

TOWN BOARD OF THE TOWN OF LIBERTY
REGULAR MONTHLY MEETING
November 21, 2011
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 Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Absent: Supervisor John Schmidt
Councilperson Chris Austin

Recording Secretary: Town Clerk Laurie Dutcher

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

CORRESPONDENCE

1. Information regarding the 2011 Agricultural Summit to be held on 11/28/11 at the Villa Roma Resort & Conference Center.

COMPREHENSIVE PLAN UPDATE

PLANNING & ZONING BOARD MINUTES

- Planning Board 10/4/2011
- Planning Board 11/01/11
- Zoning Board 9/20/2011
- Zoning Board 10/18/2011

RECOGNIZE THE PUBLIC

Clinton Zeh

Mr. Zeh informed the Board that he owns property on Fox Mt. Rd. and the Town of Liberty Highway Dept. put in a drain but no catch basin and each time it would rain his property would flood. He advised that he spoke to the Highway Dept. and they then made a trench over 25 ft onto his property with a mound of dirt. He advised that no one from the Highway Dept. returns his calls.

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The Board advised Mr. Zeh that the Highway Superintendent is an elected official and the only control the board has is with his budget. The advised that they would speak with Mr. Pellam and see what could be done.

Dr. Jeffrey Cohen read aloud the following letter:

In this day and age of rising cost and taxes with governments having financial trouble from the largest of countries to the smallest of towns. Why is it that the Town of Liberty can see nothing more fitting that to spend hard earned taxpayer monies on rewriting Town and Zoning laws to accommodate only one existing business in town with no benefit to the town or other existing business? As a matter of fact these new laws will have nothing other than a negative impact on the town and local business as a whole. With the ink not even dry on the present Town and Zoning laws where good people have spent umpteen hours along with large sums of taxpayer dollars to establish them, why are we changing them, shouldn't we at least give them a chance? The first law change took place this summer which now allows for the relocation of existing junkyards. Now the new second law being proposed will allow a zoning change from a residential area to an area that allows junkyards. Do you really think that this is an appropriate way to spend taxpayer monies? Why is the town bending over backwards to accommodate an existing junkyard business at the expense of all your hard earning taxpaying residence? If I had a crystal ball I can now predict the third new law wasting more taxpayer monies. It will be the expansion of existing junkyards. If you look at the site plan proposed to the town in Oct. for the residential site into the mountain to level the land, destroying the old rail road trail, and blacktopping about 5 acres which is presently the footprint made allowable by the first new law. So my question is why cut down 11 acres of trees and fence in all 1 acres if you won't be using them in the future?

Personally, I can't think of any worst place to put a junkyard then the location proposed. Even if I discount the fact that it is on the major artery going not only through the town and village of Liberty it also goes through all of Sullivan County. This is just what we need, another eyesore for the entire world to see. As quoted from one of the planning board members at their Nov. 1st meeting "it does not give a good impression of Liberty to people passing or stopping by." Well you won't have to worry about people stopping by they will just keep driving to the next town. The bottom line is that this is an inappropriate place to relocate because too many people live in very close proximity to this residential site and will be severely affected by the noise, traffic and light pollution.

In closing I was not born here and I did not grow up here. I moved here in the late 70's and that is when my roots started. I have chosen to live, raise a family and work here and most

likely I will die here. I love it here and nothing will change that, even if this horrific law is passed. I personally would never ever do to my home town what is being proposed. It is just so wrong. Do the job you were elected to do and enforce the present laws, stop wasting taxpayer's money, and redirect the junkyard to relocate to the appropriate High Industrial Commercial district where it belongs away from residential use.

Respectfully submitted on Nov. 21, 2011 by Jeffrey Cohen, Liberty, New York

RESOLUTION NO

APPROVAL OF AUDIT

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

- November, 2011 Abstract:
Claims #2078 to #2253 totaling \$812,823.91
- October, 2011 Post Abstract:
Claims #2051 to #2077 totaling \$101,478.22
- October, 2011 General Ledger Abstract:
Claims #357 to #382 totaling \$268,064.41

3 AYES - Carried

2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

ACCEPTANCE OF MONTHLY REPORTS

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

- Town Clerk's Monthly Report 10/2011
- Monthly report of revenue & expense summary as of 10/31/2011

3 AYES - Carried

2 Absent- Supervisor Schmidt
Councilperson Austin

OLD BUSINESS

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1. Non-conforming use law (Had worksession on 11/14/11, will work on after the new year)
2. Finalize hand gun policy

RESOLUTION NO

APPROVAL TO RELEASE REMAINDER OF TANZMAN LAKE BOND

Motion by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby give approval to release the balance of the bond for Tanzman Lake in the amount of \$3,628.12.

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

APPROVAL OF THE 2012 PARK & RECREATION FEE CHANGES

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby approve the following 2012 Park & Recreation fee changes:

<u>Day Camp</u>	<u>Current Resident Rate</u>	<u>Change To:</u>	<u>Current Non-Resident Rate</u>	<u>Change To:</u>
Full Day	\$450.00	\$475.00	\$550.00	\$575.00
Morning	\$300.00	\$325.00	\$350.00	\$375.00
Afternoon	\$325.00	\$350.00	\$375.00	\$400.00

<u>Swim Lessons</u>	<u>Current Resident Rate</u>	<u>Change To:</u>	<u>Current Non-Resident Rate</u>	<u>Change To:</u>
1 Child	\$40.00	\$50.00	\$50.00	\$60.00
2 Children	\$60.00	\$70.00	\$70.00	\$80.00
3 Children	\$80.00	\$90.00	\$90.00	\$100.00
4 Children	\$100.00	\$110.00	\$110.00	\$120.00

<u>Large Group Permit</u>	<u>Current Rate</u>	<u>Change To:</u>	<u>Current Clean-up Deposit Rate</u>	<u>Change To:</u>
25-100 ppl.	\$150.00	Same	\$150.00	Same
101-200 ppl.	\$200.00	\$250.00	\$200.00	\$250.00

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201-300 ppl.	\$250.00	\$350.00	\$250.00	\$350.00
301 + ppl.	PRB/TB Set Fee			

2011	<u>All Users Fee</u>	<u>Resident</u>	<u>Non Resident</u>	<u>Clean-up depo</u>
<u>Day Camp</u>				
Full Day	per child	\$ 450.00	\$ 550.00	
Morning	per child	\$ 300.00	\$ 350.00	
Afternoon	per child	\$ 325.00	\$ 375.00	
<u>Swim Lessons</u>				
1 Child		\$ 40.00	\$ 50.00	
2 Children		\$ 60.00	\$ 70.00	
3 Children		\$ 80.00	\$ 90.00	
4 Children		\$ 100.00	\$ 110.00	
<u>Pool Pass</u>				
Senior Citizens		\$ 20.00	\$ 30.00	
Individual		\$ 25.00	\$ 35.00	
Family of 3		\$ 50.00	\$ 60.00	
Family of 4		\$ 75.00	\$ 85.00	
Additional Family Member	\$5.00			
10 Day Guest Pass	\$30.00			
20 Day Guest Pass	\$50.00			
30 Day Guest Pass	\$65.00			
<u>Pavilion Rental</u>				
25-150 ppl		\$ 90.00	\$ 180.00	\$100.00 Clean-up depo
151-300 ppl		\$ 175.00	\$ 350.00	\$200.00 Clean-up depo
301+ ppl	PRB/TB approve Fee			
<u>Large Group Permit</u>				
25-100 ppl	\$ 150.00			\$150.00 Clean-up depo
101-200 ppl	\$ 200.00			\$200.00 Clean-up depo
201-300 ppl	\$ 250.00			\$250.00 Clean-up depo
301 + ppl	PRB/TB approve Fee			
<u>Building Use Rental</u>				
One Time	\$ 50.00			\$100.00 Clean-up depo
Once a Month	\$120.00/per year			\$150.00 Clean-up depo
Twice a Month	\$240.00/per year			\$150.00 Clean-up depo
Three times a Month	\$360.00/per year			\$150.00 Clean-up depo
Four Times a Month	\$480.00/per year			\$150.00 Clean-up depo
Town Sponsored	\$0.00			0.00 Clean-up depo
<u>Stage Rental</u>				
Town/Village Event	\$ -			0.00 Clean-up depo

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Group/Org. Event	\$	55.00		\$100.00 Clean-up depo
Commercial/For Profit	\$	110.00		\$100.00 Clean-up depo
Electric (per day)	\$	25.00		
P&R Bathrooms	\$	50.00		

<u>Field Use</u>		\$20.00	\$30.00	per day
<u>Pool Entry</u>	Daily	\$ 2.00	\$ 4.00	13 & under Needs Adult
<u>P & R ID</u>	Free if Joining a program	\$4.00	Individual	\$9.00 Family

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

INTRODUCTORY LOCAL LAW #2 OF 2011 ENTITLED "A LOCAL LAW CORRECTING ERRORS IN THE ZONING MAP WITH RESPECT TO TAX MAP PARCELS 13.-1-7.1, 13.-1-7.2, 18.-1-31, 18.-1-36.2, 20.-3-6 AND 20.-3-8

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 21st day of November, 2011 at 7:00 p.m. prevailing time.

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

PRESENT: Deputy Supervisor Clarence Barber
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian

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ABSENT: Supervisor John Schmidt
Councilperson Chris Austin

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

BE IT RESOLVED, that introductory Local Law No. 2 of the Year 2011 entitled "A local law correcting errors in the Zoning Map of the Town of Liberty" 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 Hall, 120 North Main Street, Liberty, New York, at 6:45 p.m., prevailing time, on December 19, 2011; 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	voting	ABSENT
Councilperson Maurice Gerry	voting	AYE

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Councilperson Thomas Hasbrouck	voting	AYE
Councilperson Lynn Killian	voting	AYE
Councilperson Chris Austin	voting	ABSENT

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL TO AMEND AND RESTATE THE TOWN OF LIBERTY DEFERRED COMPENSATION MODEL PLAN

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Maurice Gerry** the Town Board does approve to amend and restate the Town of Liberty Deferred Compensation Model Plan.

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

TABLED

Approval of an offsite central sewage treatment system for the Lake Marie Homes Subdivision SBL #35.-2-7.

RESOLUTION NO

AUTHORIZE THE APPROPRIATION AND EXPENDITURE OF MONIES FROM THE TOWN OF LIBERTY SWAN LAKE SEWER CAPITAL RESERVE FUND IN AN AMOUNT NOT TO EXCEED \$35,000

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 21st day of November, 2011 at 7:00 p.m. prevailing time.

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

PRESENT: Deputy Supervisor Clarence Barber
Councilperson Maurice Gerry

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Councilperson Thomas Hasbrouck

Councilperson Lynn Killian

ABSENT: Supervisor John Schmidt

Councilperson Chris Austin

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

A RESOLUTION AUTHORIZING THE REPLACEMENT OF A 3" SINGLE PHASE SOLID HANDLING PUMP WITH A 4" THREE PHASE SOLID HANDLING PUMP TOGETHER WITH ALL SAFETY EQUIPMENT AND ASSOCIATED LABOR, MATERIALS AND ENGINEERING FEES FOR THE SWAN LAKE/BRISCOE CONSOLIDATED SEWER DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$35,000, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$35,000 FROM THE TOWN OF LIBERTY SWAN LAKE SEWER CAPITAL RESERVE FUND.

BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The replacement of a 3" single phase solid handling pump with a 4" three phase solid handling pump together with all safety equipment and associated labor, materials and engineering fees for the Swan Lake/Briscoe Consolidated Sewer District, at a maximum estimated cost of \$35,000.00, and the expenditure of the sum of \$35,000.00 from the Town of Liberty Swan Lake Sewer Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

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Section 2. The action contemplated hereby authorized has been determined to constitute a Type II Action as defined in 6 NYCRR §617.5(c)(18) and (21) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

Section 3. The plan for financing of such maximum estimated cost is by the appropriation and expenditure of monies heretofore deposited in the Town of Liberty Swan Lake Sewer Capital Reserve Fund.

Section 4. Within ten (10) days after the adoption of this resolution, the Town Clerk shall post on the Town sign board and publish in the Sullivan County Democrat, the official newspaper of the Town, a notice in conformance with the requirements of Section 90 of the Town Law of the State of New York.

Section 5. This resolution is adopted subject to permissive referendum.

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

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

The resolution was thereupon declared duly adopted.

RESOLUTION NO

APPROVAL TO PAY KELLY ENGINEERING IN THE AMOUNT OF \$11,725.00 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to pay Kelly Engineering the amount of \$11,725.00 for engineering services for the White Sulphur Springs Water Interconnect Project.

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3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

APPROVAL TO PAY H. OSTERHOUDT EXCAVATING, INC. IN THE AMOUNT OF \$181,479.25 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby give approval to pay H. Osterhoudt Excavating, Inc. the amount of \$181,479.25 for the White Sulphur Springs Water Interconnect Project.

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

APPROVAL TO PAY BLAUER ASSOCIATES IN THE AMOUNT OF \$1,400.00 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to pay Blauer Associates the amount of \$1,400.00 for administrative services for the White Sulphur Springs Water Interconnect Project.

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

RESOLUTION NO

APPROVAL TO PAY SULLIVAN COUNTY PAVING & CONSTRUCTION, INC. IN THE AMOUNT OF \$108,028.37 FOR THE WSS WATER INTERCONNECT PROJECT

Motion by Councilperson Maurice Gerry, seconded by **Councilperson Lynn Killian** the Town Board does hereby give approval to pay Sullivan County Paving & Construction the amount of \$108,028.37 for the White Sulphur Springs Water Interconnect Project.

3 AYES - Carried
2 Absent- Supervisor Schmidt
Councilperson Austin

BOARD DISCUSSION

Councilperson Maurice Gerry

Liberty Museum will be holding an Open House Xmas Party on 12/3. Bring your own appetizer.

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board does hereby adjourn the meeting at 7:47 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk