

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
November 16, 2015

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on November 16, 2015 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Present:

Supervisor Charlie Barbuti
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Absent:

Councilperson Thomas Hasbrouck

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget and Accounting Clerk Cheryl Gerow

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

CORRESPONDENCE

1. A copy of the 239 review for Introductory Local Law #2 of 2015.
2. A copy of the Agricultural District #4 report.

RECOGNIZE THE PUBLIC

Brent Farrand and his neighbors gave a short presentation regarding issues on Benton Hollow Rd. with (2) particular neighbors. He advised that they have done everything in their power to resolve the issues peacefully and neighborly but have exhausted all efforts. They came to the Town Board to seek a higher authority to help with the noise, the intimidation, the atv's, ect.

The Board offered to speak with the Sheriff and the Undersheriff to see if there is something they can do to help with the situation.

APPROVAL OF AUDIT

Motion: Councilperson Dean Farrand

Second: Councilperson Brian McPhillips

The Town Board approved the following:

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- November, 2015 Abstract:
Claims #2088 to #2243 totaling \$666,816.36

- October, Post Audit:
Claims #2058 to #2087 totaling \$183,489.88

- October General Ledger Abstract:
Claims #335 to #363 totaling \$241,129.51

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF MINUTES

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board approved the Department Head Meeting of 11/2/15 minutes as submitted by the Town Clerk.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ACCEPTANCE OF MONTHLY REPORTS

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

The Town Board approved the following:

- Town Clerk's Monthly Report 11/15
- Monthly Town Board Revenue & Expense Report as of 10/31/15
- Supervisor's Report 10/15

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

OLD BUSINESS

- Town Hall mold remediation/relocation
 - Steve Kalka will test for mold-cost a "couple thousand dollars"
 - Denise called Dean asking to move court to Park & Rec
- Emergency preparedness plan

- Charlie talked to the County and we are going to use Cocheton's plan

NEW BUSINESS

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion: Councilperson Brian McPhillips

Second: Councilperson Russell Reeves

The Town Board does hereby authorize the payment of voucher for Blauer Associates for administrative services for the WSS Water District Phase 5 Improvements Project in the amount of \$562.50.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING DPC

Motion: Councilperson Brian McPhillips

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby authorize the payment of voucher for Delaware Engineering DPC for engineering services for the WSS Water District Phase 5 Improvements Projects in the amount of \$2,180.00.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

NEGATIVE DECLARATION DECLARED FOR INTRODUCTORY LOCAL LAW #2 OF 2015 ENTITLED "AMEND SUBSECTION E OF 147-28 WITH RESPECT TO THE AUTHORITY OF THE PLANNING BOARD TO GRANT WAIVERS OF SITE PLAN AND SPECIAL USE REQUIREMENTS AND ADD SUBSECTION F TO 148-28 TO REGULATE ALTERATIONS TO APPROVED OR CONDITIONALLY APPROVED SITE PLANS DURING SITE DEVELOPMENT"

Motion: Councilperson Brian McPhillips

Second: Councilperson Russell Reeves

The Town Board does hereby declare a Negative Declaration for Introductory Local Law #2 of 2015 entitled "Amend Subsection E of 147-28 with respect to the authority of the Planning board to grant waivers of site plan and special use requirements and add subsection F to 148-28 to regulate alterations to approved or conditionally approved site plans during site development.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ADOPTION OF INTRODUCTORY LOCAL LAW #2 OF 2015 ENTITLED "AMEND SUBSECTION E OF 147-28 WITH RESPECT TO THE AUTHORITY OF THE PLANNING BOARD TO GRANT WAIVERS OF SITE PLAN AND SPECIAL USE REQUIREMENTS AND ADD SUBSECTION F TO 148-28 TO REGULATE ALTERATIONS TO APPROVED OR CONDITIONALLY APPROVED SITE PLANS DURING SITE DEVELOPMENT" AS LOCAL LAW #2 OF 2015

Motion: Councilperson Brian McPhillips
Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty on November 16, 2015, duly enacted Local Law No. 2 of the Year 2015. The local law amends subsection E of §147-28 with respect to the authority of the Planning Board to grant waivers of site plan and special use requirements and adds subsection F to §148-28 to regulate alterations to approved or conditionally approved site plans during site development.

4 AYES - Carried
1 Absent – Councilperson Thomas Hasbrouck

APPROVAL FOR HIGHWAY TO RENT STONE CRUSHER AT A COST OF \$8,000 FOR (1) WEEK

Motion: Councilperson Russell Reeves
Second: Supervisor Charlie Barbuti

The Town Board does hereby approve the rental of a stone crusher by the Highway Department at a cost of \$8,000 for (1) week.

4 AYES - Carried
1 Absent – Councilperson Thomas Hasbrouck

STIPULATION OF SETTLEMENT W/ BRIAN AMIEL SBL #108.-12-4.2

Motion: Supervisor Charlie Barbuti
Second: Councilperson Dean Farrand

The following motion was offered by Supervisor Charlie Barbuti who moved its adoption, and seconded by Councilperson Dean Farrand, to wit:

WHEREAS, Brian Amiel ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2014 with respect to a parcel owned by him located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared pro se in the aforesaid proceedings; and

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WHEREAS, following negotiations among the parties, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioner's complaint with respect to the subject assessment;

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a formal written stipulation of settlement with the Petitioner, which stipulation of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written stipulation of settlement, and to thereby bind the Town of Liberty thereto; and be it

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation of settlement.

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

| | |
|---------------------------------------|--------|
| Supervisor Charlie Barbuti voting | AYE |
| Councilperson Thomas Hasbrouck voting | ABSENT |
| Councilperson Dean Farrand voting | AYE |
| Councilperson Russell Reeves voting | AYE |
| Councilperson Brian McPhillips voting | AYE |

The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

STIPULATION OF SETTLEMENT WITH SWAN LAKE HILLS, LLC SBL# 46.-1-53.3

Motion: Councilperson Russell Reeves

Second: Supervisor Charlie Barbuti

The following motion was offered by Councilperson Russell Reeves, who moved its adoption, and seconded by Supervisor Charlie Barbuti to wit:

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WHEREAS, Swan Lake Hills LLC (“Petitioner”) has served and filed notices of protest and notices of petition and petitions for review and reduction of real property assessments for the years 2013, 2014 and 2015 with respect to a parcel owned by it located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Kalter, Kaplan & Zeiger, Esqs., Jay L. Zeiger, Esq., of counsel; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioner’s complaint with respect to the subject assessment;

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into formal written stipulations of settlement with the attorneys of record for the Petitioner, which stipulations of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written 2 stipulations of settlement, and to thereby bind the Town of Liberty thereto; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulations of settlement.

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

| | |
|---------------------------------------|--------|
| Supervisor Charlie Barbuti voting | AYE |
| Councilperson Thomas Hasbrouck voting | ABSENT |
| Councilperson Dean Farrand voting | AYE |
| Councilperson Russell Reeves voting | AYE |
| Councilperson Brian McPhillips voting | AYE |

The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

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STIPULATION OF SETTLEMENT W/ SWAN LAKE GARDENS II SBL# 47.-4-2 & 47.-5-11

Motion: Supervisor Charlie Barbuti
Second: Councilperson Russell Reeves

The following motion was offered by Supervisor Charlie Barbuti who moved its adoption, and seconded by Councilperson Russell Reeves, to wit:

WHEREAS, Swan Lake Gardens II LLC (“Petitioner”) has served and filed notices of protest and notices of petition and petitions for review and reduction of real property assessments for the years 2013, 2014 and 2015 with respect to two (2) parcels owned by it located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in said proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Kalter, Kaplan & Zeiger, Esqs., Jay L. Zeiger, Esq., of counsel; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioner’s complaint with respect to the subject assessment;

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into formal written stipulations of settlement with the attorneys of record for the Petitioner, which stipulations of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written 2 stipulations of settlement, and to thereby bind the Town of Liberty thereto; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulations of settlement.

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

| | |
|---------------------------------------|--------|
| Supervisor Charlie Barbuti voting | AYE |
| Councilperson Thomas Hasbrouck voting | ABSENT |
| Councilperson Dean Farrand voting | AYE |
| Councilperson Russell Reeves voting | AYE |
| Councilperson Brian McPhillips voting | AYE |

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The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

PUBLIC HEARING SET FOR INTRODUCTORY LOCAL LAW #3 OF 2015 ENTITLED “A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF LIBERTY WITH RESPECT TO TAX MAP PARCEL 35.-1-31.1”

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 16th day of November, 2015 at 7:00 p.m. prevailing time.

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

PRESENT: Supervisor Charlie Barbuti

Councilperson Dean Farrand

Councilperson Russell Reeves

Councilperson Brian McPhillips

ABSENT: Councilperson Thomas Hasbrouck

The following resolution was introduced by Councilperson Dean Farrand, who moved its adoption, and seconded by Councilperson Brian McPhillips, to wit:

BE IT RESOLVED, that introductory Local Law No. 3 of the Year 2015 entitled “A local law amending the Zoning Map of the Town of Liberty with respect to tax map parcel 35.-1-31.1” 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

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BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on December 21, 2015; and

BE IT FURTHER RESOLVED, that the Town Board hereby declares itself lead agency for purposes of state environmental quality review of the proposed local law and determines the question of the adoption of the proposed local law to be a Type I action pursuant to the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a long Environmental Assessment Form be prepared; 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 Charlie Barbuti voting | AYE |
| Councilperson Thomas Hasbrouck voting | ABSENT |
| Councilperson Dean Farrand voting | AYE |
| Councilperson Russell Reeves voting | AYE |
| Councilperson Brian McPhillips voting | AYE |

The resolution was thereupon declared duly adopted.

Motion: Councilperson Dean Farrand

Second: Councilperson Brian McPhillips

EXECUTIVE SESSION

1. The Town Board does hereby into go into Executive Session at 6:55 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the

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appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

OUT OF EXECUTIVE SESSION

Motion: Supervisor Charlie Barbuti

Second: Councilperson Dean Farrand

The Town Board does hereby come out of Executive Session at 9:17 p.m.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ADJOURN

Motion: Supervisor Charlie Barbuti

Second: Councilperson Dean Farrand

Adjourned 9:17 p.m.

Laurie Dutcher, Town Clerk