

TOWN BOARD OF THE TOWN OF LIBERTY
120 NORTH MAIN STREET, LIBERTY, NEW YORK 12754
JULY 18, 2016
7:00 P.M.

PRESENT:

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

ALSO PRESENT:

Ed & Anne Ehrenberg
John Wombacher
Joan Kittredge
Mark McLewin

Laurie Dutcher Town Clerk
Town Attorney Kenneth Klein
Finance Director Earl Bertsch
Budget and Accounting Clerk Cheryl Gerow
Water & Sewer Forman Tom Kehrley
Zoning Board Chairman Tom Sprague
Confidential Secretary Carman Malanka

CORRESPONDENCE:

1. A letter from the NYSDEC regarding the Paramount Pond Dam.
2. A letter from Michael Rielly, PE regarding the Old Stevensville Hotel – Congregation Iched Anash.
3. A letter from Earl Kortright President of the Sullivan County Long Beards regarding the maintenance of the war memorial in Parksville, NY.
4. A copy of the Inspection & Cleaning of the White Sulphur Springs 300,000 gallon water tank.

RECOGNIZE THE PUBLIC

Ed & Anne Ehrenberg

Would like the board to petition the County to lower the remaining portion of Briscoe Rd. to 35 mph.

TOWN BOARD REQUESTS THAT THE COUNTY OF SULLIVAN PETITION THE STATE OF NEW YORK, DEPARTMENT OF TRANSPORTATION TO ESTABLISH A LOWER SPEED LIMIT ON BRISCOE RD., SWAN LAKE, NY

The Town Board of the Town of Liberty does hereby request with the submittal of a completed TE-9 that the County of Sullivan Department of Public Works request the State of New York Department of Transportation to establish a 30 mile per hour speed limit on Briscoe Rd. CR 142, Swan Lake, NY, between CR 141 and TR 82.

Motion: Councilperson Russell Reeves

Second: Councilperson Vincent McPhillips

5 AYES - Carried

John Wombacher

Advised that he was attending the meeting once again and that the Board knows how he feels about the

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proposed zoning.

Mr. Wombacher also advised the board that he has an issue with his neighbor's dogs barking. He believes he has over 40 dogs. He spoke with Joanne regarding this. He feels that it violates his rights and that the Town should enforce the noise ordinance. He will follow up.

Mark McLewin

Building permit extension good until 2017

AUDIT

The Town Board approved the following:

July 2016 Abstract:

Claims #1201 to #1423 totaling \$1,086,091.03

June Post Audit

Claims #1176 to #1200 totaling \$127,642.28

June General Ledger Abstract:

Claims #145 to #185 totaling \$320,970.38

Motion: Councilperson Dean Farrand

Second: Councilperson Russell Reeves

5 AYES - Carried

ACCEPTANCE OF MONTHLY REPORTS

The Town Board approved the following:

- Town Clerk's Monthly Report 6/2016
- Revenue & Expense Report 6/2016
- Supervisor's Report 6/2016

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

5 AYES - Carried

APPROVAL OF MINUTES

- Regular Monthly Mtg. 6/20/16
- Special Mtg. (Focus Media) 6/27/16
- Bid Opening (Backhoe) 6/30/16
- Dept. Head Mtg. 7/5/16

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Motion: Councilperson Dean Farrand

Second: Supervisor Charlie Barbuti

5 AYES - Carried

INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2016 ENTITLED "A LOCAL LAW IMPOSING A LIMITED COMMERCIAL SOLAR ENERGY GENERATING FACILITY LAND USE MORATORIUM IN THE TOWN OF LIBERTY, SULLIVAN COUNTY, NEW YORK"

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 18th day of July, 2016, at 7:00 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 Brian McPhillips

Councilperson Russell Reeves

Councilperson Vincent McPhillips

ABSENT:

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

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2016 entitled "A local law imposing a limited commercial solar energy generating facility land use moratorium in the Town of Liberty, Sullivan County, New York" is hereby introduced before the Town Board of the Town of Liberty, County of Sullivan, State of New York; and

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BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines the aforesaid local law to be a Type II Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which no environmental review is required thereunder; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:30 p.m., prevailing time, on A, 2016; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of such 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 Dean Farrand	voting	AYE
Councilperson Russell Reeves	voting	AYE
Councilperson Vincent McPhillips	voting	AYE
Councilperson Brian McPhillips	voting	AYE

The resolution was thereupon declared duly adopted.

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2016 ENTITLED "A LOCAL LAW AMENDING SECTION 125-13 OF THE CODE OF THE TOWN OF LIBERTY, SULLIVAN COUNTY, NEW YORK"

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 18th day of July, 2016, at

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7:00 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 Brian McPhillips

Councilperson Russell Reeves

Councilperson Vincent McPhillips

ABSENT:

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

BE IT RESOLVED, that introductory Local Law No. 2 of the Year 2016 entitled “A local law amending Section 125-13 of the Code of the Town of Liberty, Sullivan County, New York” is hereby introduced before the Town Board of the Town of Liberty, County of Sullivan, 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

BE IT FURTHER RESOLVED, that the Town Board hereby determines the aforesaid local law to be a Type II Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which no environmental review is required thereunder; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town Hall, 120 North Main Street, Liberty, New York, at 6:25 p.m., prevailing time, on

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120 NORTH MAIN STREET, LIBERTY, NEW YORK 12754
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August 15, 2016; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of such 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 Dean Farrand	voting	AYE
Councilperson Russell Reeves	voting	AYE
Councilperson Vincent McPhillips	voting	AYE
Councilperson Brian McPhillips	voting	AYE

The resolution was thereupon declared duly adopted.

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2016 BACKHOE LOADER 310SL WITH IMPLEMENTS INCLUDING BUCKETS AND A HAMMER FOR USE BY THE TOWN OF LIBERTY WATER AND SEWER DEPARTMENT, AT MAXIMUM ESTIMATED COST OF \$140,000.00, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$140,000.00 FROM THE TOWN OF LIBERTY WATER AND SEWER MAJOR EQUIPMENT CAPITAL RESERVE FUND

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 16th day of May, 2016 at 7:00 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

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Councilperson Brian McPhillips

Councilperson Russell Reeves

Councilperson Vincent McPhillips

ABSENT:

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

A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2016 BACKHOE LOADER 310SL WITH IMPLEMENTS INCLUDING BUCKETS AND A HAMMER FOR USE BY THE TOWN OF LIBERTY WATER AND SEWER DEPARTMENT, AT MAXIMUM ESTIMATED COST OF \$140,000.00, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$140,000.00 FROM THE TOWN OF LIBERTY WATER AND SEWER MAJOR EQUIPMENT CAPITAL RESERVE FUND.

BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The purchase of a new 2016 Backhoe Loader 310SL with implements, including buckets and a hammer, at a maximum estimated cost of \$140,000.00, and the expenditure of the sum of \$140,000.00 from the Town of Liberty Water and Sewer Major Equipment Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

Section 2. The action authorized has been determined to constitute a Type II Action as defined in 6 NYCRR §617.5(c)(25) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

Section 3. The plan for financing of such maximum estimated cost is by the appropriation and expenditure of monies heretofore deposited in the Town of Liberty Water and Sewer Major Equipment

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Capital Reserve Fund.

Section 4. Within ten (10) days after the adoption of this resolution, the Town Clerk shall post on the Town sign board and publish in the Sullivan County Democrat, the official newspaper of the Town, a notice in conformance with the requirements of Section 90 of the Town Law of the State of New York.

Section 5. This resolution is adopted subject to permissive referendum.

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 Dean Farrand voting AYE

Councilperson Russell Reeves voting AYE

Councilperson Vincent McPhillips voting AYE

Councilperson Brian McPhillips voting AYE

The resolution was thereupon declared duly adopted.

APPROVAL OF VOUCHER FOR BLAUER ASSOCIATES

The Town Board does hereby authorize the payment of voucher to Blauer Associates for administrative services for the WSS Water District Phase 5 Improvements Project in the amount of \$1,500.00.

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

5 AYES - Carried

APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING, DPC

The Town Board of the Town of Liberty does hereby authorize the payment of voucher to Delaware Engineering DPC for engineering services for the WSS Water District Phase 5 Improvements Project in the amount of \$15,057.60.

Motion: Supervisor Charlie Barbuti

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Second: Councilperson Russell Reeves
5 AYES - Carried

APPROVAL OF VOUCHER FOR EASTMAN ASSOCIATES, INC.

The Town Board does hereby authorize the payment of voucher to Eastman Associates, Inc. for contractual services for the Loomis Sewer District Phase 2 Improvements Project in the amount of \$227,981.00.

Motion: Supervisor Charlie Barbuti
Second: Councilperson Russell Reeves
5 AYES - Carried

APPROVAL OF STANDARD WORK DAY & REPORTING RESOLUTION

Standard Work Day and Reporting Resolution
RS 2417-A

BE IT RESOLVED, that the Town of Liberty, location code 30357 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of the body:

Title	Name	Social Security Number (last 4 digits)	Registration Number	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employers Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials								
Town Clerk	Laurie Dutcher	0998	38651410	6	1/1/2016-12/31/2019	N	20	
Justice	Brian Rourke	9196	36956662	6	1/1/2016-12/31/2019	N	7.54	X
Appointed Officials								
Attorney for the Town	Jacob Billig	2128	42888149	6	1/1/2016-12/31/2016	N	6.08	X
Dog Control Officer	Joanne Gerow	1137	41130410	6	1/1/2016-12/31/2016	N	20	

On this 18TH day of July 2016

_____ Date enacted: 7/18/16
Signature of Clerk

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I, Laurie Dutcher, clerk of the governing board of the Town of Liberty, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 18th day of July, 2016 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of 5 members and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

Motion: Supervisor Charlie Barbuti

Second: Councilperson Russell Reeves

5 AYES - Carried

A RESOLUTION AUTHORIZING THE DESIGN AND CONSTRUCTION OF PERIMETER DRAINS FOR THE TOWN HALL AT MAXIMUM ESTIMATED COST OF \$50,000.00, INCLUSIVE OF GUTTERS AND ENGINEERING FEES, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$50,000.00 FROM THE TOWN OF LIBERTY TOWN HALL IMPROVEMENTS CAPITAL RESERVE FUND

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Government Center, 120 North Main Street, Liberty, New York, in said Town, on the 18th day of July, 2016 at 7:00 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 Brian McPhillips

Councilperson Russell Reeves

Councilperson Vincent McPhillips

ABSENT:

The following resolution was introduced by Supervisor Charlie Barbuti, who moved its adoption,

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and seconded by Councilperson Vincent McPhillips, to wit:

A RESOLUTION AUTHORIZING THE DESIGN AND CONSTRUCTION OF PERIMETER DRAINS FOR THE TOWN HALL AT MAXIMUM ESTIMATED COST OF \$50,000.00, INCLUSIVE OF GUTTERS AND ENGINEERING FEES, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$50,000.00 FROM THE TOWN OF LIBERTY TOWN HALL IMPROVEMENTS CAPITAL RESERVE FUND.

BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The design and construction of perimeter drains for the Town Hall, at a maximum estimated cost of \$50,000.00, inclusive of gutters and engineering fees, and the expenditure of the sum of \$50,000.00 from the Town of Liberty Town Hall Improvements Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

Section 2. The action authorized has been determined to constitute a Type II Action as defined in 6 NYCRR §617.5(c)(1) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

Section 3. The plan for financing of such maximum estimated cost is by the appropriation and expenditure of monies heretofore deposited in the Town of Liberty Town Hall Improvements Capital Reserve Fund.

Section 4. Within ten (10) days after the adoption of this resolution, the Town Clerk shall post on the Town sign board and publish in the Sullivan County Democrat, the official newspaper of the Town, a notice in conformance with the requirements of Section 90 of the Town Law of the State of New York.

Section 5. This resolution is adopted subject to permissive referendum.

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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 Dean Farrand voting AYE

Councilperson Russell Reeves voting AYE

Councilperson Vincent McPhillips voting AYE

Councilperson Brian McPhillips voting OPPOSED

The resolution was thereupon declared duly adopted.

AUTHORIZE SUPERVISOR TO SIGN CONTRACT W/ FOCUS MEDIA 7/1/16-12/31/16

The Town Board of the Town of Liberty does hereby authorize the Supervisor to sign contract with Focus Media for the period of 7/1/16-12/31/16. Agreement on file in Town Clerk's Office

Motion: Councilperson Russell Reeves
Second: Councilperson Brian McPhillips
5 AYES - Carried

ACCEPTANCE OF RFP SUBMITTED BY COOPER ARIAS, LLP FOR EXTERNAL AUDITING

The Town Board does hereby accept the RFP as submitted by Cooper Arias, LLP for the Towns external auditing as follows:

2016 \$20,000

2017 \$20,000

2018 \$20,500

2016 HOURLY RATES

AUDIT PARTNERS \$185

AUDIT MANAGERS \$120

ASSOCIATES \$70-90

Motion: Councilperson Dean Farrand
Second: Councilperson Russell Reeves
5 AYES - Carried

FINAL DEMAND FOR PAYMENT FROM CONGREGATION ICHED ANASH IN THE AMOUNT OF \$960 BY 8/3/16 OR MONEY TO BE TAKEN FROM ESCROW

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The Town Board of the Town of Liberty does hereby direct the finance office to write a letter to Congregation Iched Anash regarding a balance of \$960.00 due for services performed by Delaware Engineering in relation to the sewer metering pit installation. The money must be received by the Town of Liberty no later than close of business on 8/3/16 or the amount due will be deducted from the \$25,000 escrow that is being held by the Town for the installation of the sewer metering pit.

Motion: Councilperson Vincent McPhillips

Second: Councilperson Brian McPhillips

5 AYES - Carried

APPROVAL FOR P&N ALARM CO. TO INSTALL FIRE & ALARM SYSTEMS IN THE BASEMENT & ATTIC OF TOWN HALL IN THE AMOUNT OF \$4,570.

The Town Board of the Town of Liberty does hereby accept the quote from P&N Alarms for the installation of infrastructure to upgrade the control panel, the installation of smoke detectors, heat detectors, fire horn strobes and carbon monoxide detectors in the basement and (7) new smoke detectors installed in the attic at a cost of \$4,570.00.

Motion: Councilperson Vincent McPhillips

Second: Councilperson Dean Farrand

5 AYES - Carried

MEETING W/ VILLAGE OF LIBERTY BOARD SCHEDULED FOR 8/29/16 @ 7:00 P.M. AT TOWN HALL

BOARD DISCUSSION

Councilperson Brian McPhillips

- Would like to hold off on things until we receive the report from Peter Cirillo
- He feels the \$50,000 for drainage is a waste of money
- Town could buy modular for a lot less than repairing Town Hall
- We have many issues: mold, porch, etc.

Councilperson Vincent McPhillips

- Dog pound moving along- the site has been approved – Mr. Gerry looking at own site
- Joanne was issuing parking tickets – approached by people telling her that the Supervisor had told them they could park she was upset Vincent was upset **BOARD BEHIND HER – KEEP WRITING TICKETS**

Councilperson Russell Reeves

- Interested in purchasing the air exchanger

Councilperson Dean Farrand

- Bldg. Dept. illegal subdivision on Mullen Rd. from the 1990's person would like to build a house –was denied a permit- has \$40,000 into it. Approximately 20 other homes there whose deeds were

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processed by the County. Sticky situation.

ADJOURN

The Town Board does hereby adjourn at 9:38 p.m.

Motion: Councilperson Russell Reeves

Second: Councilperson Dean Farrand

5 AYES - Carried