

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
September 20, 2010

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 Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague
CDC Director Heinrich Strauch
Confidential Secretary Maureen Barber

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

CORRESPONDENCE

1. A legal notice from the Village of Liberty Zoning Board of appeals regarding a variance application for 108-6-30.
2. A Freedom of Information Request from Jacob Billig.

COMPREHENSIVE PLAN UPDATE

PLANNING & ZONING BOARD MINUTES

Planning Board Minutes 9/7/2010

RECOGNIZE THE PUBLIC

Delaney Group

Keith Frisbee of the Delaney Group advised the Board that they had suspended night time operations. They have 150,000 more yards to move and are working from 7am-5pm. They would like to keep the night time variance just in case they need it. He also advised that by June 2011 both lanes will be open in a head to head pattern.

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RESOLUTION NO

APPROVAL TO EXTEND TEMPORARY VARIANCE UNTIL 9/30/10

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town does hereby extend the temporary noise ordinance granted to the Delaney Group until 9/30/2010.

East End (Short Ave. straight up East)

Hours: 1st shift 6:00 am – 2:00 pm
2nd shift 2:30 pm – 10:30 pm Monday thru Thursday
2nd shift 2:30 pm – 8:00 pm Friday

No blasting operations will take place after 7:00 pm

No hammering operations will take place after 7:00 pm

The Delaney Group will return to the 9/20/10 meeting for consideration of any additional extensions.

5 AYES - Carried

Jeremy Gorelick

Mr. Gorelick advised the Board of the following:

Liberty Chamber of Commerce Annual Mtg. 10/2
Harvest Festival 10/9
Home & Business Expo @ the Liberty Mall 10/15 & 10/16
Liberty Renaissance has taken the baskets down and will be planting mums or asters in the rectangular boxes
Liberty scored 89 out of 100 points for the Category C in which they came in 2nd

Joan Stoddard, Village of Liberty Trustee

Mrs. Stoddard wanted to know again when the West Liberty Street Bridge was going to be repaired. She advised that there were open gaps and it was dangerous. Mrs. Stoddard advised that she had spoken with the Highway Superintendent last month but still nothing has been done.

Mrs. Stoddard also advised that she also finds it disturbing that there is no record of gas or diesel usage.

Dean Farrand

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Mr. Farrand advised that the Zoning Committee had submitted their responses.

Eva Puslinski

Ms. Puslinski advised that she had been in touch with Highway Dept. and on 7/2009 she sent pictures of the terrible conditions on Garden House Rd. which she uses as a cut through to go to work. She advised that she received a call on 9/14 that the road would be paved but that they just threw some crusher run down and left. She advised that she would like something done. She stated that it has cost her over \$3,000 in car repairs due to the condition of Garden House Rd.

Supervisor Schmidt advised that they would talk to the Highway Superintendent at the 10/4/10 Meeting.

RESOLUTION NO

APPROVAL TO FOLLOW RECOMMENDATION OF THE ZONING REVIEW COMMITTEE

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby accept and approve of the recommendations made by the Zoning Review Committee.

The next step in the process is to get the SEQR from Planner Thomas Shepstone for the 10/4/10 meeting. Once that is received the 239 Review must go to the County.

RESOLUTION NO

APPROVAL OF AUDIT

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

- September, 2010 Abstract:
Claims #1671 to #1924 totaling \$784,737.57
- Post August, 2010 Abstract:
Claims #1653 to #1670 totaling \$493620.83

5 AYES - Carried

RESOLUTION NO

APPROVAL OF MINUTES

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

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8/16/2010 Regular Monthly Mtg.

5 AYES - Carried

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 8/2010
- Monthly Town Board Report of Revenue & Expense Summary as of 8/31/2010
- Supervisor's Report for 7/10
- 2010 Tax Collection Close-out Report

4 AYES - Carried

1 Absent-Councilperson Austin

OLD BUSINESS

1. Awarding of bid for the demolition and removal of debris from the Charles Jones property located at 160 Sunset Lake Rd.

RESOLUTION NO

AWARD OF BID FOR CHARLES JONES PROPERTY 160 SUNSET LAKE RD. TABLED

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby **TABLE** the matter of awarding the bids for the demolition and removal of debris from 160 Sunset Lake Rd. pending a timeline from James Lodato to remove bldgs.

5 AYES - Carried

2. 239 Review for Zoning Change **CARRYOVER**

RESOLUTION NO

APPROVAL OF NAME FOR ROAD OFF OF O'KEEFE HILL RD.

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby

5 AYES - Carried

3. Franchise Agreement with Time Warner. **CARRYOVER**

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4. Funding for Cold Spring Water District. **CARRYOVER**

RESOLUTION NO

***RESOLUTION OF THE TOWN OF LIBERTY TOWN BOARD
INTENT TO BE LEAD AGENCY AND IDENTIFICATION OF A TYPE I ACTION***

Action: Amendment of Town Comprehensive Plan

Date: September 20, 2010

WHEREAS, previously, the Town Board duly adopted a Comprehensive Plan pursuant to Town Law 272-a; and

WHEREAS, the Town of Liberty Town Board identified that agriculture was a critical land use in the Town and that a strategic plan more detailed than the Comprehensive Plan was needed to properly plan growth and development, and encourage and promote agriculture in Town; and

WHEREAS, the Town Board received funds for and developed a draft Town of Liberty Agriculture and Farmland Protection Plan under the auspices of the New York State Department of Agriculture and Markets; and

WHEREAS, the Town Board has reviewed the draft Agriculture and Farmland Protection Plan and determined that the Town would be best served if that strategic plan were made a part of the adopted Town of Liberty Comprehensive Plan as an addenda; and

WHEREAS, amendment of a comprehensive plan pursuant to Town Law 272-a has been determined to be a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies prior to adoption of the plan; and

WHEREAS, the Sullivan County Planning Board is required to review and approve the draft Agriculture and Farmland Protection Plan as an addenda to the Town Comprehensive Plan pursuant to the applicable standards of New York State General Municipal Law 239-m but this approval is considered an advisory opinion under SEQRA and the agency is not considered to be eligible for lead agency status in this action.

NOW THEREFORE BE IT RESOLVED, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617, the Town of Liberty Town Board concludes that it is the appropriate agency to serve as, and declares itself lead agency for the environmental review of the proposed Type I action; and

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BE IT FURTHER RESOLVED, that the Town of Liberty Town Board hereby authorizes development and circulation of a copy of the EAF pursuant to the requirements set forth in SEQR 6 NYCRR Part 617.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Liberty:

The motion was moved by Councilperson Lynn Killian

The motion was seconded by Councilperson Thomas Hasbrouck

RESOLUTION NO

NEGATIVE DECLARATION - TYPE I ACTION

Date: September 20, 2010

WHEREAS, the Town Board of the Town of Liberty ("Town Board") duly assigned development of a draft Town Agriculture and Farmland Protection Plan (Ag Plan) to an ad hoc special steering committee (Committee); and

WHEREAS, the Committee conducted a two-year-long study of the Town of Liberty that included a full inventory and analysis of the agricultural resources in Liberty; and

WHEREAS, the Committee solicited and utilized the input of the public through a written survey, visioning workshop, public meetings, and public hearings to formulate the plan; and

WHEREAS, this Ag Plan includes the long-term vision, goals, objectives and strategies to guide the promotion of agriculture in the Town; and

WHEREAS, the Ag Plan is comprehensive in nature and is designed to be an addendum to the Town of Liberty adopted Comprehensive Plan; and

WHEREAS, the Town Board will be submitting the Draft Ag Plan to the Sullivan County Planning Board as required by NYS General Municipal Law 239-m and the Sullivan County Agriculture and Farmland Protection Board as required by NYS AML 25-aaa, and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption by the Town; and

WHEREAS, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, NYS 6 NYCRR Part 617; and

NOW THEREFORE BE IT RESOLVED, that the Town of Liberty Town Board hereby declares that adoption of the Town of Liberty Ag Plan described herein as an addendum to the Town Comprehensive Plan, will not have any significant negative environmental impacts; and

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Reasons Supporting This Determination:

The Town Board of the Town of Liberty has determined that the Adoption of the Town of Liberty Agriculture and Farmland Protection Plan, as described on Page 1 of this Declaration, will have no adverse environmental impacts as per 617.7 of 6 NYCRR Part 617 (SEQRA). The Board has compared the proposed action against the criteria listed in 617.7 (c) (i – xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii). Based on this assessment and review the Board has determined that no negative impacts will occur as a result of the adoption of the Town of Liberty Agriculture and Farmland Protection Plan as an addendum to the Comprehensive Plan. The Town Board finds that adoption of the Comprehensive Plan will have beneficial environmental impacts due to:

- a. Implementation of plan will positively assist Liberty in reaching goals of maintaining farms, farmland, open space, rural landscapes, and the environment.
- b. The plan recognizes critical role agriculture plays in the Town's environment.
- c. The plan includes an inventory of agricultural resources.
- f. The plan recommends methods to protect critical agricultural resources.
- g. The plan offers recommendations on how Liberty can control growth in a manner which will meet the agricultural goals of the community.
- h. Implementation of plan recommendations, including site plan review, zoning, subdivision, as well as developing other agriculture programs will reduce negative environmental impacts in Liberty as growth continues in the future. Implementation of specific regulatory recommendations made in the plan will require separate SEQRA procedures.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Town Supervisor

Address: 120 North Main Street, Liberty, New York 12754

Telephone Number: (845) 292-5111

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, New York 12233-1750

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any) NONE

Other involved agencies (if any) NONE

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RESOLUTION NO.

APPROVAL OF REFUSE COLLECTION LIC FOR SULLIVAN FIRST

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does approve of three (3) refuse collection licenses being issued to Sullivan First.

5 AYES - Carried

BOARD DISCUSSION

Councilperson Chris Austin asked Supervisor Schmidt if he had spoken with Kelly Engineering regarding the Loomis Sewer and advised him that we needed to act respond to Mr. Sansalone in a timely fashion.

Supervisor Schmidt advised that he will meet with him again and ask him to get on it.

Mr. Austin also advised that he had taken a look at Nancy Levine's ditch and feels that the Town should repair it.

RESOLUTION NO.

APPROVAL TO REPAIR NANCY LEVINE'S DITCH

Motion by Councilperson Chris Austin, seconded by Councilperson Lynn Killian, the Town Board of the Town of Liberty does authorize the repair of Nancy Levine's ditch.

5 AYES - Carried

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk