

TOWN BOARD OF THE TOWN OF LIBERTY
DEPARTMENT HEAD MEETING
October 1, 2012

At the Dept. Head Meeting of the Town Board of the Town of Liberty held at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Finance Director Earl Bertsch
Budget & Accounting Coordinator Cheryl Gerow
Water & Sewer Supervisor Albert Picard
Highway Superintendent Timothy Pellam
Code Enforcement Officer Mark VanEtten
Sara Sprague Deputy Town Clerk
CDC Director Heinrich Strauch
Helene Rothstein

After the Pledge of Allegiance, Supervisor Barbuti called the meeting to order at 4:15 p.m. (Meeting started late due to Executive Session regarding employee negotiations)

CORRESPONDENCE

1. Notification of the Association of Towns 2012 Fall Personnel & Ethics School.
2. Copy of the Department of Labor Mine Safety and Health Administration code violations.

RECOGNIZE DEPARTMENT HEADS (Reports as submitted by Dept. Heads)

Assessor

Ongoing and working on:

911 data-base update
Pictures
Exemptions; driving license updates, etc.
Destroying/updating files
Working 2013 assessment roll

New:

I'm out of the office for the NYSAA Fall Conference until the 4th of October

Mailing out STAR Renewals

Small claim cases are still being scheduled (this year is very late due to the training schedule the State set up, resulting with many conflicts)

Regular office work

Information:

Will be reviewing the zoning change for open space and 10 ac; received a map from the County – now verifying the parcel information; will be speaking with Mark in the near future regarding the changes

Water & Sewer

- Met w/ Jamie Piccone about trailer park. Will be doing some work up there with NY Rural Water this month.
- Working on sandblasting and painting hydrants.
- Summer visitors are gone.
- 85 Ferndale-Loomis Rd. Planning Board.
- Leak on Rt. 55 in the new pavement. We had a lot of help from the Highway Department with the repairs.
- Leak in the storage tanks were looked by the tank company. They made some repairs but recommend that 3 tanks be resealed.
- WSS bleeder-dead end Route 52 East-Need to put a copper service line under Rt. 52 to get Everlasting Springs side of the road to get a bleeder there. We have permission from the property owner to do this work.
- Swan Lake Synagogue inspected. Want new backflow preventer. No way to get gray water into sewer. Does the board want a verbal or a metering device.
- Board advised they would like a metering device.

Highway Superintendent

Ground up and put down crusher run on 1 mile of Kelly Bridge Road

Grader paved Twin Bridge Road, 301.19 ton Type A - \$27418.12

Paved all of Walnut Mountain Road and section leading into park for Parks & Rec.

Did repairs on parking lot across from Town hall, put down crusher run and cleaned out catch basin

Sealed Lenape Lake Road, Elk Point Road and Hy Sa Na Road - \$31552.00

Helped Water & Sewer with three water main breaks

New Mack truck was delivered

Repairing flood damage from 9/19/12 until present. Shoulder washouts, blocked culverts, driveway washouts, ditches filled in.

Major issue from flood on Midway Road. Kelly Engineering will be looking at project.

Requested an extension on a DEC permit for a project that needs to be completed on Ferndale Loomis Road as a result of a motor vehicle accident and has been held up by motorists insurance company.

Used approximately 38.126 ton of patch - \$2722.68

Paving Carrier St. w/ the Village

Hasn't heard anything from FEMA

Hauling sand

CEO

For the month of September 2012 we had the following activity:

Building Permits **17**

Building Permits Closed **32**

Complaints **16**

Complaints Closed **1**

Planning Board new applications **0**

Planning Board approved applications **3**

Zoning Board new applications **0**

Zoning Board approved application **0**

Park & Recreation

The Renegade Mountain Bike Club held their first race at Walnut on Sunday September 23rd. They had around 30 riders and everyone loved the work they did on the bike trails.

We trimmed back all the carriage trails up at Walnut.

We held our annual Senior Picnic at Hanofee on September 6th. Had around 50 people attend.

While the Highway Department paved Walnut Mountain Road they also paved up into Walnut Mountain Park which really needed it. I would like to thank Tim and the highway guys for doing this.

Pee-Wee football is going well.

We are getting everything in order for the Halloween Parade. It will be held on Saturday, October 27th at Noon.

We started meeting for the Holiday Parade and Tree Lighting. This will be taken place on Friday December 7th at 6:00 pm.

BOCES has started building the lean-to over the grills on the outdoor pavilion at Hanofee Park. The Liberty Rotary Club is going to reimburse us for the materials.

