

TOWN BOARD OF THE TOWN OF LIBERTY  
**REGULAR MONTHLY MEETING**

November 19, 2012

7:00 p.m.

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

Supervisor Charlie Barbuti  
Councilperson Maurice Gerry  
Councilperson Dean Farrand  
Councilperson Thomas Hasbrouck

Absent: Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Finance Director Earl Bertsch  
Budgeting & Accounting Coordinator Cheryl Gerow  
Deputy Town Clerk Sara Sprague  
Kyle Mangan  
Helene Rothstein

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

**CORRESPONDENCE**

1. Memo from Finance Director Earl Bertsch regarding the Swan Lake Sewer debt.
2. Memo from CEO Mark VanEtten regarding the stone wall drain.

**PLANNING & ZONING BOARD MINUTES**

None submitted

**RESOLUTION NO**

*APPROVAL OF AUDIT*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board approved the following:

- November, 2012 Abstract:  
**Claims #2057 to #2221 totaling \$772,643.32**

- October, 2012 Post Abstract:  
**Claims #2038 to #2056 totaling \$111,670.42**
- October, 2012 General Ledger Abstract:  
**Claims #353 to #385 totaling \$261,634.02**

4 AYES - Carried  
1 Absent-Councilperson Austin

## **RESOLUTION NO**

### *APPROVAL OF MINUTES*

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

Dept. Head Mtg.        10/1/2012  
Regular Monthly Mtg.   10/15/2012

4 AYES - Carried  
1 Absent- Councilperson Austin

## **RESOLUTION NO**

### *ACCEPTANCE OF MONTHLY REPORTS*

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

- Town Clerk's Monthly Report 10/12
- Monthly report of revenue & expense summary as of 10/31/2012

4 AYES - Carried  
1 Absent- Councilperson Austin

## **OLD BUSINESS**

### **Loomis Wastewater Treatment Plant**

I&I work done

Delaware River Basin Commission (DRBC) will be meeting on 12/5. Waiting for approval for Phase I.

Applied for SPEDES permit

**RESOLUTION NO**

*UNSAFE BLDG PROCEEDING FOR 2 STANTON CORNERS RD. SBL #47.-4-2*

RESOLUTION MAKING CERTAIN ORDERS  
PURSUANT TO CHAPTER 64 OF THE CODE OF THE TOWN OF LIBERTY

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York 12754, in said Town, on the 1<sup>st</sup> day of October, 2012 at 4:00 p.m. prevailing time.

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

	PRESENT	ABSENT
Supervisor Charlie Barbuti	X	
Councilman Thomas Hasbrouck	X	
Councilman Chris Austin		X
Councilman Maurice Gerry	X	
Councilman Dean Farrand	X	

The following resolution was introduced by Councilperson Dean Farrand who moved for its adoption, and seconded by Councilperson Thomas Hasbrouck, to wit:

WHEREAS, in accordance with Section 130(16) of the Town Law of the State of New York, the Town of Liberty adopted the Buildings, Unsafe Law of the Town of Liberty on March 12, 1981, which law was codified as Chapter 64 of the Code of the Town of Liberty ("Code"); and

WHEREAS, on September 5, 2012, the Town of Liberty Code Enforcement Officer inspected the premises located at 2 Stanton Corner Road, Swan Lake, New York, which premises are identified on the tax map of the Town of Liberty as Section 47, Block 4, Lot 2 ("Premises") and rendered a Report of Inspection, dated September 8, 2012, which report is attached hereto; and

WHEREAS, the Report of Inspection finds that there is/are building(s) and/or structure(s) on the Premises that are dangerous and/or unsafe to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Liberty has considered the Report of Inspection of the Code Enforcement Officer concerning the building(s) and/or structure(s) described herein and does find that there are grounds to believe that such building(s) and/or structure(s) are dangerous and unsafe to the public and are not repairable and must be demolished; and, be it further

RESOLVED, that the building(s) and/or structure(s) described in said Report of Inspection be deemed dangerous and unsafe and are hereby ordered to be demolished in accordance with Chapter 64 of the Code; and, be it further

RESOLVED, that Mark VanEtten, Code Enforcement Officer of the Town of Liberty is hereby ordered to serve a Notice as provided in Sections 64-7 and 64-8 of the Code of the Town of Liberty upon the owner of the Premises or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the Premises, as shown by the last preceding assessment roll of the Town of Liberty and/or by the records of the Clerk of the County of Sullivan; and, be it further

RESOLVED, that in the event that such building(s) and/or structure(s) are not repaired or removed as provided herein, a public hearing is scheduled to be held to consider evidence related to the repair or removal of such building(s) and/or structure(s) on January 7, 2013 at 3:50 p.m. at the Town Hall of the Town of Liberty located at 120 North Main Street, Liberty, New York; and, be it further

RESOLVED, that this resolution take effect immediately.

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

		AYE	NAY
Supervisor Charlie Barbuti	Voting	X	
Councilman Thomas Hasbrouck	Voting	X	
Councilman Chris Austin	Voting	ABSENT	
Councilman Maurice Gerry	Voting	X	
Councilman Dean Farrand	Voting	X	

The resolution was thereupon declared duly adopted.

4 AYES - Carried  
1 Absent- Councilperson Austin

## **RESOLUTION NO**

### *RESOLUTION REGARDING SEQR REVIEW FOR INTRODUCTORY LOCAL LAW #2 OF THE YEAR 2012*

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board of the Town of Liberty adopted the following resolution:

RESOLVED, that the Town Board of the Town of Liberty does hereby declare itself as the lead agency for the SEQR for Introductory Local Law No. 2 of 2012; and

BE IT FURTHER RESOLVED: that the Town Board of the Town of Liberty does hereby accept and approve the Negative Declaration and Short Environmental Assessment Form as prepared by Town Attorney Kenneth Klein for said introductory local law; and

BE IT FURTHER RESOLVED; that the Town Board of the Town of Liberty does hereby authorize the Town Supervisor to sign the Short Environmental Assessment Form on behalf of the town of Liberty for said introductory local law.

4 AYES - Carried  
1 Absent- Councilperson Austin

**RESOLUTION NO.**

RESOLUTION AMENDING THE ZONING LAW TO  
AUTHORIZE THE PLANNING BOARD  
TO WAIVE THE REQUIREMENT OF SITE PLAN REVIEW

At a meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York 12754, in said town, on the 19<sup>th</sup> day of November, 2012 at 7:00 p.m. prevailing time.

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

	PRESENT	ABSENT
Supervisor Charlie Barbuti	X	
Councilperson Chris Austin		X
Councilperson Dean Farrand	X	
Councilperson Maurice Gerry	X	
Councilperson Thomas Hasbrouck	X	

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

**BE IT RESOLVED**, that proposed Introductory Local Law No. 2 of 2012, entitled "A Local Law to Amend the Zoning Law to Authorize the Planning Board to Waive Site Plan Review Requirements" was introduced before the Town Board of the Town of Liberty on June 18, 2012 pursuant to Resolution No. 145 of 2012, duly adopted on June 18, 2012 ("Introductory Resolution"); and

**BE IT FURTHER RESOLVED**, that a public hearing was held at 108 Somewhere in Time Lane, Parksville, New York at 6:50 p.m., prevailing time, on July 16, 2012 and a second public hearing was held at the Town of Liberty Town Hall, 120 North Main Street, Liberty, New York at 6:50 p.m., prevailing time, on November 19, 2012; and

**BE IT FURTHER RESOLVED**, that the Town Clerk of the Town of Liberty published or caused to be published a public notice in the *Sullivan County Democrat*, of said public hearing at least five (5) days prior to such hearings; and

**BE IT FURTHER RESOLVED**, that Local Law No. 3 of 2012 entitled "A Local Law to Amend the Zoning Law to Authorize the Planning Board to Waive Site Plan Review Requirements" be enacted, a copy of which is attached hereto.

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

		AYE	NAY	ABSENT
Supervisor Charlie Barbuti	Voting	X		
Councilperson Chris Austin	Voting			X
Councilperson Dean Farrand	Voting	X		
Councilperson Maurice Gerry	Voting	X		
Councilperson Thomas Hasbrouck	Voting	X		

The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent- Councilperson Austin

## **RESOLUTION NO**

### **PRIVATE ROAD AT LIBERTY BUSINESS PARK**

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 19<sup>th</sup> day of November, 2012 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 Maurice Gerry  
Councilperson Thomas Hasbrouck  
Councilperson Dean Farrand

ABSENT: Chris Austin

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

**WHEREAS**, BDS, LLC (“BDS”) has applied to the Town of Liberty Planning Board (“the Planning Board”) for approval of the “Liberty Business Park” subdivision to be located off Harris Road/County Road 175 (“the Subdivision”), which will include an interior road (“the Road”) that is intended to be private and is not intended to be dedicated to the Town of Liberty (“the Town”) as a public highway; and

**WHEREAS**, BDS desires to design and construct the Road to a standard differing from the standards provided for in Article III, Part 2 of Chapter 128 entitled “Streets, Highways and Sidewalks” of the Code of the Town of Liberty (“the Town Road Law”); and

**WHEREAS**, the design proposed by BDS has been referred to Glenn L. Smith, P.E. (“the Town’s Engineer”), the engineer being utilized by the Planning Board in connection with its consideration and review of the Subdivision, and the Town’s Engineer reviewed the proposed design of the Road and recommended changes and revisions be made thereto; and

**WHEREAS**, the changes and revisions to the design of the Road recommended by the Town’s Engineer have been made and are incorporated in the sheet entitled “Private Road Sections” prepared by Langan Engineering & Environmental Services, dated August 16, 2012, which have been further reviewed by the Town’s Engineer and found by him to be satisfactory.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Liberty, Sullivan County, New York, pursuant to the provisions of §128-9 (F) and §128-10 (D) of the Town Road Law, that the Town Board does hereby grant a waiver and approve the design of the Road to

the extent that it may be constructed in accordance with the standard depicted in the sheet entitled "Private Road Sections" prepared by Langan Engineering & Environmental Services, dated August 16, 2012, provided that BDS shall otherwise comply in all respects with the requirements of the Town Road Law in connection with the construction of the Road and comply in all respects with the requirements of Chapter 130, entitled Subdivision of Land, of the Code of the Town of Liberty, including all requirements provided for in §130-13 (E) concerning completion of the Road or posting of security prior to final plat approval.

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	AYE
Councilperson Maurice Gerry voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Chris Austin voting	ABSENT

The resolution was thereupon declared duly adopted.  
4 AYES - Carried  
1 Absent- Councilperson Austin

**Swan Lake Wastewater Treatment facility-future plans**

Supervisor Charlie Barbuti will be inviting the Water & Sewer employees to discuss what they think are the greatest needs of the facility.

**NEW BUSINESS:**

**RESOLUTION NO**

*APPROVAL OF 2012-2015 SNOW AND ICE CONTRACT W/ COUNTY OF SULLIVAN*

**Motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry:**

RESOLVED, that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads with the Town, the Supervisor be and he is directed to execute a contract with the County of Sullivan for the Town to undertake and perform snow and ice control on County roads located in the Town for a period beginning July 1, 2012 and ending June 30, 2015 and any extensions thereof duly authorized as provided in such contract at the rates therein provided or hereafter approved.

PRESENT:

Supervisor Charlie Barbuti	Yes
Councilperson Maurice Gerry	Yes
Councilperson Thomas Hasbrouck	Yes
Councilperson Dean Farrand	Yes
Councilperson Chris Austin	Absent

4 AYES - Carried  
1 Absent- Councilperson Austin

**RESOLUTION NO**

*TOWN BOARD APPROVES OF PARK & REC CHANGING RE-ORGANIZATIONAL MTG. IN BYLAWS FROM NOVEMBER TO DECEMBER*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry** the Town Board does hereby approve of changing the Park & Rec Re-organizational Meeting in bylaws from November to December.

