

**TOWN BOARD OF THE TOWN OF LIBERTY
DEPARTMENT HEAD MEETING
December 1, 2008**

At the Regular Monthly Department Head Meeting of the Town Board of the Town of Liberty held on December 1, 2008 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY, the following were present:

John Schmidt, Supervisor
Maurice Gerry, Councilperson
Thomas Hasbrouck, Councilperson
Lynn Killian, Councilperson

Absent: Clarence Barber, Councilperson

Recording Secretary: Laurie Dutcher, Town Clerk

Also present:

Kenneth Klein, Attorney
Earl Bertsch, Finance Director
Sara Sprague, Deputy Town Clerk
Mark VanEtten, Code Enforcement Officer
Kathy Sprague, Assessor

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 4:00 p.m.

DEPARTMENT HEADS

Assessor:

- Senior Citizen Exemption Renewals
- Business as usual

Highway:

- Absent

Code Enforcement:

- Attended State seminar asking for yearly & tri yearly inspections
- Filled in for Pam-Had 2 complaints, 5 hours of time
- Requests Executive Session
- Bldg. permits about the same
- Business as usual

Parks & Recreation:

Absent

Water & Sewer:

- 11/20 leak in Swan Lake, County Rd. 15, 300,000 gallons lost, Town Barn brought fill, hired Poley Paving to pave.
- Mtg. 12/4 w/ Kelly Engineering on Rt. 55 Interconnect, hope to bid in January, may have to put in master metering pit
- Amapro would like to get back bldg into sewer system. Kelly Eng. inspected grade is ok
- Will be sending Stacey Yaun to school in June will be a licensed operator.
- Had to add transformer to June storm insurance claim
- Layne removed pump at Rt. 55, parts should be in by Jan 15th
- Leak on shoulder of Rt. 17, waiting on Osterhoudt
- Swan Lake sewer manholes infiltration

Dog Control Officer:

- 5 dogs in kennel

Town Clerk / Tax Collector

- Attended a tax collection meeting and was informed that taxpayers could pay w/ credit cards online through the ATC website. There would be no expense to the Town, but residents would be charged a "convenience fee" for this service. The Town does not want to encourage credit card usage but agreed that it was a service that is frequently requested.

- Business as usual

RESOLUTION NO.

TOWN BOARD AUTHORIZES THE SUPERVISOR TO SIGN AGREEMENT W/ NORTHERN MERCHANT SERVICES WHICH PROVIDES CREDIT CARD SERVICE TO ATC

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian and carried, the Town Board does hereby authorize the Supervisor to sign agreement with Northern Merchant Services allowing taxpayers to pay with credit cards online through Allen Tunnel Corporation (ATC).

4 AYES

1 ABSENT- Councilperson Barber

Finance Director:

- Will be updating the purchase policies in early January

BOARD DISCUSSION

Clarence Barber, Councilperson:

- Absent

Lynn Killian, Councilperson

- Joint Village & Town Consolidation Meeting 12/2/08 7:00 p.m. Liberty High School

Thomas Hasbrouck, Councilperson

- Nothing to report

Maurice Gerry, Councilperson

- Nothing to report

John Schmidt, Supervisor

- Nothing to report

BUSINESS

Patrick Kelly advised the Board that he was there to answer any questions any of the Town Board members had regarding his involvement with the Liberty Traffic Circle. (See copy below)

November 18, 2008

Honorable John Schmidt, Town Supervisor & Town Board Members
Town of Liberty
120 North Main Street
Liberty, New York 12754

Dear John'

Thank you for taking the time to meet with me on Tuesday, November 18, 2008 regarding the Liberty Traffic Circle. I am aware that recently Town of Liberty Board Members have questioned the status of this CDC project during their scheduled meeting held on Monday, November 17, 2008.

At the risk of sounding redundant John, I would like to re-iterate and describe my involvement and **volunteer commitment**. Please pass this correspondence on to all Town Board members that might need clarification.

In the winter of 2006 and early spring of 2007, two professional associates and I submitted a complete traffic circle design with a concept, scale, sections, material plant list and description, plant specification, and welcome sign section to the CDC in response to its' RFP. These plans were done voluntarily and are on file in the CDC office and in the possession of some Liberty Town Board Members.

When I was notified that the CDC was desirous of using our design, I indicated to then Supervisor Frank DeMayo, that, as an act of community service, I would voluntarily construct the welcome sign as per plan at no charge to the community. I made no other commitments in terms of construction, but would gladly consult with the CDC for any aspects of the project they needed help with. I stand by this commitment today.

Over an eight month time frame I have consulted on numerous occasions with the Director of the CDC, Heinrich Strauch, via email and phone, providing him with guidance in terms of materials needed, not just for the welcome wall, but for the entire design plan. Indeed, I met with both Heinrich, Peter Parks, and the Village of Liberty Mayor, Rube Smith, on two occasions at the traffic circle site to discuss "next steps" during the month of June, 2008.

It is known that the CDC has a \$10,000.00 grant for which it is assumed that materials and labor were to be supplied and provided to complete the second Liberty Traffic Circle. This includes all plant materials, stone materials, concrete footings and wall, road paint, flag poles, and subsequent materials needed for the project to be completed in its entirety.

The traffic circle stone welcoming sign has been purchased, and remains at the Liberty Town Barn, shrink wrapped, and stored awaiting delivery to the site. Heinrich maintains that all plant materials will be purchased from a single vendor, the Catskill Harvest Market, a decision I have expressed disagreement with. My letter to Heinrich, the Town of Liberty Supervisor, and to the Liberty Town Board dated March 3, 2008 asked Heinrich and the Liberty CDC members to give equal consideration to multiple vendors and/ or obtain a variety of solicitations from Liberty businesses to help in the traffic circle's completion.

To date no work has been completed at the traffic circle site to my knowledge. I am unaware of any plant material purchases and additional material purchases that are needed to complete this project. A list of additional materials needed for the stone work aspect of the project was given to the former Town of Liberty Supervisor, Frank Demayo. Heinrich should have this list on file.

If the Town of Liberty Board has questions about the current status of the CDC's Liberty Traffic Circle project, I think a dialogue with its director, Heinrich Strauch and CDC board members is required to determine its current focus and direction. During this past spring, summer and fall there were opportunities where work should and could have begun in whatever aspect the CDC deemed possible. To date nothing, other than the footing for the sign, has been started or completed. I maintain that I am a volunteer for this exciting project but I am not its director, owner, or supervisor. The responsibility of this project rests with the Liberty CDC and its director, Heinrich Strauch. If you believe my volunteer services are no longer needed or required, please so advise.

Respectfully Submitted,



Patrick R. Kelly

CC: Town of Liberty Board Members: John E. Schmidt, Supervisor Clarence Barber, Councilman Maurice Gerry, Councilman Thomas Hasbrouck, Councilman Lynn P. Killian, Councilwoman Laurie Dutcher, Town Clerk

Director of Liberty CDC, Heinrich Strauch

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RESOLUTION NO.

SCHEDULE END OF YEAR MEETING

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board does hereby schedule its End of Year Meeting for 12/30/08 at 4:00 p.m. at Town Hall, 120 North Main Street, Liberty, NY.

4 AYES

1 ABSENT- Councilperson Barber

Discussion regarding International Rally New York the Town Board advised the Supervisor to tell them that the Town of Liberty was not interested.

RESOLUTION NO.

EXECUTIVE SESSION

On a motion by Councilperson Lynn Killian, seconded by Councilperson Thomas Hasbrouck, the Town Board does hereby go into Executive Session at 4:40 p.m. to discuss possible litigation.

4 AYES

1 ABSENT- Councilperson Barber

RESOLUTION NO.

OUT OF EXECUTIVE SESSION

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Lynn Killian, the Town Board does hereby come out of Executive Session at 4:49 p.m. with no action having been taken.

4 AYES

1 ABSENT- Councilperson Barber

ADJOURN

On a motion by Councilperson Thomas Hasbrouck, seconded by Councilperson Maurice Gerry, the Town Board adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Laurie Dutcher

Town Clerk