

**REGULAR MONTHLY MEETING
LIBERTY TOWN BOARD
DECEMBER 19, 2011 7:00 P.M.**

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on December 19, 2011 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

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

Recording Secretary: Town Clerk Laurie Dutcher

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 7:50 p.m. (Delayed due to Public Hearing)

CORRESPONDENCE

1. A letter from Joanne McPhillips advising the Town of the members elected to the Parks & Recreation Board.
2. A letter from RAMM Environmental Services, Inc. regarding Indoor Air Quality Services.
3. A letter from the NYS OCR informing the Supervisor that the Town of Liberty has been awarded a \$539,858 New York State Community Development Block Grant.
4. A letter to Supervisor Schmidt from Senator John J. Bonacic congratulating the Town of Liberty for being selected to receive the CDBG Grant in the amount of \$539,858.
5. A letter to Supervisor Schmidt regarding the steps required for the Loomis Sewer Project.

COMPREHENSIVE PLAN UPDATE

Will continue working on non-conforming use law after the new year.

PLANNING & ZONING BOARD MINUTES

- Zoning Board 11/15/2011

RECOGNIZE THE PUBLIC

Sean Zigmund

Mr. Zigmund addressed the Board regarding the flooding issues on his property located on 64/68 Mineral Springs Rd. He wanted to know why the Town Board has not done anything yet.

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The Board directed the Supervisor to contact Kelly Engineering to follow up on this matter and notify the Board of his recommendations.

Mary Heinle

Ms. Heinle advised that her neighbor was bulldozing very close to the road.

Supervisor Schmidt advised that it was a county road and that he would call and try to get someone to check it out.

Kitty Vetter

Ms. Vetter introduced herself as the newly elected County Legislator.

RESOLUTION NO 268-11

APPROVAL OF AUDIT

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

- December, 2011 Abstract:
Claims #2269 to #2451 totaling \$928,614.95
- November, 2011 Post Abstract:
Claims #2254 to #2268 totaling \$125,673.88
- November, 2011 General Ledger Abstract:
Claims #383 to #410 totaling \$222,450.82

5 AYES - Carried

RESOLUTION NO 269-11

APPROVAL OF MINUTES

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

- Public Hearing 10/17/2011
- Regular Monthly Mtg. 10/17/2011
- Dept. Head Mtg. 11/7/2011
- Worksession Mtg. 11/14/2011
- Regular Monthly Mtg. 11/21/2011

5 AYES - Carried

RESOLUTION NO 270-11

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

5 AYES - Carried

OLD BUSINESS

1. Non-conforming use law (Will work on w/ new administration)
2. Finalize hand gun policy
3. Approval of an offsite central sewage treatment system for the Lake Marie Homes Subdivision.

RESOLUTION NO 271-11

APPROVAL OF STIPULATION OF SETTLEMENT -YEAGER

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

WHEREAS, Daniel Yeager ("Petitioner") has served and filed a notice of protest and notice of petition and petition for review and reduction of a real property assessment for the year 2011 with respect to a parcel owned by it 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 Paula Elaine Kay, Esq.; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

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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 a formal written stipulation of settlement with the attorney of record for the Petitioner, which stipulation of settlement has 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 stipulation 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 stipulation 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 John Schmidt voting	YES
Councilperson Maurice Gerry voting	YES
Councilperson Thomas Hasbrouck voting	YES
Councilperson Lynn Killian voting	YES
Councilperson Chris Austin voting	YES

The resolution was thereupon declared duly adopted.

RESOLUTION NO 272-11

TOWN OF LIBERTY LEAD AGENCY FOR THE LOOMIS SEWER DISTRICT UPGRADES

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**

WHEREAS, the Loomis Sewer District, located in the Town of Liberty, intends to upgrade its wastewater treatment facility in order to meet its permit effluent limits during periods of cold weather when the present facility experiences difficulty in meeting effluent limits for ammonia, and;

WHEREAS, funding for the project in the form of a \$539,858 grant has been requested from the New York State Office of Community Renewal Small Cities Program, and;

WHEREAS, the project requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA), and;

WHEREAS, an Engineer's Report and Specifications have been prepared for the upgrading of the Loomis Wastewater Treatment Facility by Kelly Engineering, P.C., of Liberty, New York, and;

WHEREAS, the Town has prepared a Short Environmental Assessment Form.

THEREFORE, be it resolved that the Town Board declares its desire to be Lead Agency and authorizes the Town Clerk to distribute a Lead Agency and authorizes the Town Clerk to distribute a Lead Agency Coordination Form, Short Environmental Assessment Form, and Engineers Report to other involved agencies.

BY ORDER OF THE TOWN BOARD, TOWN OF LIBERTY, THIS 19TH DAY OF DECEMBER 19, 2011.

	Yes	No
John E. Schmidt, Supervisor	X	
Chris Austin, Councilman	X	
Maurice Gerry, Councilman	X	
Thomas Hasbrouck, Councilman	X	
Lynn P. Killian, Councilman	X	

5 AYES - Carried

RESOLUTION NO 273-11

APPROVAL OF LOOMIS SEWER ADMINISTRATIVE CONTRACT W/ MARK BLAUER & AUTHORIZE SUPERVISOR TO SIGN

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Lynn Killian** the Town Board does hereby accept and approve of the Loomis Sewer District and Wastewater Treatment Plant Upgrades Administrative contract with Mark Blauer and authorize the Supervisor to sign.

5 AYES - Carried

RESOLUTION NO 274-11

APPROVAL OF LOOMIS SEWER ENGINEERING CONTRACT W/ KELLY ENGINEERING, PC. & AUTHORIZE SUPERVISOR TO SIGN

Motion by Councilperson Thomas Hasbrouck, seconded by **Councilperson Chris Austin** the Town Board does hereby accept and approve of the Loomis Sewer District and Wastewater Treatment Plant Upgrades Engineering contract with Kelly Engineering and authorize the Supervisor to sign.

5 AYES - Carried

RESOLUTION NO 275-11

*UNSAFE BUILDING PUBLIC HEARING SET
MARCY BOUCHER 148-153 STANTON CORNERS RD., LIBERTY*

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**

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 19th day of December, 2011 at 7:00 p.m. prevailing time.

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

	PRESENT	ABSENT
Supervisor John Schmidt	X	
Councilman, Maurice Gerry	X	
Councilman, Thomas Hasbrouck	X	
Councilman, Chris Austin	X	
Councilwoman, Lynn Killian	X	

The following resolution was introduced by Councilperson, Chris Austin who moved for its adoption, and seconded by Councilperson, Lynn Killian, 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

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WHEREAS, on December 2, 2011, the Town of Liberty Code Enforcement Officer inspected the premises located at 148-153 Stanton Corners Road, Swan Lake, NY, which premises are identified on the tax map of the Town of Liberty as Section 46, Block 1, Lot 50 ("Premises") and rendered a Report of Inspection, dated December 2, 2011, 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 must be repaired or 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 repaired or 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 February 21, 2012 at 6:50 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 John Schmidt, Voting	<u> X </u>	_____
Councilman, Maurice Gerry, Voting	<u> X </u>	_____
Councilman, Thomas Hasbrouck, Voting	<u> X </u>	_____
Councilman, Chris Austin, Voting	<u> X </u>	_____
Councilwoman, Lynn Killian, Voting	<u> X </u>	_____

The resolution was thereupon declared duly adopted.

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5 AYES - Carried

RESOLUTION NO 276-11

APPROVAL TO PAY VOUCHER IN THE AMOUNT OF \$500 FOR INCOMING SUPERVISOR TO ATTEND TRAINING FOR NEWLY ELECTED OFFICIALS

Motion by Councilperson Maurice Gerry seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby approve travel request form submitted by Charlie Barbuti for the 2012 Training for Newly Elected Officials in Rochester, NY on 1/4-1/6/2012

5AYES - Carried

RESOLUTION NO 277-11

RE-SCHEDULE JANUARY REGULAR MONTHLY MTG FOR 1/17/2012

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby reschedule its January 16, 2012 Regular Monthly Meeting to January 17, 2012 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York.

5 AYES - Carried

RESOLUTION NO 278-11

RE-SCHEDULE FEBRUARY REGULAR MONTHLY MTG FOR 2/21/2011

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck** the Town Board does hereby reschedule its February 20, 2012 Regular Monthly Meeting to February 21, 2012 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York.

5 AYES - Carried

RESOLUTION NO 279-11

AUTHORIZE SUPERVISOR TO SIGN SHARED SERVICES AGREEMENT W/ TOWN OF NEVERSINK

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.

5 AYES - Carried

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Town Attorney Kenneth Klein advised that it was the intent of the Board to re-locate the Zalkin Junkyard and they had been working with the developer for over a year. Attorney Klein advised he was in contact with Planner Thomas Shepstone and he also agreed that it was a correction. Attorney Klein stated that he felt satisfied that this proceeding was above board, there was nothing to circumvent and it was consistent with the comprehensive plan.

RESOLUTION NO 280-11

ADOPTION OF 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 AS LOCAL LAW NO. 3 OF THE YEAR 2011

ADOPTION INTRODUCTORY LOCAL LAW #2 AS LOCAL LAW #3 FOR THE YEAR 2011

Motion by Supervisor John Schmidt, seconded by **Councilperson Chris Austin, Councilperson Maurice Gerry abstaining**, the Town Board does hereby adopt Introductory Local Law #2 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" as Local Law No. 3 of 2011.

	Yes	No	Abstains
Supervisor John Schmidt	X		
Councilperson Maurice Gerry			X
Councilperson Thomas Hasbrouck	X		
Councilperson Lynn Killian	X		
Councilperson Chris Austin	X		

Carried

BOARD DISCUSSION

None

ADJOURN

On a motion by Councilperson Lynn Killian, seconded by Councilperson Chris Austin, the Town Board does hereby adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Laurie Dutcher,
Town Clerk