Town Clerk

Licenses:

Conservation	16
Marriage Licenses	0
Marriage Certificates	0

Photocopies	0
Dog Licenses	57
Redeemed Dogs	3
Boarding Fees	6

Meetings, minutes, agendas, public notices, etc.

DCO

Dogs picked up 12
3 dogs at kennel (2 Liberty 1 Fallsburg)
1 Dog Bites
796 miles

2 vicious dogs picked up at 70 Champlin Ave, surrendered by owner who was being evicted and the house was being condemned per Liberty PD and Pam Winters. Owner had no money so it was not possible to charge a surrender fee. I would like to present the possibility of the town being reimbursed for the expenses pertaining to the euthanasia of these two dogs. It seems this should not be a town of Liberty expense.

I am currently doing a blanket and towel drive for the kennel, any donation of clean towels and blankets are appreciated.

Finance Director

Prepared 2013 Tentative Budget

Attended work sessions for budget with Department Heads and Town Board

Met with Employee Relations Committee

Prepared RFP's for Janitorial Services and Snow Removal. Did walkthrough with prospective bidders.

Met with Department of Labor regarding prevailing wages

All other daily duties and responsibilities.

CDC

Liberty Main Street Grant

Asbestos analysis in Liberty Theatre building and "Eddie's Antiques" building found traces (i.e. <1%) – both in areas outside of the scope of renovations done or planned. However, the Department of Labor insists on full removal before projects can proceed. Fortunately, Main Street Grant funds can be used for asbestos remediation. Liberty Museum has been urged to proceed with façade renovation. No further grant extensions will be granted.

2012 Sullivan Renaissance activities

Group is winding down 2012 activities with bulb planting in October. Planning for 2013 will commence afterwards and focus on stage area and Creekside Park.

Liberty Skatepark Location

All site survey activities have been completed, report expected shortly. Initial designs and budgets indicate need to secure significant portions of site preparation work (asphalt removal, excavations) as in-kind to maximize impact of existing funds.

Sullivan County Economic Master Plan / Wadley Donovan study

CDC co-hosted "Community Advisory Input Meeting" on 9/24. Approximately 25 attended. Purpose of meeting was to provide input for the County's consultants' research on where to steer the County's future economic development strategy.

Miscellaneous

"Great American": Slowly moving forward, new owners not ready to provide target date for re-opening
Liberty Plaza: Planning Board reviewing plans for new Bowling Alley in former Eckert building, will also require upgrade of Plaza itself (paving, etc.)
Rite-Aid: Going through re-modeling/renovation
"Rockbar": New owner working on plans for multi-tenant commercial building

Court	September
V&T Received	447
V&T Appearances	196
Criminal Appearances	544
Ordinance Appearances	61
Civil Appearances	21

Total Fines Collected	\$50,794.16
Total Fines to Town	Not available
Total Fines to Village	Not available

BOARD DISCUSSION

Councilperson Chris Austin

- Nothing to report

Councilperson Dean Farrand

- Mtg. on 10/2/12 Sheehan Rd.

Councilperson Thomas Hasbrouck

- Nothing to report

Councilperson Maurice Gerry

- Nothing to report

RESOLUTION NO

INTEGRATED MAINTENANCE SOLUTIONS HIRED FOR JANITORIAL SERVICES

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby accept the RFP as submitted by Integrated Maintenance Solutions in the amount of \$483.16 per week to clean Town Hall & Park & Recreation.

5 Ayes – Carried

RESOLUTION NO

BURKE EXCAVATING INC HIRED FOR SNOW REMOVAL SERVICES

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby accept the RFP as submitted by Burke Excavating, Inc for snow removal at Town Hall & Park & Rec in the amount of \$2,250. for the season.

5 AYES – CARRIED

RESOLUTION NO

TWO YEAR SALARY AGREEMENT

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby accept the following two year agreement with the Town of Liberty Employees:

1. Salary Increase:

2013	.30 per hour
<u>2014</u>	<u>.30 per hour</u>
	.60 over two years

2. Benefits

No additional contribution towards health insurance

3. Health Insurance Buyout:

Effective 1/1/2013 the buyout will change from a percentage of the cost to a fixed amount.

Full time employees:

Family coverage: \$8,000

Individual coverage: \$4,000

Part time employees the fixed amount will be reduced on a pro-rata percentage they are currently required to contribute.

4. Sick Leave at Retirement:

Section 12 Sick Leave

Sick leave maximum days eligible for payment at retirement changes from 180 days to 120 days.

The total cumulated days will remain at 240 days.

Employees that have accumulated more than 120 sick days as of December 31, 2012 will be compensated for the days over 120 at their current rate of pay for 100% of their time. Any employee who does not wish to be compensated may do so with the understanding that at retirement they will only be compensated for 120 days and they must sign a waiver with the Finance Office stating such.

5 AYES – CARRIED

RESOLUTION NO

ACCEPT LETTER OF INTENT FROM ALBERT PICARD INFORMING THE BOARD OF HIS RETIREMENT IN JANUARY 2013

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby accept Albert Picard's letter of intent stating that he is planning on retiring in January of 2013 as a full time employee and returning as a part time employee as per agreement with the Town Board.

5 AYES – CARRIED

RESOLUTION NO

ACCEPT LETTER OF INTENT FROM AUDREY WHEELER REQUESTING A POTENTIAL LEAVE OF ABSENCE

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby accept Audrey Wheeler’s letter of intent requesting a potential leave of absence for a period of one to six months.

5 AYES – CARRIED

(The Board stated that Assessor Sprague would need to come up with a plan for coverage for her office during this time)

RESOLUTION NO

UNSAFE BLDG PROCEEDINGS FOR SBL #47.-4-2 (2 STANTON CORNER RD.)

RESOLUTION MAKING CERTAIN 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 24th day of September, 2012 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	ABSENT
Supervisor Charlie Barbuti		
Councilman Thomas Hasbrouck		
Councilman Chris Austin		
Councilman Maurice Gerry		
Councilman Dean Farrand		

The following resolution was introduced by Councilperson Dean Farrand 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 (“Code”); and

WHEREAS, on September 5, 2012, the Town of Liberty Code Enforcement Officer inspected the premises located at 2 Stanton Corner Road, Swan Lake, New York, 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 8, 2012, 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 are not repairable and must be 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 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 19, 2012 at 6:50 p.m. 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 Thomas Hasbrouck	Voting	X	
Councilman Chris Austin	Voting	X	
Councilman Maurice Gerry	Voting	X	
Councilman Dean Farrand	Voting	X	

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL FOR HWY DEPT TO PURCHASE 2012 FORD F350 AT A COST OF \$30,231.28 FROM THE 2012 BUDGET

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the purchase of a 2012 F350 by the Highway Dept. at a cost of \$30,231.28 from their 2012 budget.

5 AYES – CARRIED

RESOLUTION NO

SCHEDULE QUARTERLY MTG W/ VILLAGE OF LIBERTY ON 10/29/12

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby schedule a joint meeting with the Village of Liberty on 10/29/12 at 6:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

5 AYES – CARRIED

RESOLUTION NO

BOARD WAIVES POTENTIAL CONFLICT

Motion by Councilperson Dean Farrand, seconded by **Councilperson Thomas Hasbrouck**, Attorney for the Town Kenneth Klein advised the Town Board that a long-time client of his, Helene Rothstein, and Mark Van Etten, have been made a parties to the Article 78 proceeding pending against the Town by Ayuda RE Funding, LLC and others because the proceeding could affect their property interests. Mr. Klein further informed the Town Board that Ms. Rothstein and Mr. Van Etten desire that he represent their interests in the Article 78 proceeding. Mr. Klein and the Town Board reviewed the potential for conflicts of interest that might arise by reason of Mr. Klein representing multiple parties in the same litigation. The Town Board concluded that the interests of the Town, Ms. Rothstein and Mr. Van Etten do not appear at this point to be divergent given the limited issues in the pending legal proceeding. Motion by Councilperson Dean Farrand, seconded by Councilperson Thomas Hasbrouck, the Town Board hereby waives any potential conflict of interest and consents to Mr. Klein representing the interests of Helene Rothstein and Mark Van Etten in the aforesaid Article 78 proceeding.

5 AYES – CARRIED

RESOLUTION NO

EXECUTIVE SESSION

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand** , the Town Board of the Town of Liberty does hereby go into Executive Session at 6:15 p.m. to discuss “ the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.”

5 AYES – CARRIED

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 6:27 p.m.

5 AYES – CARRIED

RESOLUTION NO

APPROVAL TO HIRE TEMP CLERK FOR COURT

Motion by Councilperson Chris Austin, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does hereby authorize the hiring of a temporary court clerk from 11/1/2012-01/04/2013 at a starting pay of \$31,501.

5 AYES – CARRIED

ADJOURN

On a motion by Supervisor Charlie Barbuti, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 6:30 p.m.

Respectfully submitted,
Laurie Dutcher, Town Clerk