

**Public Hearing
Liberty Town Board
September 19, 2011**

At a Public Hearing of the Liberty Town Board held on September 19, 2011 at 6:50 p.m. at Town Hall, 120 North Main Street, Liberty, New York, to hear oral and written comments from concerned citizens with regard to a building and/or structure(s) situated at 148-153 Stanton Corners Road, Swan Lake, NY which has been deemed to be dangerous and unsafe to the public. The following board members were present:

Present: Supervisor John Schmidt
Councilperson Maurice Gerry
Councilperson Lynn Killian
Councilperson Thomas Hasbrouck

Absent: Councilperson Christopher Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Town Attorney Kenneth Klein
Code Enforcement Officer Mark VanEtten
Finance Director Earl Bertsch
Budget & Accounting Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague
Ann Hart
Fritz Mayer
Charlie Barbuti
Dean Farrand
Leonard Sparks
Wes Illing
Joan Stoddard

Supervisor Schmidt called the meeting to order at 6:50 p.m.

No one from the public wished to be heard and no written comments were received.

Adjourn

On a motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** and carried, the Town Board adjourned the Public Hearing at 6:49 p.m.

Respectfully submitted,

Laurie Dutcher
Town Clerk

Regular Monthly Meeting
September 19, 2011 continued.....

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
September 19, 2011
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 Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor John Schmidt
Councilperson Maurice Gerry
Councilperson Lynn Killian
Councilperson Thomas Hasbrouck

Absent: Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

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

CORRESPONDENCE

None received

COMPREHENSIVE PLAN UPDATE

- A copy of the proposed non-conforming use was given to the Board members for their review

PLANNING & ZONING BOARD MINUTES

Planning Board 8/2/2011
Planning Board 9/6/2011
Zoning Board 8/16/2011

RECOGNIZE THE PUBLIC

Keith Frisbee of Delaney Group

Updated the Board on the progress of I-86 and requested an extension of the temporary variance.

RESOLUTION NO.

APPROVAL FOR 30 DAY TEMPORARY VARIANCE EXTENSION ISSUED TO DELANEY GROUP

Regular Monthly Meeting
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Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town does hereby grant Delaney Group a temporary variance to perform nighttime excavation and embankment operations as outlined below:

West End (Memories straight up West)

Hours: 1st shift 6:00 am – 2:00 pm
2nd shift 2:30 pm – 11:00 pm

No blasting operations

The Delaney Group will return to the 10/17/2010 meeting for consideration of additional extensions.

5 AYES - Carried

Wes Illing

Advised the Board of the progress of the Parksville Priority Committee.

RESOLUTION NO

UNSAFE BLDG. SBL# 46.-1-50 DECLARED UNSAFE AND ORDERED TO BE DEMOLISHED

RESOLUTION MAKING CERTAIN FINDINGS AND ORDERS
PURSUANT TO CHAPTER 64 OF THE CODE OF THE TOWN OF LIBERTY

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 19th day of September, 2011 at 6:50 p.m. prevailing time.

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

	PRESENT	ABSENT
Supervisor John Schmidt	X	
Councilman, Maurice Gerry	X	
Councilman, Thomas Hasbrouck	X	
Councilwoman, Lynn Killian	X	
Councilman, Christopher Austin		X

The following resolution was introduced by Councilperson Lynn Killian who moved for its adoption, and seconded by Councilperson Thomas Hasbrouck, 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; and

Regular Monthly Meeting
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WHEREAS, on February 17, 2011, the Town of Liberty Code Enforcement Officer inspected the premises located at 148-153 Stanton Corners Road, Swan Lake, NY, which premises are identified on the tax map of the Town of Liberty as Section 46, Block 1, Lot 50 ("Premises") and rendered a Report of Inspection, dated February 17, 2011, which report concluded that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public and such building(s) and/or structure(s) should be removed; and

WHEREAS, by Resolution No.: 126-11 of the year 2011, the Town Board of the Town of Liberty considered such Report of Inspection and ordered that (i) Mark VanEtten, Code Enforcement Officer of the Town of Liberty serve a Notice of Unsafe Building as provided in Sections 64-7 and 64-8 of Chapter 64 of the Code of the Town of Liberty upon the owner(s) 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 ("Notice"); and (ii) a hearing be scheduled to consider evidence related to the removal of such building(s) and/or structure(s) if such removal is not commenced within thirty (30) days from the date of the Notice; and

WHEREAS, the Notice was served on the owner(s) of the Premises and those having an interest in the Premises and the owner(s) of the Premises failed to removal the dangerous and/or unsafe building(s) and/or structure(s) on the Premises commencing within thirty (30) days from the date of service of the Notice and the entire sixty (60) days within which the owner(s) of the Premises must comply under Chapter 64 of the Code of the Town of Liberty has elapsed; and

WHEREAS, the hearing was held on this date at 6:50 p.m. at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York to determine if the order May 2, 2011 shall be affirmed, modified or vacated; and

WHEREAS, Mark VanEtten, Code Enforcement Officer of the Town of Liberty appeared in support of the application and Marcy Boucher having appeared in opposition X defaulted; and after due deliberation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the order of the Town Board of the Town of Liberty of May 2, 2011 is hereby

X affirmed

modified as follows:

vacated; and, be it further

RESOLVED, that, if such order is affirmed, then said dangerous and unsafe building(s) and/or structure(s) shall be removed from the Premises and all costs and expenses incurred by the Town of Liberty in connection with the proceedings to remove or secure such dangerous and unsafe building(s) and/or structure(s), including the actual cost of repairing or removing such building(s) and/or structure(s) shall be

Regular Monthly Meeting
September 19, 2011 continued.....

assessed upon the Premises and such assessment shall be assessed on the next town assessment roll as an additional tax to the regular tax assessment against such property and the same shall be levied and collected in the same manner as the regular town tax; and, be it further

RESOLVED, that, if such order is modified, then _____

and, be it further

RESOLVED, that Mark VanEtten, Code Enforcement Officer of the Town of Liberty, be, and hereby is, authorized to advertise for bids for the removal of the said dangerous and/or unsafe building(s) and/or structure(s) on the Premises; and, be it further

RESOLVED, that this resolution shall 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 John Schmidt, Voting	X	
Councilman, Maurice Gerry, Voting	X	
Councilman, Thomas Hasbrouck, Voting	X	
Councilwoman, Lynn Killian, Voting	X	

Councilperson Chris Austin Absent

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board approved the following:

- September, 2011 Abstract:
Claims #1632 to #1859 totaling \$571,768.83
- August, 2011 Post Abstract:
Claims #1606 to #1631 totaling \$233,182.38
- August, 2011 General Ledger Abstract:
Claims #256 to #319 totaling \$398,832.31

4 AYES - Carried

Regular Monthly Meeting
September 19, 2011 continued.....

1 absent- Councilperson Chris Austin

RESOLUTION NO

APPROVAL OF MINUTES

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

- Regular Monthly Mtg. 8/15/2011

4 AYES - Carried

1 absent- Councilperson Chris Austin

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board approved the following reports as submitted:

- Town Clerk's Monthly Report 8/2011
- Monthly report of revenue & expense summary as of 8/31/2011

4 AYES - Carried

1 absent- Councilperson Chris Austin

OLD BUSINESS

1. Non-conforming use law (Proposed copy given to Board members)
2. Finalize hand gun policy (Councilperson Austin will work on)

RESOLUTION NO

ACKNOWLEDGEMENT OF THE AUDIT OF LOCAL COURT RECORDS

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby acknowledge that the Local Court records were audited for the year 2010.

4 AYES - Carried

1 absent- Councilperson Chris Austin

Consider approval of bid submitted for Loomis Water property.

Town Board instructs Attorney Kenneth Klein to draw up the necessary resolution.

RESOLUTION NO

Regular Monthly Meeting
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APPROVAL TO PAY KELLY ENGINEERING IN THE AMOUNT OF \$3,075.00 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to pay Kelly Engineering the amount of \$3,075.00 for the White Sulphur Springs Water Interconnect Project.

4 AYES - Carried
1 absent- Councilperson Chris Austin

RESOLUTION NO

APPROVAL TO PAY H. OSTERHOUDT EXCAVATION, INC IN THE AMOUNT OF \$116,981.75 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby give approval to pay H. Osterhoudt Excavation, Inc. the amount of \$116,981.75.00 for the White Sulphur Springs Water Interconnect Project.

4 AYES - Carried
1 absent- Councilperson Chris Austin

RESOLUTION NO

APPROVAL TO PAY BLAUER ASSOCIATES IN THE AMOUNT OF \$1,700.00 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to pay Blauer Associates the amount of \$1,700.00 for the White Sulphur Springs Water Interconnect Project.

4 AYES - Carried
1 absent- Councilperson Chris Austin

RESOLUTION NO

JOINT MTG W/ VILLAGE OF LIBERTY

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby re-schedule a Special Meeting with the Village of Liberty for 10/18/2011 at 5:00 p.m. to discuss Town and Village matters and any other business as may come before the board at that time.

4 AYES - Carried
1 absent- Councilperson Chris Austin

Regular Monthly Meeting
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BOARD DISCUSSION

No one had anything to discuss

ADJOURN

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 8:14 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk