

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
November 15, 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:

Deputy Supervisor Clarence Barber
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian
Councilperson Chris Austin

Absent: Supervisor John Schmidt

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

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

CORRESPONDENCE

1. A memo from Budget/Accounting coordinator Cheryl Gerow regarding Procurement Policy changes.

RESOLUTION NO 267-10

APPROVAL OF CHANGES TO PROCUREMENT POLICY

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board approved the following changes to the Procurement Policy:

1. Equal Opportunity Employer
 - Pursuant to Article 15 of the Executive Law and all other State and Federal statutory and constitutional non-discrimination provisions, the Town of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status.
2. Equal Opportunity for Minorities and Women
 - The Town of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.
3. Section 3 Businesses
 - Pursuant to Section 3 (24 CFR 85.36) of the Housing and Urban Development Act of 1968, the Town of Liberty will ensure that employment and other economic opportunities will be available to low-moderate income families and businesses and that all procurement transactions will be conducted in a competitive manner.

Furthermore, any contract the Town of Liberty awards that is not off of a State contract must document that the Contractor is in full compliance of the above.

3 AYES - Carried

1 Absent-Supervisor Schmidt

COMPREHENSIVE PLAN UPDATE

PLANNING & ZONING BOARD MINUTES

- 10/5/2010
- 11/2/2010

RECOGNIZE THE PUBLIC

Dan Ratner

Mr. Ratner advised that the American Legion purchased a 14 ft blue spruce tree to donate to the Liberty Baptist Church upon approval of the Pastor. Pastor advised Mr. Ratner that the elders did not want the tree. Mr. Ratner spoke with Brian Scardefield, Parks & Rec. Director, and Mr. Scardefield suggested that they remove an old poplar tree and replace it with the blue spruce.

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Councilperson Gerry advised that he would like to be a part of the tree planting.

RESOLUTION NO 268-10

APPROVAL TO ACCEPT & PLANT BLUE SPRUCE TREE

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town does hereby accept the donation of a 14 ft. blue spruce tree from the American Legion and does hereby give approval to plant this tree on Town property under the guidance of Councilperson Maurice Gerry.

3 AYES - Carried

1 Absent-Supervisor Schmidt

Gary Miller

Mr. Miller wanted to know where the Town stood with the Zoning improvements.

Councilperson Killian advised Mr. Miller that the Board had just received the SEQR Review and they had to go through the rest of the process.

Mr. Miller was advised by Town Attorney Kenneth Klein that the Board may be able to act upon it in December.

Jeremy Gorelick

"Good Evening everybody I am here tonight because the members of the Chamber of Commerce wanted to come and would like to show the Town Board that they would like to work with you as much as possible. I have almost all the Officers of the Chamber of Commerce here tonight and a good number of the members of the Board of Directors. So we wanted to come but also to talk about something that came up that we wanted to just inform the Town Board about since this is something that deals with an agency within the Town. One of our members and since we do have a strong advocacy committee within the Chamber mentioned that there is a program that is being offered within the Town that is basically a direct duplication of services she is offering as a business and I don't know if there is any option or action for you to consider on this other than being aware of that fact and to humbly request that when there is a service that is being offered by the municipal government that is in direct I guess competition that a phone call be made to the private business owner so that the private business owner is aware and can maybe be more aggressive or competitive about some of the things."

Deputy Supervisor Barber asked Mr. Gorelick "what is this and where is this?"

Mr. Gorelick replied "Parks and Rec is offering Zumba and the Liberty Fitness Center is offering Zumba as well so we just wanted to make sure that you were aware of this. I spoke with Brian I spoke with Linda on Friday and then I spoke with Brian about it today and he said that it was due to the fact that the Town wants to be competitive in offering things and I think that it is

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great that the Town wants to offer things competitively but I am also concerned when we have a tax paying business with that's owned by a tax paying resident where that's occurring so I think its great that the Town is offering these through these agencies but I also just wanted to bring this up so that in the future if something like this arises that members of the Chamber of Commerce active in the community are made aware of this. Thank you."

Councilperson Austin advised that he thought it was a good point and that they would speak to Brian about it at the Department Head Mtg.

Dan Cerezo

Mr. Cerezo wanted to know the status on his complaint regarding Peter Parks.

CEO VanEtten advised that a violation had been filed on the property and that would be up this week and he will converse with the Town Board on this matter.

Ms. Bauer asked the Board if there was anyway to get a year round enclosed public pool. She explained the health benefits it has. She advised that she would help in anyway she could to get funding.

RESOLUTION NO 269-10

APPROVAL OF AUDIT

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

- November, 2010 Abstract:
Claims #2123 to #2287 totaling \$462,839.71
- Post October, 2010 Abstract:
Claims #2104 to #2122 totaling \$94,411.33

3 AYES - Carried

1 Absent-Supervisor Schmidt

RESOLUTION NO 270-10

APPROVAL OF MINUTES

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

- Special Worksession Mtg. 9/15/2010
- Regular Monthly Mtg. 9/20/2010
- Special Worksession Mtg. 9/21/2010
- Budget Worksession 9/23/2010
- Budget Worksession 9/27/2010

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- Budget Worksession 9/28/2010
- Budget Worksession 10/4/2010
- Dept. Head Mtg. 10/4/2010
- Budget Worksession 10/13/2010
- Regular Monthly Mtg. 10/18/2010
- Budget Hearings 10/25/2010

3 AYES - Carried
1 Absent-Supervisor Schmidt

RESOLUTION NO 271-10

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 10/2010
- Monthly Town Board Report of Revenue & Expense Summary as of 10/31/2010
- Supervisor's Report for 8/10~9/10~10/10

3 AYES - Carried
1 Absent-Supervisor Schmidt

OLD BUSINESS

1. 239 Review for Zoning Change.

December the Town Board will declare a Negative Declaration.

RESOLUTION NO 272-10

RE-CLASSIFY ZONING CHANGE AS A TYPE I ACTION

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby re-classify the proposed Zoning Change as a Type I Action.

3 AYES - Carried
1 Absent-Supervisor Schmidt

2. Franchise agreement with Time Warner
Carryover

3. Farmland Protection
Councilperson Killian advised that the Agriculture & Farmland Protection Board will set the date for the public hearing.

4. Schedule mtg. with Attorney Walter Garigliano.

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Councilpersons Killian and Austin both spoke with Attorney Garigliano via phone regarding the clarification of fees he charges the Town. He advised them that if it is a quick question, he does not charge the Town but if it is a question that he needs to open a file and research that he does charge the Town. Both Councilpersons were satisfied with Mr. Garigliano's explanation of charges.

5. Job descriptions
Carryover

RESOLUTION NO. 273-10

INTRODUCTORY LOCAL LAW #4 OF THE YEAR 2010 ENTITLED "

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**,
At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York,
held at the Town Hall, 120 North Main Street, Liberty, New York, in said Town, on the 15th day
of November, 2010 at 7:00 p.m. prevailing time.

The meeting was called to order by Deputy Supervisor Clarence Barber and upon roll
being called, the following were:

PRESENT:

Councilperson Maurice Gerry

Councilperson Thomas Hasbrouck

Councilperson Lynn Killian

Councilperson Chris Austin

ABSENT:

Supervisor John Schmidt

The following resolution was introduced by Councilperson Chris Austin, who moved its
adoption, and seconded by Councilperson Lynn Killian, to wit:

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BE IT RESOLVED, that introductory Local Law No. 4 of the Year 2010 entitled “A local law repealing Chapter 50, entitled ‘Animals,’ of the Code of the Town of Liberty, and replacing it with a new Chapter 50, also entitled ‘Animals’” is hereby introduced before the Town Board of the Town of Liberty, Sullivan County, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at Town of Liberty Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on December, 2010; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the aforesaid local law constitutes a Type II Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor John Schmidt	ABSENT	
Councilperson Maurice Gerry	voting	AYE
Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Lynn Killian	voting	AYE
Councilperson Chris Austin	voting	AYE

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The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274-10

APPROVAL OF ADOPT A ROAD APPLICATION SUBMITTED BY RICHARD ROWLAND FOR MURPHY RD.

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve the Adopt A Road application submitted by Richard Rowland to adopt Murphy Rd. in the Town of Liberty.

3 AYES - Carried
1 Absent-Supervisor Schmidt

RESOLUTION NO. 275-10

ACCEPT WITH REGRET, THE RESIGNATION SUBMITTED BY LEWIS "JOSH" GEROW, III, FROM THE TOWN OF LIBERTY HIGHWAY

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin**, the Town Board of the Town of Liberty does hereby accept with regret, the resignation of Lewis "Josh" Gerow from the Town of Liberty Highway Department.

3 AYES - Carried
1 Absent-Supervisor Schmidt

RESOLUTION NO. 276-10

INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2010

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**,

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town Hall, 120 North Main Street, Liberty, New York, in said Town, on the 15th day of November, 2010 at 7:00 p.m. prevailing time.

The meeting was called to order by Deputy Supervisor Clarence Barber and upon roll being called, the following were:

PRESENT:

Councilperson Maurice Gerry

Councilperson Thomas Hasbrouck

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Councilperson Lynn Killian

Councilperson Chris Austin

ABSENT:

Supervisor John Schmidt

The following resolution was introduced by Councilperson Chris Austin, who moved its adoption, and seconded by Councilperson Lynn Killian, to wit:

BE IT RESOLVED, that introductory Local Law No. 3 of the Year 2010 entitled “A local law establishing a new Flood Damage Prevention Law for the Town of Liberty in Sullivan County, New York” is hereby introduced before the Town Board of the Town of Liberty, Sullivan County, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at Town of Liberty Town Hall, 120 North Main Street, Liberty, New York, at 6:40 p.m., prevailing time, on December 20, 2010; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the aforesaid local law constitutes a Type II Action as defined in the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto.

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- Loomis Sewer District \$ 867.22
- Ferndale Water District \$17,850.65
- Stevensville Water District \$38,579.05
- WSS Water District \$ 7,163.03
- Indian Lake Water District \$ 1,088.36
- Cold Spring Water District \$ 1,145.91
- Youngs Hill Sewer District \$ 544.97
- Rt. 55 Water District \$ 6,559.11

3 AYES- Carried
1 Absent- Supervisor Schmidt

RESOLUTION NO. 279-10

APPROVAL OF LARGE GROUP USER FEE AND CLEAN-UP DEPOSIT FEE CHANGE

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby approve of the following fee changes:

Large Group Permit		
<u># of people</u>	<u>User Fee</u>	<u>Clean-up Deposit</u>
25-100 people	\$150.00	\$150.00
101-200 people	\$200.00	\$200.00
201-300 people	\$250.00	\$250.00
301+	PRB/TB approve fee	

3 AYES - Carried
1 Absent-Supervisor Schmidt

BOARD DISCUSSION

Councilperson Chris Austin

- Nothing to report

Councilperson Lynn Killian

- Advised that the Parkville Committee would like to present its proposed plan on 11/22 @ 7:00 pm. She advised that she had volunteered along with Councilperson Gerry and will report back to the Board.
- Passed out for the Boards consideration a local law that would give the Planning Board the option to waive certain requirements for lower level changes that did not have a significant impact.

Councilperson Maurice Gerry

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- Thanked the Board for their help and friendship throughout the election process. Commented that they now have a very diverse Board and that he is very happy to be back where he belongs.

Finance Director Earl Bertsch

- Advised that he would like the Board to consider approval of the Badger meters at next meeting so that it could be put out to bid.

ADJOURN

On a motion by Maurice Gerry, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 7:40 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk