOLITION OF UNSAFE STRUCTURE

Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand

WHEREAS, the Town Board of the Town of Liberty hereby adopts the following resolution to relevy the costs of demolition as authorized by New York State Town Law, Town of Liberty Town Code Chapter 64 "Unsafe Buildings", and

BE IT RESOLVED, that the Sullivan County Legislature relevy the following property in the amount specified on the Town of Liberty 2014 Tax Roll:

| <u>Owner</u> | <u>SBL</u> | <u>Amount</u> |
|---------------|------------|---------------|
| Marcy Boucher | 47.-4-2 | \$13,550.00 |

Motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$6,000.00 for engineering services for the White Sulphur Springs Water District Plant upgrades.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF VOUCHER FOR KELLY ENGINEERING

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Kelly Engineering in the amount of \$2,990.00 for engineering services for the Loomis Sewer District Wastewater Treatment Plant upgrades.

4 AYES -Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF LEASE AGREEMENT W/ SWAN LAKE RESORT HOTEL, LLC

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve and authorize the Supervisor to sign lease agreement with Swan Lake Resort Hotel, LLC for the rental of (5) tennis courts, (3) basketball courts and (1) ornamental stone castle and authorization for the Supervisor to sign.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

PUBLIC HEARING SET FOR UNSAFE BLDG PROCEEDINGS AGAINST SBL #47-4-2

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York 12754, in said Town, on the 16th day of September, 2013 at 7:00 pm prevailing time.

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

| | PRESENT | ABSENT |
|------------------------------|---------|--------|
| Supervisor Charlie Barbuti | X | |
| Councilman, Maurice Gerry | X | |
| Councilman, Thomas Hasbrouck | | X |
| Councilman, Chris Austin | X | |
| Councilman, Dean Farrand | X | |

The following resolution was introduced by Councilperson Chris Austin who moved for its adoption, and seconded by Councilperson Dean Farrand, to wit:

WHEREAS, in accordance with Section 130(16) of the Town Law of the State of New York, the Town of Liberty adopted the Buildings, Unsafe Law of the Town of Liberty on March 12, 1981, which law was codified as Chapter 64 of the Code of the Town of Liberty ("Code"); and

WHEREAS, on September 6, 2013, the Town of Liberty Code Enforcement Officer inspected the premises located at 2 Stanton Corner Road, Swan Lake, which premises are identified on the tax map of the Town of Liberty as Section 47., Block 4, Lot 2 ("Premises") and rendered a Report of Inspection, dated September 6, 2013, which report is attached hereto; and

WHEREAS, the Report of Inspection finds that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Liberty has considered the Report of Inspection of the Code Enforcement Officer concerning the building(s) and/or structure(s) described herein and does find that there are grounds to believe that such building(s) and/or structure(s) are dangerous and unsafe to the public and must be repaired or demolished; and, be it further

RESOLVED, that the building(s) and/or structure(s) described in said Report of Inspection be deemed dangerous and unsafe and are hereby ordered to be repaired or demolished in accordance with Chapter 64 of the Code; and, be it further

RESOLVED, that Mark VanEtten, Code Enforcement Officer of the Town of Liberty is hereby ordered to serve a Notice as provided in Sections 64-7 and 64-8 of the Code of the Town of Liberty upon the owner of the Premises or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the Premises, as shown by the last preceding assessment roll of the Town of Liberty and/or by the records of the Clerk of the County of Sullivan; and, be it further

RESOLVED, that in the event that such building(s) and/or structure(s) are not repaired or removed as provided herein, a public hearing is scheduled to be held to consider evidence related to the repair or removal of such building(s) and/or structure(s) on November 4, 2013 at 3:50 pm at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York; and, be it further

RESOLVED, that this resolution take effect immediately.

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

| | | AYE | NAY |
|------------------------------|--------|-----|-----|
| Supervisor Charlie Barbuti | Voting | X | |
| Councilman, Maurice Gerry | Voting | X | |
| Councilman, Thomas Hasbrouck | Voting | | X |
| Councilman, Chris Austin | Voting | X | |
| Councilman, Dean Farrand | Voting | X | |

The resolution was thereupon declared duly adopted.

4 AYES - Carried

Councilperson Hasbrouck – absent

RESOLUTION NO

AUTHORIZATION TO RETURN BOND TO SWAN LAKE HILLS, LLC

Motion by Councilperson Dean Farrand, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby authorize the release of \$10,000 cash bond money being held in escrow for the installation of a compactor unit at Swan Lake Hills, LLC with all terms and conditions having been satisfied.

4 AYES - Carried

Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$720.00 for administrative services for the White Sulphur Springs Water District Project.

4 AYES - Carried

Councilperson Hasbrouck – absent

RESOLUTION NO

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion by Councilperson Maurice Gerry, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby approve the payment of a voucher for Blauer Associates in the amount of \$1,200.00 for administrative services for the Loomis Sewer District WWTP Project.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

RESOLUTION REGARDING SEQR REVIEW FOR THE INSTALLATION OF A THREE SIDED BOX CULVERT ON ADEN RD.

Motion by Councilperson Maurice Gerry, seconded by Councilperson Dean Farrand, the Town Board of the Town of Liberty does hereby adopt the following resolution:

RESOLVED: that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for the SEQR for the installation of a three sided box culvert on Aden Rd; and

BE IT FURTHER RESOLVED; that the improvements have been determined to be a unlisted action in accordance with the regulations promulgated pursuant to the State Environmental Review Act; and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby based on the information contained in the Joint Application for the permit and the Short Form Environmental Review Act; and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby based on the information contained in the Joint Application for the permit and the Short Form Environmental Assessment, as prepared by Town Engineer Terry Kelly, and analysis thereof, the Town Board finds the action will not result in any significant adverse environmental impacts and do hereby approve a Negative Declaration.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

ACCEPTANCE OF RFP'S FOR REPLACEMENT OF FIRE HYDRANT IN WSS

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby, upon the recommendation by the Water & Sewer Supervisor, accept the low RFP submitted by Poley Engineering in the amount of \$4,900 to replace the fire hydrant in White Sulphur Springs.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Supervisor Charlie Barbuti**, the Town Board of the Town of Liberty does hereby go into Executive Session to discuss pending litigation.

4 AYES - Carried
Councilperson Hasbrouck – absent

RESOLUTION NO

OUT OF EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby come out of Executive Session at 8:41 p.m.

4 AYES - Carried
Councilperson Hasbrouck – absent

BOARD DISCUSSION

Councilperson Chris Austin

- Nothing to report

Councilperson Dean Farrand

- Nothing to report

Councilperson Thomas Hasbrouck

- Absent

Councilperson Maurice Gerry

- Absent

Supervisor Charlie Barbuti

- Have a vacancy for an Alternate Planning Board member
- Will ask the Village if they would like to meet on 4/29/13 @6:00 p.m.

ADJOURN

On a motion by Councilperson Chris Austin, seconded by Councilperson Dean Farrand, the Town Board does hereby adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Laurie Dutcher

Laurie Dutcher, Town Clerk