

REGULAR MONTHLY MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
February 16, 2016

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At the Regular Monthly Meeting of the Town Board of the Town of Liberty held on February 16, 2016 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  
Councilperson Vincent McPhillips

Recording Secretary:

Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein  
Finance Director Earl Bertsch  
Budget and Accounting Clerk Cheryl Gerow  
Water & Sewer Foreman Tom Kehrley  
Town Engineer Dave Ohman  
Planning Board Chairman Lynn Dowe  
Glen Merklin  
George Fulton  
Rob Eggelton

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

### **CORRESPONDENCE**

1. A letter from Glenn Merklin regarding a flea market.
2. A letter from the NYSDEC regarding Notice of Environmental Determination for Rt. 52-Infirmary Rd to Woodbourne Mill.

### **RECOGNIZE THE PUBLIC**

#### **George Fulton**

Mr. Fulton brought the map of the Senior Center and surrounding properties for the Board members.

#### **Rob Eggelton**

Discussed with the Board the installation of solar panels in the Town of Rockland and the Town of Liberty.

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### ***TRANSIENT MERCHANT FEE LOWERED TO \$50 PER 6 MONTHS***

Motion: Councilperson Brian McPhillips

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Second: Supervisor Charlie Barbuti

The Town Board of the Town of Liberty does hereby lower the fee for a transient merchant to \$50 per 6 months.

5 AYES - Carried

**2016-48      *APPROVAL OF AUDIT***

Motion: Councilperson Russell Reeves

Second: Councilperson Brian McPhillips

The Town Board approved the following:

- February, 2016 Abstract:  
Claims #141 to #301 totaling \$280,778.74
- January, Post Audit:  
Claims #111 to #140 totaling \$106,602.68
- January General Ledger Abstract:  
Claims #1 to #29 totaling \$1,270,941.53

5 AYES - Carried

**2016-49      *APPROVAL OF MINUTES***

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

The Town Board approved the following minutes as amended:

- 1/4/16
- 2/1/16

5 AYES - Carried

**2016-50      *ACCEPTANCE OF MONTHLY REPORTS***

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

The Town Board approved the following:

- Town Clerk's Monthly Report 1/2016

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- Monthly Town Board Revenue & Expense Report as of 1/31/2016
- Supervisor’s Report 1/2016

5 AYES - Carried

**OLD BUSINESS**

1. Town Hall mold remediation/relocation
2. Emergency preparedness plan
3. Town of Rockland Solar Farm
4. Roof of records bldg.– repair options  
(*Charlie will get an estimate from Liberty Contracting Company*)
5. Proposed zoning changes
6. Discussion of fines/fees for building permits/violations
7. Workplace violence and hazardous material programs

**NEW BUSINESS**

2016-51      ***RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIBERTY TO  
REQUEST THE REFORM OF NEW YORK STATE PUBLIC EDUCATION  
FUNDING***

Motion: Councilperson Russell Reeves

Second: Councilperson Dean Farrand

WHEREAS, New York State is one of only twelve states that continue to fund public schools through property taxes; and

WHEREAS, the greatest financial hurdle faced by homeowners in the State is the onerous burden of school taxes; and

WHEREAS, the burden has forced innumerable New Yorkers, including many of those transitioning to retirement on a fixed income, to sell their properties and move from the State; and

WHEREAS, most states fund public schools through sales taxes and state income taxes (both corporate and personal) and other possible avenues of funding include mortgage taxes and excess taxes, all of which should be considered as more equitable and less burdensome alternatives to the school property tax method in New York; and

WHEREAS, even the City of New York no longer funds its public schools through property taxes and, recognizing this as a matter of equity as well as hardship, and in order to avoid a “subsidy” by the residents of one region of another, the residents of the City of New York should either be afforded a credit or excluded from any funding alternative so that fair legislation can be enacted without opposition on that score; and

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WHEREAS, responsibility for the education of our youth should be more fairly and equitably distributed and not placed on the backs of our property owners; and

WHEREAS, the two percent tax cap law enacted by New York State is proof that the Governor, Senate and Assembly are aware of this crisis, but it is only a band aid approach to a worsening problem; and

WHEREAS, a more permanent solution must be found for the sake of the survival of our State.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Liberty in its capacity as the governing body of the Town hereby requests that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly urgently address this crisis and enact reforms to school district funding in New York State that implement an equitable alternative funding system to the property tax; and

BE IT FURTHER RESOLVED that we respectfully request that our New York State Representatives, the Honorable John Bonacic, Senator for the 42<sup>nd</sup> Senatorial District, and the Honorable Aileen M. Gunther, Assemblywoman for the 100<sup>th</sup> Assembly District, advocate for the reforms hereby put forth and we thank them for their diligence in this matter; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a letter substantially in the form annexed hereto on behalf of the Town Board addressed to the Honorable Andrew Cuomo, Governor requesting said reforms and to deliver such letter and certified copies of this resolution to the Governor, Senator Bonacic and Assemblywoman Aileen Gunther; and

BE IT FURTHER RESOLVED that the foregoing resolutions shall take effect immediately. The Question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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

The resolution was thereupon declared duly adopted.

2016-52      ***APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES***

Motion: Councilperson Brian McPhillips  
Second: Councilperson Dean Farrand

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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 \$1,125.00.

5 AYES - Carried

2016-53      ***APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING DPC***

Motion: Councilperson Brian McPhillips

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 \$4,855.69.

5 AYES - Carried

2016-54      ***APPROVAL OF BOND RESOLUTION FOR STEVENSVILLE WATER***

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

At a regular meeting of the Town Board of the Town of Liberty, in the County of Sullivan, New York, held at the Town Hall, on the 16th day of February, 2016.

PRESENT:

Hon. Charles Barbuti, Supervisor  
Dean Farrand , Councilman  
Vincent McPhillips, Councilman  
Brian McPhillips , Councilman  
Russell Reeves, Councilman

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In the Matter  
of the

Increase and Improvement of Facilities of the  
Stevensville Water District, in the Town of Liberty,  
in the County of Sullivan, New York, pursuant to  
Section 202-b of the Town Law

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Offered by: Councilperson Brian McPhillips  
Seconded by: Councilperson Russell Reeves

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 Stevensville Water District, in the Town (herein called the “District”), has caused Delaware Engineering, D.P.C., 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, consisting of the construction of waterline improvements as described in the map, plan and report prepared by the Engineer; and said map, plan and report have been filed with the Town Board and the cost thereof has been estimated to be \$3,400,000; and

WHEREAS, it is expected that aid or grant funds shall be received to pay a part of the cost of the project, and any aid or grant funds received are authorized to be used to pay part of the cost of the project or to pay debt service on any bonds or notes issued pursuant to this project; and

WHEREAS, on January 19, 2016 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 February 16, 2016 at 6:50 o’clock P.M. (Prevailing Time) at the Town Hall, 120 North Main Street, Liberty, New York; and

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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 16th day of February, 2016 at 6:50 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; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment, and has reviewed a Full Environmental Assessment Form in compliance with the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, and has determined the project will not result in any significant adverse environmental impacts;

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 hereinabove described, at the estimated maximum cost of \$3,400,000; 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, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

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FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$3,400,000 bonds of the Town to finance said appropriation; 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 in the same manner and at the same time as other Town charges; water rents have been imposed and it is expected that such rents shall continue to be imposed and collected and the amounts derived therefrom shall be budgeted and used to pay principal and interest on the bonds or notes issued; 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.

DATED: February 16, 2016

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The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Charles Barbuti	voting	AYE
Councilman Vincent McPhillips	voting	AYE
Councilman Brian McPhillips	voting	AYE
Councilman Dean Farrand	voting	AYE
Councilman Russell Reeves	voting	AYE

The Resolution and Order were declared adopted.

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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.

5 AYES - Carried

2016-56      ***ACCEPTANCE OF SEQR AS PREPARED BY DAVE OHMAN OF DELAWARE ENGINEERING AND NAME TOWN OF LIBERTY AS LEAD AGENCY FOR THE STEVENSVILLE WATER DISTRICT IMPROVEMENTS***

Motion: Councilperson Dean Farrand

Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby accept the SEQR (Short Environmental Quality Review) as prepared by Dave Ohman of Delaware Engineering and does hereby name the Town of Liberty as Lead Agency for the Stevensville Water District Improvements.

5 AYES - Carried

2016-57      ***NEGATIVE DECLARATION DECLARED FOR STEVENSVILLE WATER DISTRICT IMPROVEMENTS PART III***

Motion: Councilperson Russell Reeves

Second: Councilperson Brian McPhillips

The Town Board of the Town of Liberty does hereby upon the review of the information recorded on the EAF plus additional support information from the Sullivan County Department of Public Works and NYSOPRHP and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Liberty as Lead Agency that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. A negative declaration was issued.

5 AYES - Carried

2016-58      ***APPROVAL OF REFUSE COLLECTION LICENSE FOR TAYLOR-MONTGOMERY, LLC***

Motion: **Councilperson Brian McPhillips**

Second: **Supervisor Charlie Barbuti**

The Town Board of the Town of Liberty does hereby approve (4) refuse collection licenses for Taylor-Montgomery, LLC.

5 AYES - Carried

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*RATING & SELECTION OF ENGINEER & ADMINISTRATION FOR 2016 CRA CDBG GRANT AWARD*

	<i>MHE</i>		<i>CHAZEN</i>		<i>DELAWARE</i>
<i>Brian</i>	55		65		100
<i>Vincent</i>		100		100	100
<i>Russell</i>	63		80		90
<i>Dean</i>	30		65		97
<i>Charlie</i>		<u>88</u>		<u>88</u>	<u>100</u>
	336		398		487

*2016-59 AWARD OF ADMINISTRATION TO BLAUER FOR 2016 CFA CDBG GRANT AWARD*

Motion: **Councilperson Dean Farrand**  
Second: **Councilperson Brian McPhillips**

The Town Board of the Town of Liberty does hereby award the administrative contract to Blauer Associates for the 2016 CFA CDBG Grant.

5 AYES - Carried

*2016-60 AWARD OF ADMINISTRATION TO DELAWARE ENGINEERING FOR 2016 CFA CDBG GRANT AWARD*

Motion: **Councilperson Brian McPhillips**  
Second: **Councilperson Russell Reeves**

The Town Board of the Town of Liberty does hereby award the Engineering contract to Delaware Engineering for the 2016 CFA CDBG Grant.

5 AYES - Carried

*2016-61 EXECUTIVE SESSION*

Motion: **Councilperson Russell Reeves**  
Second: **Councilperson Brian McPhillips**

The Town Board of the Town of Liberty does hereby go into Executive Session at 10:01 p.m. to discuss :

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

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matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

2. Potential litigation

5 AYES - Carried

2016-62      ***OUT OF EXECUTIVE SESSION***

Motion: **Councilperson Dean Farrand**

Second: **Councilperson Vincent McPhillips**

The Town Board of the Town of Liberty does hereby come out of executive session at 10:09 p.m.

5 AYES - Carried

**ADJOURN**

Motion: Supervisor Charlie Barbuti

Second: Councilperson Dean Farrand

Adjourned 10:10 p.m.

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Laurie Dutcher, Town Clerk