

REGULAR MONTHLY MEETING
TOWN BOARD OF THE TOWN OF LIBERTY
December 21, 2015

At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on December 21, 2015 at 7:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Present:

Supervisor Charlie Barbuti
Councilperson Dean Farrand
Councilperson Russell Reeves
Councilperson Brian McPhillips

Absent:

Councilperson Thomas Hasbrouck

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget and Accounting Clerk Cheryl Gerow

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

CORRESPONDENCE

1. A letter from Behan Planning & Design regarding the Zoning update.
2. A letter from the NYSDOT regarding the speed limit on Briscoe Rd.

RECOGNIZE THE PUBLIC

Pat Lubin- Cornell Roads Program Assessment

APPROVAL OF AUDIT

Motion: Councilperson Dean Farrand

Second: Councilperson Brian McPhillips

The Town Board approved the following:

- December, 2015 Abstract:
Claims #2277 to #2491 totaling \$1,199,053.06
- November, Post Audit:
Claims #2244 to #2276 totaling \$299,045.56

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- November General Ledger Abstract:
Claims #364 to #391 totaling \$203,038.03

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF MINUTES

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board approved the Department Head Meeting of 11/16/15 minutes as submitted by the Town Clerk.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ACCEPTANCE OF MONTHLY REPORTS

Motion: Councilperson Brian McPhillips

Second: Councilperson Russell Reeves

The Town Board approved the following:

- Town Clerk's Monthly Report 11/15
- Monthly Town Board Revenue & Expense Report as of 11/30/15
- Supervisor's Report 11/15

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

OLD BUSINESS

- Town Hall mold remediation/relocation
 - Wayne Trieffeson is designing an “air flow” system
 - Supervisor Barbuti will get an environmental hygienist
 - Supervisor Barbuti will contact George Fulton to survey and mark out lines in the parking lot.
- Emergency preparedness plan

NEW BUSINESS

PRESENT:

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Hon. Charles Barbuti, Supervisor

Dean Farrand, Councilman

Brian McPhillips, Councilman

Russell Reeves. Councilman

ABSENT:

Thomas Hasbrouck, Councilman

IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE LOOMIS SEWER DISTRICT, IN THE TOWN OF LIBERTY, IN THE COUNTY OF SULLIVAN, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

Offered by: **Councilperson Brian McPhillips**

Seconded by: **Councilperson Dean Farrand**

RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Liberty (herein called the "Town"), in the County of Sullivan, New York, on behalf of the Loomis Sewer District, in the Town (herein called the "District"), has caused Delaware Engineering, engineers duly licensed by the State of New York (the "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, pursuant to a Consent Order from the NYS Department of Environmental Conservation, consisting of the construction of improvements to the Loomis Wastewater Treatment Plant, Phase II, including related and ancillary work and engineering, legal and other costs, as further described in the map, plan and report dated August 2011; and said map, plan and report have been filed with the Town Board and the cost thereof has been estimated to be \$2,649,940; and

WHEREAS, it is expected that the cost of the project shall be paid from the expenditure of grant funds in the amount of \$600,000 which have been received and are authorized to be used to pay a part of the cost of such project, and the issuance of bonds in the amount of \$2,049,940 to finance the balance of the cost;

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WHEREAS, the Town Board has taken all requisite actions pursuant to the York State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and has determined that the project will not result in any significant adverse environmental impacts; and

WHEREAS, on December 7, 2015 the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on December 21, 2015 at 6:45 o'clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 21st day of December, 2015 at 6:45 o'clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as herein above described, at the estimated maximum cost of \$2,649,940, it is expected that the cost of the project shall be paid from the expenditure of grant funds in the amount of \$600,000 which have been received and are authorized to be used to pay a part of the cost of such project, and the issuance of bonds in the amount of \$2,049, 940; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications,

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estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the expenditure of grant funds in the amount of \$600,000 which have been received and are authorized to be used to pay a part of the cost of such project, and the issuance of not to exceed \$2,049, 940 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Sullivan County within ten (10) days after adoption thereof.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING DPC

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby authorize the payment of voucher for Delaware Engineering DPC for engineering services for the WSS Water District Phase 5 Improvements Projects in the amount of \$1,000.00.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board does hereby authorize the payment of voucher for Blauer Associates for administrative services for the WSS Water District Phase 5 Improvements Project in the amount of \$250.00.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF VOUCHER FOR CATSKILL DELAWARE

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby authorize the payment of voucher for Catskill Delaware for publishing services for the WSS Water District Phase 5 Improvements Projects in the amount of \$134.48.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

NEGATIVE DECLARATION DECLARED FOR INTRODUCTORY LOCAL LAW #3 OF 2015 ENTITLED “A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF LIBERTY WITH RESPECT TO TAX MAP PARCEL 35.-1-31.1

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board does hereby declare a Negative Declaration for Introductory Local Law #3 of 2015 entitled “A local law amending the Zoning Map of the Town of Liberty with respect to tax map parcel 35.-1-31.1.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ADOPTION OF INTRODUCTORY LOCAL LAW #3 OF 2015 ENTITLED “A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF LIBERTY WITH RESPECT TO TAX MAP PARCEL 35.-1-31.1” AS LOCAL LAW #3 OF 2015

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty on November 16, 2015, duly enacted Local Law No. 2 of the Year 2015. The local law amends subsection E of §147-28 with respect to the authority of the Planning Board to grant waivers of site plan and special use requirements and adds subsection F to §148-28 to regulate alterations to approved or conditionally approved site plans during site development.

4 AYES - Carried

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1 Absent – Councilperson Thomas Hasbrouck

***PUBLIC HEARING SET FOR INTRODUCTORY LOCAL LAW #4 OF 2015 ENTITLED
'TAXATION', OF THE CODE OF THE TOWN OF LIBERTY***

Motion: **Councilperson Russell Reeves**

Second: **Councilperson Brian McPhillips**

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 19TH day of December, 2015 at 6:50 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 Dean Farrand

Councilperson Russell Reeves

Councilperson Brian McPhillips

ABSENT: Councilperson Thomas Hasbrouck

The following resolution was introduced by Councilperson Russell Reeves, who moved its adoption, and seconded by Councilperson Brian McPhillips, to wit:

BE IT RESOLVED, that introductory Local Law No. 4 of the Year 2015 entitled “A local law amending Chapter 133, entitled ‘Taxation’, of the Code 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

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BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:50 p.m., prevailing time, on January 19, 2015; 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 Charlie Barbuti voting	AYE
Councilperson Thomas Hasbrouck voting	ABSENT
Councilperson Dean Farrand voting	AYE
Councilperson Russell Reeves voting	AYE
Councilperson Brian McPhillips voting	AYE

The resolution was thereupon declared duly adopted.

APPROVAL FOR SUPERVISOR TO SEND GOVERNOR LETTER REGARDING CURRENT TAX CAP LEGISLATION

Motion: **Councilperson Russell Reeves**

Second: **Councilperson Dean Farrand**

The Town Board does hereby authorize the Supervisor to send a letter to Governor Cuomo regarding the current tax cap legislation.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF THE 2016 PARK & RECREATION FEE SCHEDULE CHANGES

Motion: Councilperson Russell Reeves

Second: Councilperson Dean Farrand

***INSERT 2016 P&R FEE SCHEDULE CHANGES**

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The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF THE 2015 BUDGET TRANSFERS & MODIFICATIONS

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

Approval of the following Budget Transfers & Modifications:

2015 Budget Transfers

Account	To (+)	From (-)
A 1310.1	\$ 65.03	
A 1310.4		\$ 65.03
A 1355.2	\$ 155.71	
A 1355.4		\$ 155.71
A 1410.1	\$ 84.10	
A 1410.4		\$ 84.10
A 1420.4	\$ 5,147.96	\$ -
A 1620.3		\$ 10,000.00
A 1620.4	\$ 10,000.00	
A 1910.4	\$ 3,820.64	
A 1930.4	\$ 60.00	
A 1950.4		\$ 60.00
A 3510.1	\$ 20.00	
A 3510.2	\$ 1,238.53	
A 3510.4		\$ 1,258.53
A 5010.1	\$ 1,085.00	

Account	To (+)	From (-)
B 1420.1	\$ 10,549.91	
B 3620.1		\$ 11,512.41
B 1910.4	\$ 435.81	
B 8010.4	\$ 18,670.15	
B 8020.1	\$ 962.50	
B 1420.4		\$ 19,105.96
Total:	\$ 30,618.37	\$ 30,618.37

Account	To (+)	From (-)
Da 1910.4	\$ 404.44	
DA 5130.2	\$ 21,013.75	
DA 5140.2	\$ 1,949.84	
DA 5142.4		\$ 23,368.03
Total:	\$ 23,368.03	\$ 23,368.03

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A 5010.4	\$ 1,286.04	
A 5132.4	\$ 2,951.24	
A 5182.4	\$ 11,661.81	
A 7020.4	\$ 739.20	
A 7110.2	\$ 785.92	
A 7110.4	\$ 221.94	
A 7111.2	\$ 60.99	
A 7111.4	\$ 1,943.30	
A 7140.1	\$ 834.00	
A 7111.1		\$ 834.00
A 7140.2	\$ 370.00	
		\$ 2,593.81
A 7150.4		
A 7312.1	\$ 1,433.03	
		\$ 1,433.03
A 7140.4		
A 7550.4	\$ 1,452.14	
		\$ 28,932.37
A 1990.4		
Total:	\$ 45,416.58	\$ 45,416.58

Account	To (+)	From (-)
	\$	
DB 1910.4	669.73	
	\$	
DB 5110.4	1,361.25	
	\$	
DB 9030.8	2,691.90	
		\$
DB 9060.8		4,722.88
Total:	\$ 4,722.88	\$ 4,722.88

Account	To (+)	From (-)
S4 9901.9200	\$ 190.00	
S4 8110.4		\$ 190.00
S7 9901.9200	\$ 1,205.00	
S7 8110.4		\$ 1,205.00

Account	To (+)	From (-)
	\$	
MO 1910.4	1,168.13	
	\$	
MO 8110.1	489.49	
	\$	
MO 8110.2	2,617.26	
		\$
MO 8110.4		4,274.88
	\$	
MO 9030.8	3,412.51	

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W1 9901.9200	\$ 224.00	
W1 8310.4		\$ 224.00
W2 8310.41	\$ 19,836.50	
W2 9901.9200	\$ 4,438.00	
W2 8310.40		\$ 23,824.50
W3 8310.2	\$ 2,024.75	
W3 9901.9200	\$ 2,641.00	
W3 8310.4		\$ 2,486.75
W4 8311.4	\$ 14,218.25	
W4 9901.9200	\$ 462.00	
W4 98310.4		\$ 14,680.25
W5 8310.41	\$ 1,036.75	
W5 9901.9200	\$ 697.00	
W5 8310.4		\$ 1,733.75
W7 8310.41	\$ 10,963.00	
W7 8310.4		\$ 5,526.00
W7 9901.9100		\$ 2,065.00
W7 9901.9500		\$ 3,041.00
W7		\$ 331.00

MO 9060.8		\$ 3,412.51
Total:	\$ 7,687.39	\$ 7,687.39

Account	To (+)	From (-)
S1 8110.3	\$ 14,285.00	
S1 8110.4		\$ 10,000.00
S1 9901.9200	\$ 1,709.00	
S1 9901.9500		\$ 5,994.00
Total:	\$ 15,994.00	\$ 15,994.00

Account	To (+)	From (-)
S2 8110.3	\$ 35,300.00	
S2 9901.9200	\$ 3,595.00	
S2 8110.4		\$ 33,895.00
S2 9901.9600		\$ 5,000.00
Total:	\$ 38,895.00	\$ 38,895.00

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The resolution was thereupon declared duly adopted.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

AMENDMENT TO THE 2015 WATER & SEWER RE-LEVIES

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby approve of amendment to the 2015 Water & Sewer Re-levies:

• Loomis Water	\$12,120.76
• Indian Lake Water	\$ 7,828.10
• Ferndale Water	\$29,785.32
• Cold Spring Water	\$ 3,471.47
• Youngs Hill Sewer	\$ 943.85
• Route 55 Water	\$26,906.77
• Stevensville Water	\$27,190.57
• White Sulphur Springs Water	\$14,510.73

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF TOWING LICENSES

Motion: Supervisor Charlie Barbuti

Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby approve (2) towing licenses for Jeffrey Miller dba Sam's Towing & Recovery.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

SIDEWALK REPAIRS AUTHORIZED FOR 119 & 120 NORTH MAIN ST.

Motion: Councilperson Dean Farrand
Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby authorize the repairs to the sidewalks at 119 North Main & 120 North Main to the lowest quote received by Supervisor Barbuti.

4 AYES - Carried
1 Absent – Councilperson Thomas Hasbrouck

APPROVAL OF REFUSE COLLECTION LICENSES

Motion: Supervisor Charlie Barbuti
Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby approve of the following refuse collection licenses:

- Thompson Sanitation
- Waste Pro

4 AYES - Carried
1 Absent – Councilperson Thomas Hasbrouck

RESOLUTION OF APPRECIATION FOR THOMAS E. HASBROUCK

Motion: Councilperson Dean Farrand
Second: Councilperson Brian McPhillips

Honoring
THOMAS E. HASBROUCK
On His Retirement

WHEREAS, Thomas E. Hasbrouck, has served the citizens of the Town of Liberty as Councilman and Deputy Supervisor since 1988; and

WHEREAS, Tom has faithfully and conscientiously served the Town of Liberty and its citizens for over 27 years; and

WHEREAS, Tom displayed excellence in work ethics, developed a high respect with his fellow employees and the citizens of the Town of Liberty, and displayed an outstanding commitment to serve the Town of Liberty; and

WHEREAS, The Town Board, by this resolution, wishes to express its great appreciation to Tom for his meritorious service, loyalty and dedication to the Town of Liberty and its citizens.

NOW, THEREFORE, The Town Board does hereby commend Tom for his many years of valuable service and expresses its sincere thanks on behalf of the Town of Liberty.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

***HIGHWAY SUPERINTENDENT AUTHORIZED TO SIGN SHARED SERVICE AGREEMENT W/
NYS DOT***

Motion: Councilperson Dean Farrand

Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby authorize the Highway Superintendent to sign the Shared Services Agreement with the New York State Department of Transportation.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

SPECIAL USE PERMIT ISSUED TO DAVID WEISS RESCINDED

Motion: Councilperson Brian McPhillips

Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby rescind the Special Use Permit issued to David Weiss by the Town of Liberty Planning Board. Attorney Klein will send a letter to Mr. David Weiss.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

DELAWARE ENGINEERING TO GIVE QUOTES FOR INSTALLATION OF SEWER METERING PIT

Motion: Councilperson Brian McPhillips

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Second: Councilperson Russell Reeves

The Town Board of the Town of Liberty does hereby direct Delaware Engineering to give a quote on the proper installation on the sewer metering pit for the Stevensville Hotel with the money being taken from the bond.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

EXECUTIVE SESSION

1. The Town Board does hereby into go into Executive Session at 6:55 p.m. to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
2. Potential litigation

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

OUT OF EXECUTIVE SESSION

Motion: Supervisor Charlie Barbuti

Second: Councilperson Dean Farrand

The Town Board does hereby come out of Executive Session at 9:17 p.m.

4 AYES - Carried

1 Absent – Councilperson Thomas Hasbrouck

ADJOURN

Motion: Supervisor Charlie Barbuti

Second: Councilperson Dean Farrand

Adjourned 9:17 p.m.

Laurie Dutcher, Town Clerk