

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 7:00 p.m.

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on November 17, 2014 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
Cheryl Gerow Budget and Accounting Clerk
Water & Sewer Foreman Thomas Kehrley
Confidential Secretary Angela Dalton
Deputy Town Clerk Sara Sprague
Paula Kay
Mark Blauer
Mary Heinle
Dr. Jeffrey Lichtman
Eli Hagler

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

CORRESPONDENCE

NONE RECEIVED

RECOGNIZE THE PUBLIC

Paula Kay – Representing the sellers of Daytop Village in Parksville

Dr. Jeffrey Lichtman & Mr. Eli Hagler- potential buyers of Daytop Village in Parksville

Dr. Lichtman & Mr. Hagler showed the board a short YouTube video of their organization [Yachad](#), which hosts summer camps and weekend retreats throughout the year.

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

Paula Kay advised the Board that Daytop was part of the 2011 zoning changes which converted the property to AC and are now asking that it be changed to RD in order to accommodate the potential purchasers of the property. Ms. Kay also advised that a neighbor wanted their property to be changed back to RD thereby making it a contiguous change not spot zoning. Dr. Lichtman advised that the only way they would purchase the property is if the zoning was changed.

The board asked Ms. Kay if she could get the neighbor to write a letter requesting this change. She advised that she could.

A short discussion followed.

RESOLUTION NO

APPROVAL OF AUDIT

Motion by Councilperson Dean Farrand, seconded by **Councilperson Brian McPhillips**, the Town Board approved the following:

- November, 2014 Abstract:
Claims #2053 to #2205 totaling \$735,305.88
- October Post Audit:
Claims #2027 to #2052 totaling \$103,143.76
- October General Ledger Abstract:
Claims #361 to #390 totaling \$251,993.27

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

RESOLUTION NO

APPROVAL OF MINUTES

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Russell Reeves**, the Town Board approved the following:

- Department Head Mtg. 10/6/14
- Regular Monthly Mtg. 10/20/14
- Public Hearing Budget 10/27/14

4 AYES - Carried

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

Motion by Supervisor Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board approved the following:

- Town Clerk's Monthly Report 10/14
- Monthly Town Board Revenue & Expense Report as of 10/31/14
- Supervisor's Report 9/2014

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

OLD BUSINESS

1. Loomis Wastewater Treatment Facility Phase II Plans
Carry over
2. Proposed Zoning changes
Carry over
3. Emergency Preparedness Plan
Carry over
4. Proposed Local Law #3 of 2014
Ken will make a formal resolution for the December Regular meeting.
5. Orseck Walnut Mt. property
The ball is in their court
6. Town Court Relocation
Tried to get the Sheriff's Dept. spoke w/ Cora Edwards to get on the agenda. After speaking with the legislators it seems best to look elsewhere. Spoke with Village PD and was advised that they would still work for the court. Chief Kinne advised that they rotate the overtime. The lowest rate would be \$42.50 and the highest would be \$67.00. The Board decided that the quickest and easiest route would be to hire Dominick Fontana at his quoted \$40 per hr. Cheryl was asked to get a contract with Mr. Fontana.

NEW BUSINESS

RESOLUTION NO

AUTHORIZATION OF THE REIMBURSEMENT PAYMENT RATE FOR CENTERLINE MILES FOR THE CONTRACT YEAR 7/1/2014-6/30/15

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**,

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

WHEREAS, the County of Sullivan and the Town of Liberty enter into contract for Snow and Ice control on County Roads from July 1, 2012 through June 30, 2015;

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 \$5,657.38 per centerline mile for the 2013-2014 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 \$5,657.38 per centerline mile for two lane highways, and \$8,486.07 for three lane highways to the Town for the contract year July 1, 2014- June 30, 2015.

PRESENT:

Supervisor Charlie Barbuti	Yes
Councilperson Thomas Hasbrouck	Absent
Councilperson Dean Farrand	Yes
Councilperson Russell Reeves	Yes
Councilperson Brian McPhillips	Yes

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

APPROVAL TO EXTEND AGREEMENT WITH NATIONWIDE RETIREMENT SERVICES UNTIL 10/2015

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby approve extending the agreement with Nationwide Services until 10/2015.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

APPROVAL TO PAY VOUCHER FOR BLAUER ASSOCIATES IN THE AMOUNT OF \$480.00

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize the payment to Blauer Associates for administrative services for the WSS Water District upgrade in the amount of \$480.00.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

APPROVAL TO PAY VOUCHER FOR THE SULLIVAN COUNTY SHERIFF'S OFFICE CIVIL DIVISION IN THE AMOUNT OF \$50.08

Motion by Councilperson Dean Farrand, seconded by **Councilperson Russell Reeves**, the Town Board of the Town of Liberty does hereby authorize the payment to the Sullivan County Sheriff's Office Civil Division for the service of an appearance ticket on behalf of the Town of Liberty in the amount of \$50.08.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

ASSESSMENT SETTLEMENT W/ STACEY KUZNETSOV 14.-1-7.7

The following motion was offered by Councilperson Dean Farrand, who moved its adoption, and seconded by Councilperson Russell Reeves, to wit:

WHEREAS, Stacey Kuznetsov ("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 and 2014 with respect to a parcel owned by her 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 Drew, Davidoff & Edwards Law Offices, LLP, Brian T. Edwards, Esq., of counsel; and

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

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 attorney of record for the Petitioner, which stipulations of settlement have 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 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	YES
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Dean Farrand voting	YES
Councilperson Russell Reeves voting	YES
Councilperson Brian McPhillips voting	YES

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

RESOLUTION NO

ASSESSMENT SETTLEMENT W/ HARRY J. CONNAL 40.-1-18.1

The following motion was offered by Councilperson Dean Farrand, who moved its adoption, and seconded by Councilperson Russell Reeves, to wit:

WHEREAS, Harry J. Connal (“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 and 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 in the aforesaid proceedings by Michael D. Altman, Esq.; 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 attorney of record for the Petitioner, which stipulations of settlement have been provided to the Town Board for complete reading and filing this date; and be it further

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered and directed to execute the proposed written 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	YES
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Dean Farrand voting	YES
Councilperson Russell Reeves voting	YES
Councilperson Brian McPhillips voting	YES

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL TO PAY VOUCHER FOR NEXXLINX FOR PAYMENT OF POSTAGE FOR THE MAILING OF THE 2015 TOWN & COUNTY TAX BILLS

Motion by Supervisor Charlie Barbuti, seconded by **Councilperson Brian McPhillips**, the Town Board of the Town of Liberty does hereby authorize the payment to Nexxlinx for upfront postage for the mailing of the 2015 Town & County Taxes in the amount of \$2,975.00

4 AYES - Carried

1 Absent- Councilperson Thomas Hasbrouck

BOARD DISCUSSION

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
NOVEMBER 17, 2014 CONTINUED.....

Fusco will be here on Friday at 9:00 a.m.

Discussion regarding the qualifications and experience required for the hiring of a new Assessor.

Heat is not working at the dog pound

Discussion regarding the meeting with Mr. Gerry on November 19, 2014 at 2:00 p.m. to discuss the future of the Liberty CDC

ADJOURN

On a motion by Councilperson Brian McPhillips, seconded by Councilperson Russell Reeves the Town Board of adjourned the meeting at 10:25 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk