

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
October 19, 2009**

At the Town Board 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 Lynn Killian
Councilperson Thomas Hasbrouck
Councilperson Clarence Barber
Councilperson Maurice Gerry

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Deputy Highway Superintendent John Lennon
Code Enforcement Officer Mark VanEtten
Senior Account Clerk Cheryl Gerow
Deputy Town Clerk Sara Sprague

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

PUBLIC PARTICIPATION

Highway Superintendent Timothy Pellam wanted to know where the Supervisor got his information regarding his comment at the last meeting that he had 7 plow routes. No one in attendance at the meeting had given him this information.

Supervisor Schmidt advised Mr. Pellam that he had counted them coming out of the Town Barn.

The Supervisor advised that maybe he had 10 plow routes.

Superintendent Pellam advised that he had 12 plow routes.

Mr. Schmidt advised that it kept going up every time he spoke with him.

Superintendent Pellam wanted to know where Mr. Schmidt came up with 7 plow routes and 10 guys standing around.

Supervisor Schmidt wanted to know what the big deal was.

Regular Monthly Meeting
10/19/2009 continued.....

Superintendent Pellam advised that the big deal was that that Mr. Schmidt told him to have the mechanic load the trucks but that he needed the mechanic to repair hydraulic hoses, tires, etc. and that most of the time the mechanic does have to drive a truck because not all the guys come in.

Supervisor Schmidt advised Mr. Pellam that he was just looking for a fight.

Superintendent Pellam advised he was not looking for a fight he was just rebutting what Mr. Schmidt had said at the last meeting. Mr. Pellam advised that it was inappropriate and incorrect.

Councilperson Clarence Barber wanted to know what the problem was.

Superintendent Pellam advised that the problem was that all summer people were coming in and telling the Board to give more money to the Highway Dept. and that the Town had to borrow \$500,000 after the flood this year and now they want to cut his budget by \$100,000. Mr. Pellam also asked Supervisor Schmidt if he was getting his office cleaned.

Supervisor Schmidt advised that yes his office was being cleaned.

Superintendent Pellam wanted to know why his building wasn't being cleaned. Mr. Pellam advised that he was in his office as much as the Supervisor, plus the employees come in with muddy feet, etc. and he felt that his building should be cleaned.

Supervisor Schmidt advised that it all adds up.

Mr. Pellam wanted to know why he didn't cut the cleaning out of his office.

Supervisor Schmidt told Mr. Pellam that he wasn't going to answer him. He stated that Mr. Pellam was just looking for a fight. He advised Mr. Pellam that he had gotten hot headed and stormed out of the last meeting so they made the cuts. He also wanted to know if Mr. Pellam wanted to tell the taxpayers that they were going to have an 8-10% tax increase.

Mr. Pellam advised that taxpayers were here all summer long telling the Board that they needed more money for the Highway Dept. Mr. Pellam advised that it was not his job to do the budget, that it was the Supervisor's job.

Supervisor Schmidt told Mr. Pellam that he was part of making the budget.

Superintendent Pellam advised the Supervisor that he had submitted his budget. Mr. Pellam also wanted to know why he would throw out something like 7 plow routes and 10 guys standing around before talking to him.

Supervisor Schmidt advised that he was just throwing things out to try to help him. He said they all sat here and made suggestions.

Regular Monthly Meeting
10/19/2009 continued.....

Superintendent Pellam advised that there was no working with him.

Supervisor Schmidt advised Superintendent Pellam that he was just looking for a good fight. The Supervisor also advised that he did not say that there were ten guys standing around and that maybe they would have to listen to the tape.

Superintendent Pellam advised that Mr. Schmidt has to realize that there is a difference between the public sector and the private sector.

Supervisor Schmidt wanted to know why they were different.

Mr. Pellam advised that there was no point with this guy. He advised that it is different working with civil service.

Mr. Schmidt asked how it was different.

Mr. Pellam advised that Mr. Schmidt could just go into his little business and tell someone they were fired and that he could not do that because his guys were civil service and you just can't do that.

Deputy Highway Superintendent John Lennon advised that the difference between government and the private sector is that government you start out with X amount of dollars and you work your way down, in the business sector the more you make the more profit you make and the guys get a little more for working harder. Here all you want to do is cut and you only have X amount of dollars to start with and you go through all your money all you have left is the money for the salaries. After everything is gone the guys will still be there and that's the difference between the private sector and the government sector.

Superintendent Pellam advised Supervisor Schmidt that he had been working for the town for twenty-five years and Supervisor Schmidt had only been working for the town for two years so he advised him to come over and he would educate him.

James Austin advised Supervisor Schmidt to come over at 2:00 a.m. in the morning when they were out there in an ice storm.

Foreman Kevin Austin advised that they have nine big truck plow routes and three little truck plow routes, one loader guy and two mechanics. He advised that there is always someone who can't come in because they are babysitting, doing something with their kids or just because they had a previous commitment, so they have a floater such as the mechanic that can take a route. It's not like there are five guys standing around doing nothing, never. Mr. Austin also advised that he had been there for 18 years and the plow routes are the same.

Superintendent Pellam advised that he went back and looked at pictures from 1985 & 1987 and there were 20-23 employees. He advised that now they have 15. The Superintendent advised Mr. Schmidt to come to him and get educated that was all he

Regular Monthly Meeting
10/19/2009 continued.....

was asking. Superintendent Pellam stated that a guy who drove a single axle truck couldn't just get into a tandem axle truck and start going up and down hills because the trucks handle differently.

Supervisor Schmidt advised that we were going to move on.

A Highway employee wanted to know if this was a town wide cut or if it was just highway.

Superintendent Pellam advised that it was mostly highway because the Supervisor has a personal agenda not a town agenda.

Sean Hanofee wanted to comment that it was a little awkward for him to come, but that his policy has always been principles and ethics and that this was directed to the whole board and not any one individual. Mr. Hanofee advised that there will always be politics but the Town has always done more with less. He advised that our Town's biggest responsibility was delivering safe water & sewer and transportation and to balance the budget on the face of one guy and the backs of sixteen at the jeopardy of 10,000 people, was just not ethical.

Supervisor Schmidt asked Tim Pellam if he had any other ideas on how to balance the budget.

Superintendent Pellam advised that former Highway Superintendent Clarence Barber used to always say to fill in the pool at Hanofee. He advised that people want roads repaired.

Supervisor Schmidt told Superintendent Pellam that he didn't want to sit with them so this was where they cut.

Superintendent Pellam advised that the Supervisor did not want to hear the reality of it. Mr. Pellam advised "this is what we do, and this is what we need to do it".

Highway Foreman Kevin Austin advised that they take it personally when someone says that they have ten guys standing around.

Supervisor Schmidt advised that he never said that and that he knows they work, that he has seen them working.

Superintendent Pellam stated that they need equipment, a roller, a truck and that by taking this away would just put them that much further behind the eight ball next year.

Supervisor Schmidt asked Superintendent Pellam if he thought it would be popular to the taxpayers if they had to raise their taxes by 8-10%.

Superintendent Pellam advised that it was not part of his job to balance the budget. He wanted to know how he was supposed to cut overtime when the only time they went out was when it was snowing, flooding, or if there were downed trees.

Regular Monthly Meeting
10/19/2009 continued.....

Foreman Austin advised that if it didn't snow until January and if they didn't have any flooding they could cut overtime, but that it was not something one could predict.

Highway employee Leigh Benton advised the board that they were risking their lives running 20 year old trucks and rollers that had the steering wheels falling off. He advised that last week an employee had to be taken to the hospital due to the roller jumping out of gear. Luckily the employee is ok but it is not right.

Superintendent Pellam advised that there is no place to cut his budget but that the Supervisor didn't want to hear that.

Supervisor Schmidt advised that they were not picking on any one department.

Superintendent Pellam asked the Supervisor if they had cut \$80,000 out of any other department.

Supervisor Schmidt advised that he was not going to talk to Mr. Pellam anymore.

Superintendent Pellam wanted to know if they cut out cleaning for the Water & Sewer Dept.

Supervisor Schmidt advised that the Water & Sewer Dept. has always cleaned there own building.

Superintendent Pellam then wanted to know if the cleaning service was cut from Town Hall.

Supervisor Schmidt advised that no because he thinks that the Town Hall should have a cleaning service.

James Austin wanted to know why the Highway Dept. couldn't have cleaning.

Supervisor Schmidt advised that two guys could come in an hour early on Friday afternoon to clean.

Superintendent Pellam asked if he was supposed to pull people off the road to clean the Town Barn.

Head mechanic Mike Fritz advised that he personally had to wash the bathroom and locker room floor when the sewer backed up because he was the one who was in the barn the most when it happened.

Supervisor Schmidt advised that he thought that they had already agreed to supply a backhoe and the Water & Sewer Dept. would fix the pipe.

Superintendent Pellam advised that he has not had time due to the floods and that buildings & grounds were not his department .

Regular Monthly Meeting
10/19/2009 continued.....

Supervisor Schmidt advised that he supposed that he was going to be too busy to install the snow stops for the Town Barn also.

The employees wanted to know why they weren't installed when the building was built. Where was the engineer that was responsible?

Supervisor Schmidt advised that the pipe was installed correctly and who is to blame Poley Paving or the engineer.

Mr. Pellam advised the Supervisor again that buildings and grounds were his department.

Supervisor Schmidt advised Superintendent Pellam that obviously he was too busy to fix the pipe so it would continue to back up.

Superintendent Pellam advised that it comes out of the general fund and if he had to he would go to the Department of Labor.

Supervisor Schmidt advised that they were going to move along.

Councilperson Maurice Gerry advised that he appreciates the Highway Dept. guys coming to the meeting. He advised that if the public had to absorb a higher tax then they would just have to absorb a higher tax. Councilperson Gerry advised that he was listening loud and clear. He stated that he didn't think that there budget should have been cut. He advised that he couldn't ask for better service than he has gotten from the Highway Department for the last 25 years. Mr. Gerry advised that he would take the consequences after the budget was adopted.

Councilperson Lynn Killian also thanked the Highway Dept. guys for attending the meeting. Councilperson Killian advised that they provide a fine service and knows that Mother Nature has been there worst enemy for years. Ms. Killian advised that the biggest reason people attend meetings is to complain about the roads. She advised that she would take there input under serious consideration.

Councilperson Thomas Hasbrouck advised that they were looking at everything but that the taxpayers couldn't afford anymore. He advised that a lot of people were losing jobs and going without a lot of things. He advised that the employees were lucky that they were able to keep there raises in the budget.

Kevin Austin wanted to know why it was always blamed on employees' raises.

Councilperson Clarence Barber advised because they are the most visible. He also advised that he did not say anyone was dead wood. He advised that he had always tried to do everything fair and equal.

Regular Monthly Meeting
10/19/2009 continued.....

CORRESPONDENCE

1. An invitation from the VFW Clarence Hoyt Post No. 9217 to attend Veterans Day Services on 11/11 at 10:30 a.m.
2. Copies of minutes from the Coalition of Watershed Towns.
3. Notice from the NYSDEC regarding public hearings on Marcellus Shale Drilling.
4. Notice from the Liberty CDC regarding NY Preservation Forum and Main Street Forum at the Liberty Museum on 11/1 & 11/2.
5. Notice of seminar on Wastewater Management for Local Officials & Representatives on 11/4.
6. Notice of Outdoor Summit hosted by the Sullivan County Division of Planning and Environmental Management on 10/24.
7. Memo from the Coalition of Watershed Towns.

RESOLUTION NO. 193-09

APPROVAL OF AUDIT

Motion by Councilperson Lynn Killian, seconded by **Councilperson Clarence Barber**, the Town Board approved the following:

- October, 2009 Abstract:
Claims #1957 to #2156 totaling \$412,418.66
- Post September, 2009 Abstract:
Claims #1946 to #1956 totaling \$93,297.71

5 AYES - Carried

RESOLUTION NO. 194-09

APPROVAL OF MINUTES

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

- 10/5/2009 Department Head Mtg.
- 9/21/2009 Regular Monthly Mtg.

5 AYES - Carried

RESOLUTION NO. 195-09

APPROVAL OF MONTHLY REPORTS

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

Regular Monthly Meeting
10/19/2009 continued.....

- Town Clerk's 9/2009 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of 9/30/2009
- Supervisor's Report for 8/2009

5 AYES - Carried

OLD BUSINESS:

1. Discussion regarding logging permits. CARRYOVER
2. Consolidation of Water Districts CARRYOVER
3. Air Quality Report CARRYOVER
(Supervisor meeting w/ 2nd person)
4. Workplace Violence CARRYOVER
5. Fuel Accountability Policy CARRYOVER
6. Easements for Swan Lake sidewalks CARRYOVER
(As per Councilperson Killian easements signed as of 8/09 bids need to be done)
7. Speed Zone for Old Loomis Rd. CARRYOVER
8. Comprehensive Plan Committee CARRYOVER
9. Prioritize Code Enforcement Issues CARRYOVER
(CEO VanEtten will call Attorney Garigliano to set up mtg.)
10. Liberty Environmental Management's mold inspection CARRYOVER
11. Replacement of waterline on Old Monticello Rd. CARRYOVER
12. Letter from NYSDEC regarding the Loomis Wastewater Treatment Plant exceeding the effluent limitations. CARRYOVER
(As per Supervisor responded to Mr. Sansalone need to raise \$\$ As per Councilperson Killian would like to contact Barton & Loguidice)
13. Melton Subdivision CARRYOVER
(Hwy Super has mtg on 10/20)
14. Town of Liberty fee schedule CARRYOVER
(Will complete w/ budget)

RESOLUTION NO. 196-09

APPROVAL OF NAMING ENTRANCE TO CVI "CABLEVISION CENTER DRIVE"

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board does hereby approve of naming the entrance to CVI, located off of County Road No. 175, SBL#36-1-127.1 & 127.2, as "Cablevision Center Drive".

5 AYES - Carried

RESOLUTION NO. 197-09

ACCEPT LOW PROPOSAL SUBMITTED BY WERLAU CONSTRUCTION TO REPAIR BREEZY HILL RD.

Regular Monthly Meeting
10/19/2009 continued.....

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby accept the low proposal in the amount of \$48, 950 submitted by Werlau Construction to repair Breezy Hill Rd.

5 AYES - Carried

RESOLUTION NO. 198-09

COUNCILPERSON KILLIAN TO SEND LETTER TO VILLAGE OF LIBERTY IN REGARD TO COMPREHENSIVE PLAN REVIEW COMMITTEE

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby direct Councilperson Killian to send a letter to the Village of Liberty in regard to one member participating on the Comprehensive Plan Review Committee.

4 AYES - Carried
1 NAY

RESOLUTION NO. 199-09

REQUEST FOR BARTON & LOGUIDICE TO PARTICIPATE AT 2ND MTG IN NOVEMBER

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby request the participation of Barton & Loguidice at the 2nd meeting in November to discuss possible grants for stimulus money.

5 AYES - Carried

Next discussion followed on the Town of Liberty fee schedule, the following changes were made:

Dog Control Fees:	Surrender Fee		\$100
	Impoundment Fee	1 st offense	\$40
		Each subsequent offense within 12 months	\$75
	Boarding Fees		\$15

Town Clerk Fees:

Highway Opening Permit	\$250
Escrow deposit refundable upon satisfactory completion	\$5,000

Building Fees:

Road Access Bond		
Residential	\$50.00	No bond
Commercial	\$250	\$5,000 bond
Field/Lot Entrance	\$50	\$500 bond
Multiple Residence	\$250	\$5,000

Regular Monthly Meeting
10/19/2009 continued.....

RESOLUTION NO. 200-09

HIGHWAY SUPERINTENDENT GRANTED RAISE

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby grant the Highway Superintendent Pellam a raise in the amount of \$1,148 for the year 2010.

5 AYES - Carried

RESOLUTION NO. 201-09

RESCHEDULE HEARINGS FOR 2010 BUDGET

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby reschedule the public hearings for the 2010 budget for November 2, 2009 at Town Hall, 120 North Main Street, Liberty at the following times:

Infirmiry Road Sewer District	5:30 p.m.
Loomis Sewer District / Loomis Sewer District Extension	5:35 p.m.
Swan Lake-Briscoe Rd. Consolidated Sewer District	5:40 p.m.
Youngs Hill Sewer District	5:45 p.m.
2010 Town of Liberty Preliminary Budget	5:50 p.m.

5 AYES - Carried

BOARD DISCUSSION

Councilperson Barber
Nothing to report

Councilperson Killian
STATEMENT BY LYNN KILLIAN FOR RECORD 10-19-2009

I want to go on record in stating that I am adamantly opposed to the proposed cut in the Liberty CDC budget line, a reduction of 50% to \$12,500.00.

The CDC was established as a result of the Liberty Economic Action Plan in 2004. Its purpose is to improve economic and social conditions. It is responsible for three core areas of development: Economic, Youth and Housing. These are the cores identified by Liberty residents through well attended workshops.

Housing= Rehabilitation; Homeowner Education; New Housing Development

Economic=Commercial & Industrial Development; Downtown Revitalization; Entrepreneur Aid;
Public Spaces and Tourism.

Regular Monthly Meeting
10/19/2009 continued.....

Youth=Team Skate and more. They have given our Youth a voice!

These areas of development play a significant role in our Comprehensive Plan. The CDC has helped the Village, Town and others in obtaining grants, loans and more, in an effort to achieve these goals.

Before the CDC existed, these types of improvements relied upon volunteers' efforts. Volunteers have limited time and after awhile can "burn out". Efforts by community organizations were not coordinated. The CDC was created to correct this situation and help to bring these types of projects to completion.

Our investment buys us the successes of completed projects, improved quality of life in Liberty, and savings for our taxpayers.

Cutting this line clearly indicates a lack of understanding of the CDC's value. This is evidenced further by poor representation on the CDC Board by the Town Board. This representative is supposed to attend meetings and act as a liaison; to aid communication between the two Boards. Our representation however is sparse as a result of poor attendance and no verbal communication/reports from the representative to either Board. We are supposed to receive and read CDC reports in our meeting packets. This has only improved recently as a result of the discussion held at one meeting regarding the new circle. We need to communicate our needs to the CDC. We do nothing to engage the CDC. We ask them for little to nothing. Our lack of action in regard to the CDC is a failure to act upon what the people of Liberty want. How can our investment pay off if we do not utilize them? The Town Board fails to recognize facts and instead acts upon hearsay and lack of knowledge. We are not doing our part!

The money received by the CDC is "seed" money. Each year the CDC's request for money has been decreased due to their ability to raise revenues. And I am sure it can deal with a reasonable decrease again this year (10% or 20%), but to cut it by 50% would definitely be detrimental to our Town and our residents.

Councilperson Hasbrouck

Wanted to know if there was any feedback from the Parksville construction.

Supervisor Schmidt advised that they were building a new road from Ray Kelly's up to Steve Melchick's property and just crossing O'Keefe Hill Rd.

Councilperson Gerry

Commented that this was the first time in his sixteen years on the board that an entire department showed up at a meeting.

Supervisor Schmidt

Commented that the budget is not set in stone.

RESOLUTION NO. 202-09

EXTEND INVITATION TO NEWS MEDIA TO ATTEND MEETINGS

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry**, the Town Board does hereby direct the Town Clerk to extend an invitation to all news media outlets to attend Town Board meetings.

Regular Monthly Meeting
10/19/2009 continued.....

5 AYES - Carried

On a motion by Councilperson Thomas Hasbrouck, seconded by Lynn Killian the Town Board adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk