

**REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
December 15, 2008**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on December 15, 2008 at 7:00 p.m. at Town Hall, Liberty, New York, the following Town Board Members were present:

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

Absent: Supervisor John Schmidt

Recording Secretary: Town Clerk Laurie Dutcher

Also present: Financial Director Earl Bertsch
Deputy Town Clerk Sara Sprague

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

Town Clerk Laurie Dutcher submitted the following correspondence to the Town Board:

CORRESPONDENCE:

- A. A letter notifying the Town Board of the Park & Recreation Officers for 2009.

PUBLIC PARTICIPATION

Margaret Edwards sent a letter to the Town Board regarding Fox Mt. Rd in front of her residence:

Dear Town Clerk and Board Members,

This letter is in reference to putting the Town of Liberty on notice for any further damage to my property or my vehicles due to the lack of the Town of Liberty Highway Department proper fixing of Fox Mountain Road in front of my residence.

I have tried to work with the Highway Department on this ongoing problem of my yard flooding. I have asked that the culvert pipe be moved and the ditch continued on down the road to no avail. I have had nothing but problems in dealing with Mr. Pelham.

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Laurie Dutcher, the Town Clerk knows that Mr. Pelham was supposed to meet with me in 2006 about where the culvert pipe could be moved to. Every appointment that he made with me, he was a no show.

I complained to Mr. Pelham and at the Liberty Town Board meetings about the dust that was from the stone that was put on Fox Mountain Road. I even showed the pictures of what the dust was doing to my vehicles. I had asked the Highway Department and spoke with John Lennon about putting calcium chloroxide down on the road to keep the dust down. His reply was that they wouldn't because it would affect the pavement that they were going to put down. On Friday, October 6, 2006 of Columbus Day weekend, the Town of Liberty Highway Department regraded the road and stirred all the dust up again. I felt that this was done for spite on a three day weekend. I went to the paper because of Mr. Pelham's attitude toward me and the current situation of the road.

Mr. Pelham promised in the paper that he would fix and pave Fox Mountain Road in the Spring of 2007.

He paved Mineral Springs and a small piece of Fox Mountain Road in late fall of 2007. Fox Mountain was finally paved in the summer of 2008.

I have been bullied by Mr .Pelham. He has said to me that since I went to the newspaper that he would never move the culvert pipe. My husband has been threatened by Mr. Pelham and John Lennon that if we did anything to the pipe he would have us arrested. In all this time we have done nothing to block or destroy the culvert pipe.

I sent Mr Pelham a request to move the culvert pipe to the end of my property line or to remove it and put a catch basin in like they did up and down Fox Mountain Road before they paved. He sent a letter back stating that he would do neither and how he offered his expertise in helping us design a way of piping the water through our property or to that effect.

I have tried to work with Tim Pelham on this to no avail. This pipe is approximately 75 feet away from fields. There is no good reason why it can't be moved and the ditch be cleaned out between my residence and Terry Baur like it used to be.

All of the water that we are talking about comes down from the fields across the street and from the ditch that comes down Fox Mountain Road on the opposite side of the road of my residence. If you look at the records that Tim Pelham keeps you will see that it took 5 men one day in March of 07 and again in 08 to clean the ditch from the snow and debris because it flooded the road and froze at night causing unsafe road conditions. I believe that you should also know that because of Mr. Pelham's spitefulness that between the night of December 11th and the morning of December 12th 2008, the ditch and the culvert pipe filled up with dirt, rocks and debris and that it washed away part of Terry Baur's driveway because they refuse to clean the ditch between us. I have other problems with water runoff thanks to Mr .Pelham and Mr .Lennon but the culvert pipe and ditch are my priority because it is my front yard.

Thank you in advance for your attention to this matter.
Margaret Edwards
CC: Armstrong
Bc: As needed

RESOLUTION NO. 288-08

APPROVAL OF AUDIT

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Thomas Hasbrouck** to authorize the payment of bills as follows:

- December, 2008 Abstract:
Claims #2501 to #2710 totaling \$398,177.88
- Post November, 2008 Abstract:
Claims #2483 to #2500 totaling \$95437.18

***Councilperson Clarence Barber advised that the Highway Dept. is signature stamping the vouchers which is not allowed. He also stated that the PO's are being made out after the fact.**

4 AYES
1 Absent Supervisor Schmidt
CARRIED

RESOLUTION NO. 289-08

APPROVAL OF MINUTES

MOTION by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian** to approve the following minutes as submitted:

11/17/2008	Regular Monthly Mtg.
12/1/2008	Department Head Meeting
12/2/2008	Public Hearing Joint Liberty Comprehensive Plan

4 AYES
1 absent Supervisor Schmidt
CARRIED

RESOLUTION NO: 290-08

ACCEPTANCE OF MONTHLY REPORTS

MOTION by **Councilperson Lynn Killian**, seconded by **Councilperson Maurice Gerry** to accept the following monthly reports as follows:

- Town Clerk's November, 2008 Monthly Report
- Monthly Town Board Report of Revenue & Expense Summary as of November 30, 2008.

4 AYES
1 absent Supervisor Schmidt
CARRIED

COMPREHENSIVE PLAN UPDATE:

Will work on after the New Year.

CARRIED OVER

- A. Discussion regarding logging permits.
- B. Zoning change for Stephen Poley.
- C. Legal action w/ Ironic Before the Planning Board
- D. Sidewalks in Swan Lake. Engineering done, need to get easements and put out to bid
- E. Fuel accountability policy. Supervisor Schmidt and Councilperson Barber will set up a meeting w/ Highway Superintendent and get specs together.

RESOLUTION NO. 291-08

APPROVAL OF PARK AND RECREATION BOARD BY-LAWS

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve the Park and Recreation Board by-laws with the addition of Swan Lake Park being added to Section 1 of Article VI entitled "Areas and Facilities Section".

4 AYES

1 absent Supervisor Schmidt

CARRIED

Supervisor Schmidt submitted a quote for a gate at the Swan Lake Cemetery at a cost of \$2,700. Finance Director Bertsch advised that a Town cannot make capital improvements to an abandoned cemetery. Councilperson Lynn Killian advised that she would speak to Nancy Levine and see if it could be paid for from the Golden Feather Award.

RESOLUTION NO. 292-08

APPROVAL OF ROAD NAMES FOR EXECUTIVE ESTATES

On a motion by **Councilperson Thomas Hasbrouck**, seconded by **Councilperson Lynn Killian**, the Town Board approved the following names at Executive Estates (Eisdorfer subdivision):

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Parcel #1 LIZENSK DR.
Parcel #2 MIRON DR.

4 AYES
1 absent Supervisor Schmidt
CARRIED

The bond reduction request by Anthony Murolo of AJM @ Swan Lake was tabled due to insufficient information.

RESOLUTION NO. 293-08

SCHEDULE 2009 RE-ORGANIZATIONAL MEETING FOR 1/5/2009 @ 3:50 P.M.

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Maurice Gerry** the Town Board does hereby schedule the Re-organizational meeting for 1/5/2009 at 3:50 p.m.

4 AYES
1 absent Supervisor Schmidt
CARRIED

RESOLUTION NO. 294-08

SECOND MEETING IN JANUARY RE-SCHEDULED

MOTION by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian**, the Town Board does hereby reschedule the January Regular Monthly Meeting for 1/20/2009 at 7:00 p.m.

4 AYES
1 absent Supervisor Schmidt
CARRIED

RESOLUTION NO. 295-08

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT W/ CONIFER LIBERTY HOUSING DEVELOPMENT FUND CO., INC.

MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby authorize the Supervisor to sign "Partial Tax Exemption Agreement" on behalf of the Town of Liberty with Conifer Liberty Housing Development Fund Company, Inc. (Barkley Gardens)

4 AYES

1 absent Supervisor Schmidt
CARRIED

BOARD DISCUSSION

Councilperson Clarence Barber

- Need to move water district lines for Poley
- The Supervisor had attended a meeting at the County regarding licensing contractors and wanted to know how the board felt.

The Board concluded that they felt it was just something the County was doing to generate revenue and they didn't feel it was something they wanted to do in the Town of Liberty.

Councilperson Lynn Killian

- Held the 2nd SMSI meeting on 12/2/08 at the Liberty High School. There were about 60 or so people in attendance. The committee has decided not to hold any more public meetings. Anyone with concerns or comments will be directed to the Village Board. The full final report will be available online.

Councilperson Lynn Killian commented that she has had some very positive comments about the study but she had also had some very angry statements about it. Councilperson Killian advised that regardless of whether you are for or against the disillusionment or consolidation of the Village with the Town, the important thing is that the Town and Village have taken a hard core look at how our government's are spending there money and given the global economy and the sad news we hear and read everyday about the economy, she feels that the Town and Village have done exactly what every government should be doing and that is looking at how we are spending money and looking at ways to try to save money.

- Farmland Preservation meeting on 12/16/08
- Has been asked to participate on the Liberty Boys & Girls Club committee
- Zoning committee meeting on 1/17/09 nearing completion of the District intent chart.
- \$4500 grant stipend, would like to propose that the stipend be received by the employee with certain stipulations.

RESOLUTION NO. 296-08

GRANT STIPEND GIVEN TO CONFIDENTIAL SECRETARY

REGULAR MONTHLY MEETING
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MOTION by Councilperson Lynn Killian, seconded by **Councilperson Thomas Hasbrouck**, the Town Board does hereby give a grant stipend of \$4500. to the Confidential Secretary to the Supervisor with the following conditions:

- A quarterly report containing solid information regarding the status of the grants the Town is involved in.
- A report of what grants are being actively sought and applied for.
- These reports will be submitted to the Town Board in March, June, September and December.

If these conditions are not met then the grant stipend will re-evaluated during the next budget preparation.

3 AYES
1 abstension Councilperson Barber
1 absent Supervisor Schmidt
CARRIED

Councilperson Thomas Hasbrouck

- Wanted to know how the meeting with Parksville Committee and the NYSDOT went.

John Lennon had attended the meeting and he reported that good concessions had been made between the Parksville Committee and the DOT. Water issues had been taken into consideration. Heinrich will be helping with funding and grants. Everyone was quite happy.

Councilperson Maurice Gerry Nothing to report

Supervisor John Schmidt Absent

Finance Director Earl Bertsch

- Attending a meeting regarding a 4 day work week in Fishkill. He advised that he is not convinced of any savings to the Town.

The Town Board advised that they were not enthused with a four day work week.

Adjourn

On a motion by Councilperson Maurice Gerry, seconded by Councilperson Lynn Killian, the Town Board adjourned the meeting at 7:50 p.m.

Respectfully submitted,
Laurie Dutcher, Town Clerk