

**DEPARTMENT HEAD MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
120 NORTH MAIN STREET, LIBERTY, NY 12754  
October 6, 2006**

At the Regular Monthly Department Head Meeting of the Town Board of the Town of Liberty held on October 6, 2008 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following were present:

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

Recording Secretary: Town Clerk Laurie Dutcher

Also present:            Water & Sewer Chief Albert Picard  
                                  Code Enforcement Officer Mark VanEtten  
                                  Park & Recreation Director Brian Scardefield  
                                  Finance Director Earl Bertsch  
                                  Deputy Highway Superintendent John Lennon  
                                  Finance Account Clerk Cheryl Gerow  
                                  Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

**DEPARTMENT HEADS**

**Highway Department:**

- Wrapping up Fox Mt. Rd.
- Making sand

**Water & Sewer Department:**

- Water leak along shoulder of Rt. 17- getting bonds & permits from NYSDOT
- Swan Lake sewer plant will need repairs to roof next year
- Still working on storm damage from June
- Rt. 55 Pump Station bids came in good
- Had a water main break last week

**Dog Control:**

Calls	97
Mileage	968
Dogs seized	3
Dog bites	1
Kennel	2

**Code Enforcement Officer:**

- Weinert's is harvesting gas in new bldg. and tracking mud out onto the road
- Would like to request Executive Session regarding pending litigation
- Has been getting a lot of complaints regarding handrails on front porch of Town Hall – Needs to be repaired
- On vacation 10/7-10/13
- 187 permits granted / 128 for 2008 / rest renewals
- 911 name for Save Rite Plaza

**Assessor:** ABSENT

**Parks & Recreation :**

- Parks closed
- Pee Wee football going good last game on 10/25
- National bike race 10/12 already 125 participants
- Halloween Parade 10/31 @ 6:00 p.m.
- Sent out fall flyers
- John Ellis fixed ceiling in Senior Center
- Getting ready for winter

**Finance Director:**

- APA Partners is dropping us – will have to find another Dental Plan
- Health Insurance increase will be less than the projected 10%
- NYSHIP will be conducting an audit for dependent compliance. Will have amnesty period Jan – Feb 2009

**BOARD DISCUSSION**

**Councilperson Clarence Barber**

- Thanks to Laurie for the Calendars
- Need to fix handrail on porch now
- Thank you for putting decals on Town trucks
- Highway inventory was only a partial listing

**Councilperson Lynn Killian**

- Snow removal policy
- Highway Superintendent anticipates a decrease in services due to budget constraints
- Would like to put out general statement to public advising of limited services between 8 pm to 4 am
- Unveiling of monument on 9/27 – Thanked Councilpersons Maurice Gerry and Clarence Barber, along with Town Clerk Laurie Dutcher for attending
- Public Mtg regarding Town & Village consolidation on 10/16 from 7-9 at the Senior Center
- Liberty Harvest Festival will be held on 10/11

**Councilperson Thomas Hasbrouck**

- Nothing to report

**Councilperson Maurice Gerry**

- Nothing to report

**RESOLUTION NO: 243-08**

*TRANSFER OF WEINERT JUNK YARD LICENSE TO SIMS METAL EAST LLC*

On a motion by **Councilperson Maurice Gerry**, seconded by **Councilperson Clarence Barber** the Town Board does hereby approve the transfer of Weinert's junk yard license to Sims Metal East, LLC, conditional upon compliance with Code issues regarding harvesting fuels in new building or a letter from DEC recommending this practice.

**5 AYES**

**Carried**

**RESOLUTION NO: 244-08**

*CAMP SHANE REQUEST TO WAIVE SURCHARGES DENIED*

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** the Town Board does hereby deny David Ettenberg's request on behalf of Camp Shane, to waive \$6,333 of surcharges charged to them.

**5 AYES**

**Carried**

**RESOLUTION NO: 245-08**

*APPROVAL FOR FINANCE DIRECTOR TO WRITE OFF BALANCE DUE FROM  
TRIPLE L LAKE DAM REPAIR*

On a motion by **Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** the Town Board does hereby authorize the Finance Director to write off the balance of \$7,700, from the emergency repair of Triple L Lake Dam parcel #32-3-1.3 on Fox Mt. Rd., from the Town of Liberty's account's receivable.

**5 AYES**  
**Carried**

**RESOLUTION NO: 246-08**

*APPROVAL OF 2006-2009 SNOW AND ICE CONTRACT*

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**:

WHEREAS, the County of Sullivan and the Town of Liberty entered into contract for Snow and Ice control on County Roads from July 1, 2006 through June 30, 2009;

WHEREAS, the contract states the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

WHEREAS, the County of Sullivan was paid the rate of \$4,692.00 per centerline mile for the 2007-2008 contract year; and

WHEREAS, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such County, Towns;

NOW, THEREFORE, BE IT RESOLVED, that the County of Sullivan pay the amount of \$4,692.00 per centerline mile for two lane highways and \$7,038.00 for three lane highways to the Town for the contract year July 1, 2008 through June 30, 2009.

PRESENT:

Supervisor John Schmidt	Yes
Councilperson Maurice Gerry	Yes
Councilperson Thomas Hasbrouck	Yes

Councilperson Clarence Barber                      Yes

**5 AYES**  
**Carried**

**RESOLUTION NO: 247-08**

*APPROVAL OF REDUCTION IN LETTER OF CREDIT FOR R&M FARMS*

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby approve the reduction of the letter of credit for R&M Farm Subdivision in the amount of \$86,588.

**5 AYES**  
**Carried**

**RESOLUTION NO: 248-08**

*RELEASE OF BOND MONEY FOR SOL & DAVE*

On a motion by **Councilperson Clarence Barber**, seconded by **Councilperson Lynn Killian** the Town Board does hereby approve of the return of 85% of the bond money (\$14,500) with 15% (\$7,500) being held as maintenance security for one year as stipulated on page 3 of the signed agreement. Attorney Klein will send a letter asking for verification that Y&H has been assigned to Sol & Dave before the money is returned.

**5 AYES**  
**Carried**

**RESOLUTION NO: 249-08**

*AWARD OF BID FOR RT 55 PUMP STATION*

On a motion by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby upon the recommendation of Kelly Engineering award the bid for the Rt. 55 pump station to Layne Christiansen, PO Box 917, Schoharie, NY 12157 at a contract price of \$12,885.00.

**5 AYES**  
**Carried**

**RESOLUTION NO: 250-08**

*ADOPTION OF LOCAL LAW #4 OF THE YEAR 2008*

On a motion by **Councilperson Clarence Barber**, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby adopt Introductory Local Law #2 of the year 2008 entitled "A local law amending the zoning map of the Town of Liberty to remove portions of tax map parcels 36-1-59 & 40-1-12.1", as local law #4 of the year 2008.

**4 AYES**

**1 NAY**      **Councilperson Lynn Killian**

**Carried**

**RESOLUTION NO: 251-08**

*E911 NAME FOR SAVE RITE PLAZA*

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Clarence Barber** the Town Board does hereby authorize the name "Save Rite Plaza" to be given to the former Carpet & Paint Warehouse parcel #30-1-76.1.

**5 AYES**

**Carried**

**RESOLUTION NO: 252-08**

*FINAL ORDER FOR EXTENSION OF THE SWAN LAKE SEWER DISTRICT*

PRESENT:

John Schmidt,	Supervisor
Clarence Barber,	Councilman
Maurice Gerry,	Councilman
Thomas Hasbrouck,	Councilman
Lynn P. Killian,	Councilwoman

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In the Matter

of the

Proposed Extension of the Swan Lake Sewer District,  
in the Town of Liberty, Sullivan County, New York,  
pursuant to Article 12 of the Town Law

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Offered by: Councilperson Thomas Hasbrouck

Seconded by: Councilperson Maurice Gerry

FINAL ORDER EXTENDING DISTRICT

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town Board" and "Town", respectively), has caused Wasson Engineering, competent engineers duly licensed by the State of New York, to prepare a map, plan and report of a proposed extension of the Swan Lake Sewer District, in the Town (herein called the "Extension" and the "District", respectively), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board determined to proceed with the proposed Extension of the District and resolved to extend said District, subject to permissive referendum; and

WHEREAS, the Town adopted an Order on July 21, 2008, reciting a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, if any, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office

for public inspection and specifying August 18, 2008 as the day when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed Extension to the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by a resolution duly adopted September 21, 2008 determined that the notice of public hearing was published and posted as required by law, and is otherwise sufficient, that all the property and property owners within the proposed Extension are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed Extension, and that it is in the public interest to extend the District, subject to permissive referendum; and

WHEREAS, no petition has been filed within thirty (30) days of adoption of said resolution after publishing and posting an abstract thereof in accord with the Town Law;

Now, therefore, be it

ORDERED, that the Extension to the District is hereby approved, to be known as Extension No. 1 to the Swan Lake Sewer District, in the Town of Liberty, situate wholly outside of any incorporated village or city, and bounded and described as follows:

**(GREEN HILLS ESTATES)**  
**SEWER DISTRICT EXTENSION DESCRIPTIONS**

**Extension Area 1**

ALL that certain plot, piece or parcel of land situate in the Town of Liberty, County of Sullivan and State of New York, being a portion of lands now or formerly of LMS Properties NY, LLC as described in Liber 3024, Page 463 (tax parcel Section 36, Block 1, Lot 59) and situated on the east side of State Route 55, also known as County Road 15, as shown on a map entitled "Sewer & Water District Extension Plan" dated June 19, 2008 as prepared by Wasson Engineering and being more particularly bounded and described as follows:

BEGINNING at a point in the easterly bounds of the aforementioned state highway, said point being the southwesterly corner of lands now or formerly of Agudath Israel of America, Inc. Liber 1263, Page 250 and running thence along the southerly bounds of the same, South 73°-16'-30" East, 539.56 feet to the place and point of beginning of the parcel herein described, said point also being in the easterly bounds of the existing Swan Lake Sewer District boundary;

Thence continuing along the southerly bounds of Agudath Israel of America, Inc., South 73°-16'-30" East, 1,023.29 feet to a point in the westerly bounds of lands now or formerly of Agudath Israel Youth, Liber 546, Page 441;

Thence along said westerly bounds, South 15°-32'-30" West, 66.00 feet to the most southwesterly corner of the same;

Thence, through the aforementioned lands of LMS Properties NY, LLC, South 54°-19'-38" West, 738.46 feet to a point in the northerly bounds of lands now or formerly of Verebey and Adler, Liber 945, Page 125;

Thence along said northerly bounds North 72°-51'-55" West, 266.85 feet to the northwesterly corner of the same; thence along the westerly bounds, South 14°-32'-00" West, 450.00 feet to the northeasterly corner of lands now or formerly of Hilltop Homes, Inc., Liber 2606, Page 685;

Thence along the northerly bounds of Hilltop Homes, Inc., South 75°-02'-00" West, 217.45 feet to a point in the easterly bounds of the aforementioned sewer district; thence along said easterly bounds the following six (6) courses and distances;

- 1) North 18°-39'-00" East, 397.52 feet;
- 2) North 15°-58'-00" East, 129.24 feet;
- 3) North 10°-23'-00" East, 107.28 feet;
- 4) North 05°-00'-00" East, 244.44 feet;
- 5) North 02°-59'-00" East, 290.60 feet;
- 6) North 02°-39'-00" West, 61.77 feet to the place and point of beginning and containing 12.99 acres of land more or less.

### **Extension Area 2**

ALL that certain plot, piece or parcel of land situate in the Town of Liberty, County of Sullivan and State of New York, being a portion of lands now or formerly of LMS Properties NY, LLC as described in Liber 3024, Page 463 (tax parcel Section 40, Block 1, Lot 12.1) and situated on the west side of State Route 55, also known as County Road 15, as shown on a map entitled "Sewer & Water District Extension Plan" dated June 19, 2008 as prepared by Wasson Engineering and being more particularly bounded and described as follows:

BEGINNING at the westerly corner of lands now or formerly of Mase, Liber 2229, Page 667 (tax parcel Section 40, Block 1, Lot 12.2) and running through the aforementioned LMS Properties NY, LLC North 62°-22'-00" West, 9.10 feet to the place and point of beginning of the parcel herein described, said point also being in the westerly bounds of the existing Swan Lake Sewer District;

Thence continuing through LMS Properties NY, LLC North 62°-22'-00" West, 902.02 feet to a point in the easterly bounds of lands now or formerly of Lasalle, Liber 1332, Page 62;

Thence running along said easterly bounds and the easterly bounds of lands now or formerly of Barlow and McComb, Liber 1316, Page 252 North 13°-35'-00" East, 413.64 feet to a point in the southerly bounds of lands now or formerly of Ferndale Villas, LLC, Liber 3391, Page 515;

Thence along said southerly bounds the following three (3) courses and distances;

- 1) South 79°-47'-00" East, 460.62 feet;
- 2) North 17°-08'-00" East, 268.60 feet;

- 3) South 82°-18'-00" East, 685.15 feet; thence back through lands of LMS Properties NY, LLC South 13°-55'-00" West, 43.43 feet to a point in the westerly bounds of the aforementioned sewer district;

Thence continuing through lands of LMS Properties NY, LLC and along said sewer district bounds the following six (6) courses and distances;

- 1) South 38°-02'-00" West, 30.04 feet;
- 2) South 32°-18'-18" West, 189.87 feet;
- 3) South 29°-32'-00" West, 188.73 feet;
- 4) South 28°-52'-00" West, 432.57 feet;
- 5) South 29°-47'-23" West, 133.39 feet;
- 6) South 30°-24'-00" West, 21.50 feet to the place and point of beginning of the parcel herein described and containing 16.75 acres of land, more or less.

and be it further

ORDERED, that said Extension No. 1 to the Swan Lake Sewer

District shall be established at no cost to the Town; and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Sullivan and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

**5 AYES  
Carried**

**RESOLUTION NO: 253-08**

*FINAL ORDER FOR EXTENSION OF THE RT 55 WATER DISTRICT*

PRESENT:

John Schmidt,	Supervisor
Clarence Barber,	Councilman
Maurice Gerry,	Councilman
Thomas Hasbrouck,	Councilman
Lynn P. Killian,	Councilwoman

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In the Matter

of the

Proposed Extension of the Route 55 Water District,  
in the Town of Liberty, Sullivan County, New York,  
pursuant to Article 12 of the Town Law

---

Offered by: Councilperson Thomas Hasbrouck

Seconded by: Councilperson Lynn Killian

FINAL ORDER EXTENDING DISTRICT

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town Board" and "Town", respectively), has caused Wasson Engineering, competent engineers duly licensed by the State of New York, to prepare a map, plan and report of a proposed extension of the Route 55 Water District, in the Town (herein called the "Extension" and the "District", respectively), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board determined to proceed with the proposed Extension of the District and resolved to extend said District, subject to permissive referendum; and

WHEREAS, the Town adopted an Order on July 21, 2008, reciting a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, if any, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying August 18, 2008 as the day when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed Extension to the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by a resolution duly adopted September 21, 2008 determined that the notice of public hearing was published and posted as required by law, and is otherwise sufficient, that all the property and property owners within the proposed Extension are benefited thereby, that all the property and property owners benefited are included within the limits of the proposed Extension, and that it is in the public interest to extend the District, subject to permissive referendum; and

WHEREAS, no petition has been filed within thirty (30) days of adoption of said resolution after publishing and posting an abstract thereof in accord with the Town Law;

Now, therefore, be it

ORDERED, that the Extension to the District is hereby approved, to be known as Extension No. 1 to the Route 55 Water District, in the Town of Liberty, situate wholly outside of any incorporated village or city, and bounded and described as follows:

### **GREEN HILLS ESTATES**

#### **WATER DISTRICT EXTENSION DESCRIPTION**

ALL that certain plot, piece or parcel of land situate in the Town of Liberty, County of Sullivan and State of New York, being a portion of lands now or formerly of LMS Properties NY, LLC as described in Liber 3024, Page 463 (tax parcel Section 40, Block 1, Lot 12.1) and situated on the west side of State Route 55, also known as County Road 15, as shown on a map entitled "Sewer & Water District Extension Plan" dated June 19, 2008 as prepared by Wasson Engineering and being more particularly bounded and described as follows:

BEGINNING at the westerly corner of lands now or formerly of Mase, Liber 2229, Page 667 (tax parcel Section 40, Block 1, Lot 12.2) and running through the aforementioned LMS Properties NY, LLC North 62°-22'-00" West, 911.12 feet to a point in the easterly bounds of lands now or formerly of Lasalle, Liber 1332, Page 62;

Thence running along said easterly bounds and the easterly bounds of lands now or formerly of Barlow and McComb, Liber 1316, Page 252 North 13°-35'-00" East, 413.64 feet to a point in the southerly bounds of lands now or formerly of Ferndale Villas, LLC, Liber 3391, Page 515;

Thence along said southerly bounds the following three (3) courses and distances;

- 1) South 79°-47'-00" East, 460.62 feet;
- 2) North 17°-08'-00" East, 268.60 feet;
- 3) South 82°-18'-00" East, 685.15 feet;

Thence along other lands of LMS Properties NY, LLC the following two (2) courses and

distances;

- 1) South 13°-55'-00" West, 252.31 feet;
- 2) South 76°-05'-00" East, 265.24 feet to the most northerly point in lands now or formerly of 5143 Swan Lake Corp, Liber 3141, Page318;

Thence along said lands the following two (2) courses and distances;

- 1) South 19°-29'-00" West, 124.64 feet;
- 2) South 68°-18'-00" East, 154.39 feet to a point in the westerly bounds of State Route 55;

Thence along said westerly bounds the following two (2) courses and distances;

- 1) South 29°-32'-00" West, 173.72 feet;
- 2) South 28°-52'-00" West, 433.68 feet to a point in the northerly bounds of the aforementioned Mase;

Thence along the same, the following two (2) courses and distances;

- 1) North 62°-22'-00" West, 494.43 feet;
- 2) South 28°-35'-00" West, 140.00 feet to the place and point of beginning of the parcel herein described and containing 24.43 acres of land, more or less.

and be it further

ORDERED, that said Extension of the Route 55 Water District shall be established at no cost to the Town; and be it further

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Sullivan and file with the Department of Audit and Control in Albany, New York, copies of this Order, certified by said Town Clerk.

**5 AYES  
Carried**

ADJOURN

On a motion by Councilperson Clarence Barber, seconded by Councilperson Lynn Killian and carried, the Town Board adjourned the meeting at 5:50 p.m.

Department Head Mtg.  
October 6, 2008 Continued ...

Respectfully submitted,

Laurie Dutcher,  
Town Clerk