4 AYES - Carried  
1 Absent- Councilperson Austin

**RESOLUTION NO**

*APPROVAL OF CONTRACT FOR PART-TIME WATER & SEWER DEPARTMENT SUPERVISOR*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Maurice Gerry**, the Town Board of the Town of Liberty does hereby approve the following contract:

Part-time Water and Sewer Department Supervisor  
Albert Picard

Effective February 1, 2013

Appointment Period: February 1, 2013 through December 31, 2015

Part-time Position:

- Work schedule to be flex hours based on the rendering of services an average of twenty (20) hours per week, not to exceed 1080 hours per year

- Normal work schedule will be 7:00 a.m. to 11:00 a.m., Monday thru Friday as needed with flexible days off

**Duties**

- Supervise all Water and Sewer employees
- In charge of all Water and Sewer Plants
- Responsible for planning and directing the activities of the Water and Sewer Department in accordance with general policies outlined
- Supervise all activities of the Water and Sewer Department
- Supervise all training to Water and Sewer employees so that they may obtain their license to run all operations
- Knowledge of Water and Sewer construction and maintenance-inspect contractors' work on same
- Know and uphold all Water and Sewer ordinances
- Reviews plans, blueprints and reports
- Reviews Water and Sewer permits for either acceptance or denial
- Knowledge of DEC and State requirements of permits and reports
- Knowledge of safety equipment-pumps, chemicals, buildings. Enforces safety requirements
- Perform other duties as required

**Benefits**

- Salary will be \$30,000 annually, paid bi-weekly regardless of hours worked in any payroll period
- Health Benefits do not apply

A signed copy is on file in the Town Clerk's Office.

4 AYES - Carried

1 Absent- Councilperson Austin

**RESOLUTION NO**

*APPOINTMENT OF KYLE FARRAND AS ZONING BOARD ALTERNATE*

**TABLED UNTIL NEXT MEETING**

**RESOLUTION NO**

*YEAR END MEETING SET FOR 12/27/12*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand**, the Town Board of the Town of Liberty does set the End of Year Meeting for 12/27/1012 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES - Carried

1 Absent- Councilperson Austin

**RESOLUTION NO**

*REORGANIZATIONAL MTG SET FOR 1/7/2012 IMMEDIATELY FOLLOWING DEPT. HEAD MTG.*

**Motion by Councilperson Thomas Hasbrouck**, seconded by **Councilperson Dean Farrand** , the Town Board of the Town of Liberty does set the Re-organizational Meeting for 1/7/2013 immediately following the Dept. Head Meeting at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES - Carried

1 Absent- Councilperson Austin

**RESOLUTION NO**

*JANUARY REGULAR MONTHLY MEETING RESCHEDULED FOR 1/22/2013*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby reschedule its January Regular Monthly Meeting to 1/22/2013 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY

4 AYES - Carried

1 Absent- Councilperson Austin

**RESOLUTION NO**

*SPECIAL JOINT MEETING SET*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby schedule a Special Joint meeting with the Zoning and Planning Board to discuss the Town of Liberty Zoning and any other business as may come before the board at that time for 1/28/2013 at 6:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES - Carried

1 Absent- Councilperson Austin

**RESOLUTION NO**

*EMERGENCY PURCHASE OF SECOND PUMP FOR BRISCOE PUMP STATION #3*

**Motion by Councilperson Dean Farrand**, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby authorize the emergency purchase of a second

pump for the Briscoe Pump Station #3 in the amount of \$4,349.

4 AYES - Carried

1 Absent- Councilperson Austin

## **BOARD DISCUSSION**

### **Councilperson Chris Austin**

- Absent

### **Councilperson Dean Farrand**

- Planning Board training will be on 12/18/12 with the Town of Thompson
- Zoning Review Committee has passed its first rewrite to Planning Board and is moving onto the next

### **Councilperson Thomas Hasbrouck**

- Christmas Parade on 12/7/12 at 6:00 p.m.

### **Councilperson Maurice Gerry**

- Nothing to report

### **Supervisor Charlie Barbuti**

- Has been on the job for 12 months
- Need to grow tax base and that can only happen in Planning & Zoning
- Advised that the Planning Board has run into a number of problems
- Trying to improve the Zoning
- Zoning Regulation Committee and Hamlet Committees are planning a meeting in January about how best to proceed with and permit growth
- The Zoning changes made in 2011 seem to not be working
- Happy Thanksgiving
- Personnel language regarding sick time should the wording be changed from may to shall (Will decide next meeting)

## **ADJOURN**

On a motion by Councilperson Dean Farrand, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby adjourn the meeting at 7:41 p.m.

Respectfully submitted,

*Laurie Dutcher*

Laurie Dutcher, Town Clerk