



# TOWN OF LIBERTY

N E W Y O R K

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## REGULAR MONTHLY MEETING

**PLACE: SENIOR CITIZEN CENTER, 119 NORTH MAIN STREET, LIBERTY, NY 12754**

**DATE: January 17, 2024**

**TIME: 7:00 P.M.**

FRANK DEMAYO, SUPERVISOR

LAURIE DUTCHER, TOWN CLERK

DEAN FARRAND, COUNCILPERSON

COUNCILPERSON

VINCENT MCPHILLIPS, COUNCILPERSON

JOHN LENNON, COUNCILPERSON

### PLEDGE OF ALLEGIANCE

### CORRESPONDENCE

#### INCOMING:

1. Correspondence from Michael Edwards to Supervisor DeMayo regarding construction on Devany Rd.
2. Correspondence from Fusco Engineering in response to questions on Devany Rd.
3. Correspondence from Catskill-Delaware Publications, Inc. regarding the Town's official newspaper.
4. Correspondence from the Liberty Fire Department regarding false alarms in the Village & Town of Liberty.
5. Proposed legislation from the Association of Towns for 2024.

#### OUTGOING:

1. Correspondence sent by Supervisor DeMayo in response to Michael Edward's letter dated 12/18/23.

### NEW BUSINESS

1. Motion to approve the following minutes:
  - Dept. Head/Worksession Mtg. 12/4/23
  - Regular Monthly Mtg. 12/18/23
  - End of Year Mtg. 12/28/23
2. Motion to approve the following monthly reports:
  - Town Clerk's Report 12/23 & 1/1/23-12/31/23
  - Revenue & Expense Report 12/23
  - Supervisor's Report 12/23



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3. Motion to approve the following audit:
  - January, 2024 Abstract Claims #1 to #106 totaling \$541,424.47
  - December, 2023 General Ledger Abstract Claims #405 to #459 totaling \$609,963.77
4. Motion to approve voucher for Delaware Engineering in the amount of \$3,640.00 for engineering services for White Sulphur Springs Phase 10-2023.
5. Motion to approve Refuse Collection License for Sims Limited.
6. Motion to approve 2023 Budget Transfers and Modifications as submitted by the Finance Director.
7. Motion that the Town Board of the Town of Liberty does hereby have no objection to an On-Premises Liquor License being granted to Kimberley Rayevsky dba 3 Franks, Inc. located at 268 Old Rt. 17, Parksville, New York, and do hereby grant the 30 day waiver.
8. Motion to rescind previous "Resolution for an Audit of the New York State 2022 General Election" made on 1/3/24.
9. Motion to approve new resolution regarding the "Resolution for an Audit of the New York State 2022 General Election".
10. Motion authorizing the hiring of a laborer for the Water & Sewer Department pending pre-employment testing.
11. Supervisor's appointment of a Deputy Supervisor.

## DISCUSSION

1. Moving forward with review of the following:
  - Planned Unit Development
  - Resort Hotel (RH) Zone
  - Downtown Commercial Core (DCC) in Swan Lake
  - Comprehensive Plan
2. Vacant Councilmember

## OLD BUSINESS

### UNDER REVIEW

1. Drilled wells with a yield of less than 5 GPM.
2. Training & Recommendations policy- Planning & Zoning
3. Shipping Containers
4. Fence In/Fence Out
5. AIRBNB
6. Solar
7. County Water / Sewer Study.

### IN PROGRESS

1. Converting and moving the Building Department and the Assessor's Office to the Park & Recreation Building.



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2. Fines
3. Empty Lot in Parksville
4. Illegal dumping of garbage
5. Delaware Town/Village Water Sewer Study
6. Lead Service Line Inventory
7. Walnut Mt. Pavillion.

**PUBLIC PARTICIPATION**

**BOARD DISCUSSION**

**EXECUTIVE SESSION**

**ADJOURN**



*Consulting Engineers*

*Alfred A. Fusco, Jr.*  
*P.E. Principal*

*Alfred A. Fusco, III*  
*General Manager*

December 27, 2023

Honorable Frank DeMayo, Supervisor  
Town of Liberty  
120 North Main Street  
Liberty, New York 12754

RE: Devany Road  
Town of Liberty  
Sullivan County, New York

Dear Supervisor DeMayo,

We have reviewed the code and the file for this development.

The code is unclear in several areas; however, I wish to relate to two (2) code sections: Article IX. Nonconforming Uses and Structures and §147.35 Single Family Dwellings.

The first, Article IX Nonconforming, allows for undersized pre-existing lots unless notified they have 12 months to establish a use.

§147-35 Single Family Dwellings allows a single-family dwelling on any existing lot of record providing that no side yard is reduced to less than 50% of the requirement for the district and sewer permit can be issued.

It is my understanding that the lots were developed in the 1970's and the local law setting development standards were in 2018.

It is further our understanding that the majority of the property is in the sewer district and the developer is planning on a public water supply from the neighboring property, his own well or Town district extension.

Question:

1. The building permits were issued since it appeared the development would comply. Also based on previous allowances for smaller lots as long as side yards, front yards, etc. were sufficient.
2. We are allowing construction to continue on 10 permits issued and no Certificates of Occupancy will be given until the lots are hooked up to an approved public water supply.

Also, the other 8 lots will have stop work orders as they exist now unless they develop public water and sewer for all lots or switch to single family homes as per §147-35.

3. Regarding steps taken to prevent similar situations, we will recommend the code be clarified for smaller pre-existing homes.

The other question raised was the building coverage and building height. The code has 20% building coverage. The buildings have a 2020 SF footprint on 11,000 SF of which is under the 20%. In Mr. Edwards letter he suggest, "the floor area of each home is listed as 2,070 square feet (4,140 square feet



233 East Main Street  
Middletown, NY 10940  
(845)344-5863



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per two-family dwelling), as compared to the allowed **maximum** of 1,000 square feet” it should be noted that it is a **minimum** of 1,000 square feet. The building coverage is based on the footprint not the total living area.

Please advise if you have any questions.

Happy Holidays!

Very truly yours,

A handwritten signature in black ink, appearing to read "AAFJR". The signature is fluid and cursive, with a large, sweeping initial "A".

Alfred A. Fusco, Jr., P.E.  
Fusco Engineering  
& Land Surveying, DPC  
AAFJR/cam

Cc: Dean Farrand  
Richard Manley  
Tammy Wilson

Michael Edwards  
1495 Briscoe Rd, Swan Lake, NY 12783  
845-747-4708  
[edwarmi@hotmail.com](mailto:edwarmi@hotmail.com)

December 18 2023

Dear Supervisor deMayo,

**I write to bring to your attention serious irregularities in the issuance of building permits for construction currently underway on Devany Road in Swan Lake and to ask that you take action to revoke these permits, place a stop work order on this construction, and take steps to ensure that no further irregularities take place in the issuance of permits by the Town of Liberty Building Department.**

On August 7 2023 the Town of Liberty Building Department issued nine permits to Cap Rate Realty LLC and Fast Build LLC for the construction of two-family dwellings on Devany Rd in Swan Lake. One further permit was issued to the same entities on August 11 2023, and four more permits were issued on September 12 2023. According to the Town of Liberty Planning Board and Building Department Secretary, four remaining permits to the same entities have yet to be paid for and released, making 18 in total, covering 36 homes.

The first nine of these permits relate to lot numbers 41.B-1-2 through 41.B-1-10 on the Liberty Property Tax map. According to public records and materials provided under a FOIL request I made to the Town's Records Officer, these lots have access to off-site sewer but not off-site water. This was confirmed by the site-plans for the proposed dwellings which show water being obtained from private wells on-site. This means that they require a minimum lot size of 30,000 square feet as stated in the Town of Liberty Code and Zoning Charts for the R-1 zoning district. However, none of these lots meet this requirement: lot 41.B-1-2 is composed of 10,890 square feet, lot 41.B-1-6 is composed of 13,068 square feet, and the remaining lots in this set of permits are composed of 11,325 square feet. Therefore, no permits should have been approved for any of these applications since all of them violate the Town Code. Nevertheless, the Town of Liberty Code Enforcement Officer signed them and failed to indicate on the Building Permit form whether or not "the proposed construction violates any existing zoning law, ordinance or regulation" – leaving both boxes blank.

The tenth building permit that was issued on August 11 2023, and the four permits that were issued on September 12 2023, apply to lot numbers 41.B-1-11 through 15. According to public records and materials provided under a FOIL request I made to the Town's Records Officer, these lots have no access to either off-site sewer or water. This means that they require a minimum lot size of one acre as stated in the Town of Liberty Code and Zoning Charts for the R-1 zoning district. However, none of these lots meet this requirement: all five lots in this set of permits are composed of 11,325 square feet. Therefore, no permits should have been approved for any of these applications since all of them violate the Town Code. Nevertheless, the Code Enforcement Officer signed them and failed to indicate on the Building Permit form whether or not "the proposed construction violates any existing zoning law, ordinance or regulation" – leaving both boxes blank.

The four building permits that have “not yet been paid for and released” presumably relate to lot numbers 41.B-1-16 through 19. According to public records and materials provided under a FOIL request I made to the Town’s Records Officer, these lots have no access to either off-site sewer or water. This means that they require a minimum lot size of one acre as stated in the Town of Liberty Code and Zoning Charts. However, none of these lots meet this requirement: three of these lots are composed of 11,325 square feet and the final lot (number 19) is composed of 15,246 square feet. Therefore, no permits should be issued or released to any of these applications.

I understand that the owners of all these lots are attempting to obtain off-site water from a variety of sources, but this is irrelevant to the matter in hand which relates to the facts as they existed when these building permits were erroneously issued. New applications will need to be made if the conditions concerning off-site water and/or sewer undergo any changes.

In addition, all of the dwellings under construction seem to be too large for the lots on which they sit. This was pointed out by Nancy Levine in an email to the Liberty Planning Board and Building Department Secretary dated September 4 2023 in which she questioned the front and side setbacks of the homes. The building permits that I obtained under my FOIL application indicate that both the floor area and the building coverage of these homes exceeds the maximum allowed for under the Town Code and Zoning Chart for the R-1 District by a factor of 37%-50%. The floor area of each home is 2,070 square feet (4,140 square feet per two-family dwelling) as compared to the allowed maximum of 1,000 square feet per home or 2,000 square feet per two-family dwelling. The building coverage for each two-family dwelling is 37% as compared to the allowed maximum of 20%. Therefore, no building permits should have been issued to any of these applications.

In addition, the building permits for these dwellings indicate the number of stories as two. In reality, the number is between 2.5 and 3.5 depending on whether the dwellings have finished basements, which is not possible to verify visually or from the building permits that were issued.

The effect of all these excesses above the allowed minimums is that the dwellings under construction are indeed far too large for the lots on which they sit, creating an image of a high-density housing development of very large, identical buildings even though they are built on separate lots, and making a mockery of the intent of the R-1 zoning district which is supposed to be reserved for areas of “low to moderate density.” This effect is made even worse by the fact that every single tree has been removed from all 18 lots, leaving no screening at all between the buildings and Devany Rd or between the buildings and Hillcrest Estates, who previously enjoyed a substantial buffer. The result is a housing project that is completely out of character with its setting and the surrounding neighborhood, including the Indian Lake community which sits just across Devany Rd.

I would be grateful for your formal, written response to this letter and the information it contains. In particular, please answer the following questions:

1. Why were 18 building permits issued by the Town of Liberty Building Department to applications that violate the Town Code?
2. What action has been taken or will be taken to revoke these permits, issue a stop-work order on construction, or take other forms of action designed to correct the errors that have been made?
3. What steps have been taken or will be taken to prevent similar errors being made in the future?

I look forward to your response to these questions. It is vital that the Town of Liberty Building Department enjoys the trust and confidence of the people of Liberty. For that to happen, all permit applications must be treated fairly and rigorously, and all applicants must be treated equally. This does not seem to be the case at the moment.

Sincerely Yours,

Michael Edwards



# Catskill-Delaware Publications, Inc.

*“Celebrating more than 130 Years of Community Journalism”*

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Fax (845) 887-5386

*Branch Office:*

548 Broadway  
Monticello, N.Y. 12701  
(845) 794-7942  
[www.scdemocratonline.com](http://www.scdemocratonline.com)

January 2, 2024

Dear Frank,

On behalf of the staff of the **Sullivan County Democrat** I would like to wish you and the entire Liberty Town Board a Happy and Healthy 2024. Much exciting news has taken place in Liberty – and Sullivan County – during 2023 and we look forward to much more to come. First, I would like to thank the town for its continued support and the wonderful working relationship the Democrat has enjoyed with your town for so many years.

As the Democrat begins its 133rd year of publication we look forward to continued prosperity for our county’s Main Streets and welcoming new business to our community. As Sullivan County’s largest paid subscription newspaper, we will continue to cover the news of your township, our county and report on all of the happenings in our area.

We would also like you and the town board to please consider naming us your official town newspaper for the upcoming year, 2024. Your legal notices will get added exposure in our newspaper, thus helping you to save on bids and other town expenses by reaching a wider market. And, at no extra charge, we also put all of our legal notice publications on a fully-searchable website, [www.scdemocratonline.com](http://www.scdemocratonline.com), which can be accessed 24/7.

Being named as an official newspaper is a designation that we take very seriously and our newspaper offers the largest readership of any newspaper published in Sullivan County.

Not only do we strive to ensure that your public notices are printed accurately but we also go the extra mile to get them into print on your schedule, not ours. We realize how important these publications can be to the proper functioning of town and county business and our twice-weekly publishing schedule allows you the added flexibility of knowing that your public notices will be in on time and correct.

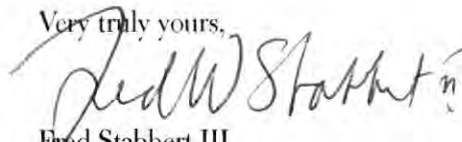
Our dedicated staff will help you with any questions you may have and our wide circulation means that your requests for bids and other proposals will get the largest readership possible in Sullivan County.

For 97 years my family has strived to make the Sullivan County Democrat the most trusted and reliable news source in Sullivan County and we hope that our promise to you has held true.

We truly appreciate your consideration on this matter and welcome any questions, concerns or comments you may have. Please feel free to call any of our helpful staff, any time you may need them.

Again, Happy and Healthy New Year!

Very truly yours,



Fred Stabbert III  
Publisher

*Publisher of the*

**SULLIVAN COUNTY  
Democrat**

Printers ~ Publishers ~ Advertising Design  
Journals ~ Business Forms ~ Newsletters

**Catskills  
CONFIDENTIAL**



**Liberty Fire Department**  
 Liberty Joint Fire District  
 256 Sprague Ave., Suite 4  
 Liberty, NY 12754



*Mark Johnstone*  
 Chief

*Beat Birrer*  
 1<sup>st</sup> Asst. Chief

*James Simon*  
 2<sup>nd</sup> Asst. Chief

*Lyman Wood*  
 Treasurer

*Cheryl Gerow*  
 Secretary

To: Town of Liberty/Village of Liberty  
 From: Liberty Joint Fire District  
 Re: List of fire alarms 12/2023

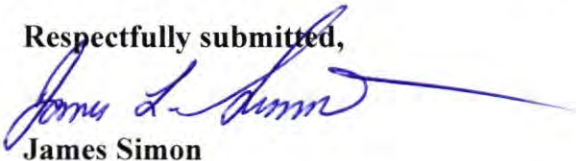
**Town of Liberty:**

- 12/04/2023: #126 Revonah Hill Road (RSS home): Alarm activated due to system malfunction
- 12/11/2023: 5885 State Rt. 55 (New Hope House): Alarm activated due to cooking.
- 12/15/2023: Beaumont Estates Rt. 52: Alarm activated do to system malfunction.
- 12/29/2023: 52 Ferndale Loomis Road (Boces): Alarm activated due to testing system.

**Village of Liberty:**

- 12/01/2023: #15 Sullivan Ave (Boces): Alarm activated due to system malfunction.
- 12/05/2023: #89 Mill Street (Ideal Snacks): Alarm activated do to system malfunction.
- 12/07/2023: #9 Academy Street: Alarm activated due to system malfunction.
- 12/07/2023: #89 Mill Street (Ideal Snacks): Alarm activated due to smoke from exhaust fan.
- 12/13/2023: #58 Sullivan Ave (McDonalds): Alarm activated sue to cooking.
- 12/13/2023: #25 Buckley Street: Alarm activated due to cooking.
- 12/15/2023: #58 Sullivan Ave (McDonalds): Alarm activated do to cooking.
- 12/18/2023: #5 Liberty Commons Barton Road: Alarm activated due to burnt food.
- 12/26/2023: #5 Liberty Commons Barton Road: Alarm activated due to smoking.
- 12/29/2023: #5 Liberty Commons Barton Road: Alarm activated due to system malfunction.

Respectfully submitted,



James Simon





# 2024

## **Proposed Legislative Program**

1. Preserve and Support Home Rule
2. Support Highway, Bridge and Transportation Funding
3. Strengthen State and Local Government Partnerships by Increasing Local Revenue Sharing Program Funding
4. Support Affordable Housing while Preserving Local Authority
5. Create a Dedicated Funding Program for Municipal Water and Sewer Infrastructure
6. Oppose Changing Town Elections from Odd to Even Years
7. Reform Inequities in the Real Property Tax Cap Formula
8. Provide All Towns with the Authority to Set Speed Limits on Local Roads and Remove Costly Administrative Requirements
9. Increase State Competitive Bidding Thresholds
10. Support and Collaborate with Local Governments to Reach CLCPA Goals
11. Support Justice Courts by Increasing Court Fees and Keeping Town Justices Local

**Submitted for consideration to the Association of Towns Resolutions Committee**

*Cindy Goliber, Town Clerk, Town of Potsdam, St. Lawrence County  
First Vice President, Association of Towns, Chair of the Resolutions Committee*



# 2024 Proposed Legislative Program

## Resolution No. 1

### Preserve and Support Home Rule

WHEREAS, the New York State Constitution grants broad home rule powers to local governments and places restrictions on the state Legislature in order to preserve these powers; and

WHEREAS, home rule authority encompasses a wide range of subjects, including but not limited to the authority to: adopt, amend and repeal local laws in the exercise of a town's functions, powers and duties; share services with other local governments; levy and collect rents and penalties in a town; adopt, amend and repeal zoning regulations; and

WHEREAS, under *Municipal Home Rule Law and the Statute of Local Governments*, local governments' home rule powers must be liberally construed; and

WHEREAS, New York is one of many states across the country granting local governments home rule authority, and this authority should be recognized at the federal level; and

WHEREAS, the exercise of home rule powers allows local governments to meet the unique and diverse needs of local residents while also fostering citizen participation in government; and

WHEREAS, New York's diverse communities are best served by maintaining the principles of home rule, including those set forth in the state Constitution, Local Government Bill of Rights, Statute of Local Governments and the Municipal Home Rule Law; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and the state Legislature to preserve and strengthen home rule; and BE IT FURTHER

**RESOLVED**, that the Association of Towns will oppose any state or federal initiative that would weaken or eliminate New York's long-standing tradition of home rule and local government authority.

#### Background

This resolution is routinely included in AOT's Legislative Program and looks to preserve and strengthen home rule and bolster the authority and autonomy town governments need to make local decisions in the best interest of town residents. Broadly defined, home rule is a way for the state to transfer a portion of its governmental powers to local governments by allowing them to manage their own affairs. First granted in 1963-64, home rule authority has been weakened over the years through court cases and legislative enactments, preempting towns from acting on areas of local concern.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

## Resolution No. 2

### Support Highway, Bridge and Transportation Funding

WHEREAS, in 2022, the state approved a \$32.8 billion Five-Year NYSDOT Capital Plan, which will be in place SFY 2022-23 through 2026-27 and included funding for local roads and bridges; and

WHEREAS, New York State is scheduled to receive \$13.6 billion in federal funding over the next five years through the Infrastructure Investment and Jobs Act (IIJA), which helps fund the Five-Year NYSDOT Capital Plan; and

WHEREAS, a safe and dependable transportation network is essential to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development; and

WHEREAS, studies of New York's extensive local road system continue to identify a multi-billion dollar shortfall in funding for local roads and bridges; and

WHEREAS, the National Highway Construction Cost Index continues to increase above the rate of inflation, thereby straining local resources to fund transportation projects; NOW THEREFORE BE IT

**RESOLVED**, that Association of Towns calls on the Governor and the Legislature to maintain, support, and increase funding for CHIPS, PAVE-NY, BridgeNY, Extreme Winter Recovery, POP and other transportation funding in the 2024-2025 State Budget and to continue to provide stable and sustainable long-term funding for local infrastructure.

# 2024 Proposed Legislative Program

## Background

Predictable and reliable highway funding to repair, restore, and maintain local roads and bridges is crucial to ensure the safety of the traveling public, strengthen our economy, and lower property taxes. This resolution calls upon our state partners to continue to support local transportation funding for core programs like CHIPS and new programs like PAVE-NY, BridgeNY, Extreme Winter Recovery and POP.

Prior to the pandemic, the New York State Association of Town Highway Superintendents estimated that local governments should be receiving an additional \$1.3 billion annually in state highway funding to address need and usage patterns. This need is outpacing funding amounts; even with the increases from last year, more funding is necessary. There are more reports highlighting the state of New York's infrastructure and funding needs:

### Locally Owned Roads by the Numbers (OSC 2022)

### 2022 Report Card for New York's Infrastructure (ASCE 2022)

### New York Transportation by the Numbers (TRIP 2022)

NYS DOT has posted individual allocation amounts and program details on its [website](#).

For more information on the Infrastructure Investment and Jobs Act please visit the Federal Highway Administration [website](#).

## Highway Funding in the 2023-2024 State Budget

Last year's Executive Budget maintained local highway funding programs but did not recommend any increases. The Legislature recommended increases in some programs with the final approved budget maintaining funding levels in most local highway funding programs while providing program increases for CHIPS and State Touring Routes.

- CHIPS \$598.097 million (approximately a \$60 million increase)
- Marchiselli \$39.7 million (no increase)
- Extreme Winter Recovery \$100 million (no increase)
- POP \$100 million (no increase)
- PAVE-NY \$150 million (no increase)
- Bridge-NY \$200 million (no increase)
- State Touring Routes \$140 million (a \$40 million increase)

## Five-Year NYSDOT Capital Plan and Funding

The 2022-2023 state budget included \$32.8 billion in funding for a new five-year DOT capital-funding plan, which will be in effect between state fiscal year 2023 through state fiscal year 2027 and includes annual funding recommendations (subject to state appropriation) during the five year plan.

- CHIPS \$538.1 million annually
- Marchiselli \$39.7 million annually
- Extreme Winter Recovery \$100 million annually
- PAVE-NY \$150 million annually
- Bridge NY \$200 million annually
- State Touring Routes \$100 million annually
- Pave our Potholes (POP) \$100 million annually

## Infrastructure Investment and Jobs Act

New York receives federal transportation funding for roads and bridges. Federal surface transportation funding was included in the federal Infrastructure Investment and Jobs Act, which was signed into law on Nov. 15, 2021, providing authorization for federal aid highway programs nationwide as follows: \$52.5 billion in FY 2022, increasing 2 percent every year, and reaching \$56.8 billion in FY 2026.

Questions or requests for additional information may be directed to out to General Counsel Lori Mithen-DeMasi.



# 2024 Proposed Legislative Program

## Resolution No. 3

### **Strengthen State and Local Government Partnerships by Increasing Local Revenue Sharing Program Funding**

WHEREAS, the Aid and Incentives to Municipalities (AIM) Program is a source of unrestricted aid wherein revenue is redistributed and shared with towns, cities (except New York City), and villages in New York State; and

WHEREAS, unrestricted aid funded by the state demonstrates a strong partnership between local governments and the state and is an established way for the state to provide meaningful support to local governments and keep real property taxes down; and

WHEREAS, towns are required to comply with state mandates, such as the payment of prevailing wages for municipal projects, without any significant funding source; and

WHEREAS, funding levels for AIM have not been increased since 2008 and fail to keep up with the rate of inflation; and

WHEREAS, when adjusting for inflation, AIM funding has decreased by more than 24 percent since 2011; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and Legislature to increase AIM appropriations funded by the state by \$200 million in a fair and equitable manner to account for the rate of inflation and increased costs borne by local governments.

### **Background**

Revenue sharing between New York State and local governments has taken various forms over the years, and when the Aid and Incentives to Municipalities (AIM) Program was established as part of the state budget in 2005-2006, its goal was an improved and streamlined way for the state to redistribute state revenue to towns, cities, and villages. In 2019, this state revenue sharing program was improperly shifted to a county sales tax allocation funding model, with the program restored back to state funding in 2022. Reverting back to the state funding model as the program was originally conceptualized is a step in the right direction. However, the state needs to take more action in order to reform the economic inequities local governments have encountered with 15 years of stagnant aid.

This resolution requests that AIM payments funded by the state be increased in the amount of \$200 million. Since 2008 (the last time AIM funding was increased in the state budget and such increase was maintained), the cumulative rate of inflation has been 45.76 percent. Adjusted for inflation alone, the 2008 appropriated AIM amount of \$755,014,463 would be \$1,078,926,233.47. In other words, the state would need to add \$324 million to AIM in 2024 to simply cover the amount of money lost due to inflation alone – and this amount does not cover all of the money lost to local governments due to stagnant aid from 2008-2023. Accordingly, an increase of \$200 million is not only a reasonable request but, in fact, a required one that would allow towns and the state to continue their strong partnerships.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

## Resolution No. 4

### **Support Affordable Housing while Preserving Local Authority**

WHEREAS, having affordable places to live is essential for communities to thrive; and

WHEREAS, the rising cost of living and scarcity of available housing created a lack of affordable housing in many areas of New York State; and

WHEREAS, proposed legislation in recent years would have limited local governments' zoning authority in an effort to expand affordable housing options; and

WHEREAS, regulating residential housing is a local issue falling directly under municipal home rule; and

WHEREAS, many towns have provisions in their local codes supporting affordable housing options and development in ways that make sense for their communities; and

WHEREAS, the state can support and expand affordable housing options by working with local governments; for example, by funding local water and sewer infrastructure, providing further training and education for local land use officials, and creating affordable housing incentives; NOW THEREFORE BE IT



# 2024 Proposed Legislative Program

**RESOLVED**, that the Association of Towns calls on the Governor and state Legislature to collaborate with local governments on any state initiatives addressing affordable housing; and BE IT FURTHER

**RESOLVED**, that the Association of Towns calls on the Governor and state Legislature to uphold local authority as granted by Municipal Home Rule Law in any legislation or state programs created to address affordable housing.

## Background

In many areas of New York State, there are insufficient available affordable housing options leading to the introduction of legislation in recent years tackling the issue through local government. For example, in 2021 and 2022, legislation was introduced attempting to address the affordable housing crisis by preempting local zoning control (see e.g. A4854A/S4547A [2022], Part\_\_\_ 2022-2023 Executive Budget). Most recently, in the 2023-2024 Executive Budget, there was a proposal that created housing growth targets – within three years, a municipality had to increase its residential housing stock by either 1 or 3 percent, depending on its location in the state, or adopt two or more “preferred actions” to facilitate affordable housing. If it failed to do so, the state would take control over housing applications. After that proposal was excluded from the final budget, Governor Hochul issued Executive Order 32 giving priority to municipalities that certified as a “pro-housing community” for certain discretionary state funds, like DRI grants.

This resolution proposes that rather than preempt local zoning authority or create mandates, the state supports affordable housing development by working with local governments. For example, insufficient water and sewer systems hinder development, and assisting with those needs would facilitate affordable housing. Because local governments have direct, hands-on experience with, and know the challenges to, developing affordable housing, they should be a part of creating solutions.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

## Resolution No. 5

### Create a Dedicated Funding Program for Municipal Water and Sewer Infrastructure

WHEREAS, under the New York State Constitution, every person has a right to clean air, water, and a healthful lifestyle; and

WHEREAS, many municipalities own water and sewer systems, stormwater facilities and other infrastructure critical to ensuring this right; and

WHEREAS, much of this infrastructure was constructed decades ago and requires significant upgrades in addition to regular maintenance; and

WHEREAS, New York State currently provides application-based funding assistance on a case-by-case basis and low- to no-interest loans to fund improvements to local water and sewer infrastructure; and

WHEREAS, the state initiated the Consolidated Local Street and Highway Improvement Program (CHIPS) in 1981, which provides consistent funding assistance for the maintenance of local roads and offers a successful model on how to distribute statewide assistance through a fair and equitable formula; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and Legislature to create a dedicated funding program for municipal water and sewer infrastructure using a fair and equitable formula to distribute funds annually to municipalities.

## Background

It is generally acknowledged as fact that New York’s aging infrastructure is in dire need of updating and requires a significant financial investment. The Office of the State Comptroller reports that the estimated cost of necessary drinking water investments in New York range between \$22 billion and \$39 billion (see *Drinking Water Systems in New York: The Challenges of Aging Infrastructure*, February 2017), and the Department of Environmental Conservation has reported that it would cost \$36.2 billion over 20 years to repair, replace and update New York’s aging wastewater infrastructure.

New York State principally provides funding for water, sewer and stormwater infrastructure through grants and low- and no-interest loans. In addition to these options, local governments would significantly benefit from a dedicated funding program similar to CHIPS that would provide annual funding towns could rely on, budget for, and incorporate



# 2024 Proposed Legislative Program

into multiyear capital management plans. Various legislation has been introduced in the past supporting this idea, and the other municipal associations also support this idea, particularly given that it aligns with the recent amendment to New York's Constitution, which affirms that every person has the right to clean air, water, and general health, and updated infrastructure is essential to this objective. Additionally, dedicated water and sewer infrastructure funding would support other state initiatives, like affordable housing development.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

## Resolution No. 6

### Oppose Changing Town Elections from Odd to Even Years

WHEREAS, the New York State Assembly and Senate passed legislation in June 2023 changing all biennial town elections for town officials, except for town justices, from odd years to even years; and

WHEREAS, all but a few towns in Broome County currently hold their elections during odd years; and

WHEREAS, many propositions on local issues can be submitted to voters only at a special or biennial town election; and

WHEREAS, switching from odd to even years means that town elections would take place at the same time as elections for federal and state positions; and

WHEREAS, holding local elections at the same time as federal and statewide elections will dilute local messages and issues by burying them under national and state issues; and

WHEREAS, removing local issues and candidates as the focus of an election will drive up the cost of running for local candidates, thus making it more difficult for people to run and will relegate town issues to an afterthought; and

WHEREAS, changing town elections to even years will not save money as elections must still take place during odd years for positions like town justice that, under New York State's Constitution, must be held during odd years; and

WHEREAS, the state Legislature did not request input from town governments before introducing the bill, nor did any town request elections years be changed; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and the state Legislature to maintain the current biennial election cycles for town officials, where an overwhelming number of elections take place during odd years; and

**RESOLVED**, that the Association of Towns will oppose any initiative that would change biennial elections for all towns from odd to even.

### Background

In June 2023, the New York State Assembly passed S3505B /A4282B to amend Town Law § 80 and certain provisions of county law to change election years for town officials, except for town justices, from odd years to even years. Town justices are excluded from the legislation because they have a constitutionally protected four-year term of office, and the Legislature does not have the authority to change that, something that would be necessary by either adding or taking a year off a term to transition to even-year elections. In addition, cities are excluded due to constitutional protections, as are villages, since most village elections take place in March and do not coincide with federal and national elections.

The stated goal of the legislation is to increase voter participation in local elections. However, many towns expressed concerns that holding local elections at the same time as national and state-wide elections will render local elections and propositions an afterthought and over politicize local issues.

\*Please note that if Governor Hochul signs this legislation the resolution will be moot.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.



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## Resolution No. 7

### Reform Inequities in the Real Property Tax Cap Formula

WHEREAS, the real property tax cap, which was designed to limit the property taxes levied by local governments to 2 percent or the rate of inflation, whichever is less, contains inequities that penalize towns; and

WHEREAS, New York State governs how towns raise revenue, and property taxes are the primary source of revenue for towns; and

WHEREAS, other sources of revenue, such as state aid, have been stagnant while expenses and inflation continue to increase; and

WHEREAS, the actual property tax cap levy amount has been below or 2 percent many times since it began in 2011; and

WHEREAS, towns are required to include costs associated with infrastructure projects in their tax cap calculation, while other entities have the ability to exclude these costs; and

WHEREAS, towns are prohibited from including the costs attributable to PILOT and tax-exempt properties in their tax cap calculation, and these properties use town services and resources\*; and

WHEREAS, towns are required to reduce their tax levy limit by the amount of savings recognized from a transfer of function, which discourages shared services; and

WHEREAS, towns are required to include improvement district costs in their tax cap calculation despite these districts being a separate taxing entity that provide essential services; and

WHEREAS, despite these inequities, the Property Tax Cap was made permanent in 2019; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and Legislature to adopt tax cap reforms to remedy inequities in the formula, including imposing a true 2 percent cap, removing infrastructure project costs from the calculation, allowing growth from PILOT and tax-exempt properties to be included in the tax cap calculation\*, removing barriers to shared services that would save taxpayer dollars, and removing special improvement district costs from the tax cap calculation.

#### Background

This resolution regularly appears on AOT's legislative priorities platform. The real property tax cap (General Municipal Law § 3-c), which established a limit on the annual growth of property taxes levied by local governments and school districts to 2 percent or the rate of inflation, whichever is less, was adopted in 2011 and was made permanent in 2019. Towns are responsible fiscal managers, and any local government that exercises its statutory authority to override the cap does so to meet a pressing or urgent need for its residents. Towns have consistently demonstrated that they will comply with the cap to the extent practicable; however, inequities in the formula remain that must be addressed.

The Association of Towns has identified simple adjustments that can be made to the tax cap formula that would remedy the inequities in the tax cap and allow towns and other local governments to implement the cap in a less deleterious manner. Specifically, since its inception in 2011, the 2 percent tax cap has often been well below 2 percent. Now that the tax cap is permanent, we believe the cap should reflect a true 2 percent limit rather than be determined by economic fluctuations that are well beyond a local government's control, which would offer towns the ability to engage in better long-range budgeting and planning. Indeed, local governments have been significantly impacted by the recent state of the economy, with the rate of inflation of 6.26 percent for local governments with a 2024 calendar fiscal year, which is among the highest rate since the tax cap began, and well above the 2 percent allowable levy increase. While a permanent 2 percent cap will not completely ameliorate the impacts of inflation, it will allow towns to plan their budgets accordingly.

Additionally, towns are required to include infrastructure costs in their tax cap calculation. Conversely, school districts are not required to include these costs in their tax cap calculation because they are subject to referendum requirements and voter approval. However, most (if not all) town capital projects are also subject to referendum requirements, either via the financing process or through the reserve fund process (see General Municipal Law § 6-c, Town Law § § 81 & 220, and Local Finance Law § 35.00). Despite town infrastructure projects receiving voter approval through the referenda process, towns must include these costs in their tax cap calculation. This inequity should be



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remedied to apply the exclusion of infrastructure costs for both school districts and local governments.

Moreover, towns should be able to include growth from PILOT and tax-exempt properties in their tax cap calculations. Local governments experience increased costs and development associated with these properties that use, and benefit from, municipal services, yet the growth from these properties cannot be taken into account when imposing the tax cap formula. These omissions from the formula penalize local governments that experience increased costs and development, as PILOT and tax-exempt properties use town services and resources. A simple legislative fix would remedy this obvious contradiction.\*

Additionally, local governments must reduce their tax levy limit by any amount of any savings realized from a transfer of function. Ultimately, this serves as a disincentive to share services, as any potential savings realized reduces that local government's levy limit and its ability to tax within the cap. To achieve economy and efficiency and incentivize shared services, this penalty should be removed from the tax cap formula.

A final consideration for the tax cap is to exclude the costs associated with special improvement districts from the tax cap calculation, as these districts are a separate taxing entity that provide essential services. Including these costs in the tax cap calculation serves as a disincentive to take on needed projects and necessary updates, as they are often costly and require the override of the tax cap. Accordingly, excluding these improvement districts from the town's tax cap calculation will ensure that important projects are completed and provide equity to towns that are currently unfairly penalized with the inclusion of these costs in their tax cap calculation.

\*As of press time, there is legislation that passed both houses awaiting delivery to the Governor that would modify the tax cap in this regard to impose a mandatory requirement that the quantity change factor in the formula include the assessment value of properties subject to a PILOT agreement in the locality (A1567 McDonald / S1045 Cooney). The quantity change factor impacts the tax base growth factor in the tax cap calculation – the higher the value is, the more a locality can levy while staying within the tax cap. This legislation is a step in the right direction for a more equitable tax cap, as it considers the services local governments provide to PILOT-exempted properties by including the assessed value of these properties in the quantity change growth factor. This bill has previously been vetoed (A1418-A, 2017). If the Governor signs this legislation, the language in this resolution addressing PILOT costs will be deleted.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

## Resolution No. 8

### **Provide All Towns with the Authority to Set Speed Limits on Local Roads and Remove Costly Administrative Requirements**

WHEREAS, Vehicle & Traffic Law § 1662-a authorizes towns only classified as suburban and those with a population over 50,000 to set speed limits on all highways within a town other than state highways maintained by the state, while all cities and villages regardless of size may set their own speed limits; and

WHEREAS, suburban towns and those with a population over 50,000 may only reduce the speed limit to 25 miles per hour; and

WHEREAS, all other towns must submit a request to the New York State Department of Transportation (DOT) in order to have speed limits reduced; and

WHEREAS, it can take as long as two years for DOT to process requests for speed limit reductions and often declines requests; and

WHEREAS, reducing speed limits on local highways is an easy and cost-effective way to limit the severity and frequency of accidents; and

WHEREAS, towns, as the entities in charge of highway maintenance and most familiar with local traffic patterns, are in the best position to evaluate the areas where reducing the speed limit would be most beneficial; and

WHEREAS, suburban towns and those with a population of 50,000 are required to obtain certification by a licensed professional engineer that specializes in traffic operations prior to establishing speed limits, the cost of which can serve as a deterrent to adopting necessary speed limit changes; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Legislature and Governor to amend Vehicle and Traffic Law §



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1662-a so that all towns have the authority to set speed limits via local law on town roads within their jurisdictions within the limits outlined in the statute; and BE IT FURTHER

**RESOLVED**, that the Association of Towns calls on the Legislature and Governor to amend Vehicle and Traffic Law § 1662-a so that towns are allowed to reduce speed limits below the current limitation of 25 miles per hour to 20 miles per hour; and BE IT FURTHER

**RESOLVED**, that the Association of Towns calls on the Legislature and Governor to eliminate the requirement that towns obtain certification prior to establishing speed limits.

## Background

This resolution periodically appears on AOT's legislative priorities. Currently, the statutory default on local roads is 55 miles per hour (see Vehicle and Traffic Law § 1180-a [1]), and only towns classified as suburban and those with over a population over 50,000 have the authority reduce the speed limit, with 25 miles per hour being the lowest allowable limit (see Vehicle and Traffic Law § 1662-a). The proposed amendments would extend the authority to reduce speed limits on local roads below the statutory default of 55 miles per hour to all towns, not just those that meet a certain population threshold or classification, which is consistent with how villages and cities are treated (see Vehicle and Traffic Law § 1643) and allow towns to reduce the speed limit on designated roads below 25 miles per hour to 20 miles per hour. Reducing speed limits, even by 5 miles per hour, is a cost-effective way to both prevent and mitigate the severity of accidents.

Additionally, in August 2022, the Legislature imposed a new mandate on local governments that requires the certification of a licensed professional engineer that specializes in traffic operations prior to establishing speed limits. This requirement is costly and inefficient and will dissuade towns from taking necessary action to change speed limits.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

## Resolution No. 9

### Increase State Competitive Bidding Thresholds

WHEREAS General Municipal Law § 103 requires municipalities to competitively bid any service contract over \$35,000 and any purchase contract over \$20,000; and

WHEREAS, state competitive bidding thresholds have not been increased since 2009 and 2010, respectively; and

WHEREAS, the costs of goods and services has increased significantly since state competitive bidding thresholds were last amended, NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor and Legislature to increase competitive bidding thresholds under General Municipal Law § 103.

## Background

General Municipal Law § 103 requires municipalities to competitively bid any service contract over \$35,000 and any purchase contract over \$20,000. The last time the purchase contract threshold was increased was in 2010, and the service contract threshold was last increased in 2009. In the 13 years since those levels were amended, the cost of goods and services has increased significantly, and therefore more must go out to bid, something which takes time and money. Increasing the competitive threshold would give towns greater flexibility in their purchasing and service contracts and reflect economic realities. Currently, there is a bill in the Assembly, A8238, which would increase the amounts for service contracts to \$70,000 and purchase contracts to \$40,000.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

## Resolution No. 10

### Support and Collaborate with Local Governments to Reach CLCPA Goals

WHEREAS, New York State adopted the Climate Leadership and Community Protection Act (CLCPA), which sets forth the state's goal of 70 percent renewable energy by 2030, while also cutting greenhouse gas emissions 85 percent by



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2050; and

WHEREAS, the state created the Climate Action Council, which is responsible for developing recommendations to meet CLCPA targets, and assembling advisory panels, including one on land use and local government, to assist the Climate Action Council; and

WHEREAS, there are no town or other local government representatives on the Climate Action Council or the Land Use and Local Government Advisory Committee; and

WHEREAS, the state has adopted various legislation, such as green building requirements and the siting of large-scale renewable energy facilities, to help achieve the CLCPA goals; and

WHEREAS, clean energy projects may have significant impacts in the communities where they are located, and as the form of government closest to the people, towns can offer a unique and helpful perspective; and

WHEREAS, towns can work with the state and other stakeholders to ensure that CLCPA goals are achieved in a comprehensive, thoughtful and lasting manner; and

WHEREAS, in order to achieve CLCPA goals, towns will need additional financial assistance to, for example, fund the purchase of clean fleets and the related infrastructure, to implement state and local climate change programs, and to administer and enforce new and modified permitting programs; NOW THEREFORE BE IT

**RESOLVED**, that the Association of Towns calls on the Governor, Legislature, relevant state agencies, and other stakeholders to involve town officials and their representatives in the implementation and advancement of CLCPA goals; and BE IT FURTHER

**RESOLVED**, that the Association of Towns calls on the Governor and the Legislature to create, fund and maintain state funding programs to assist towns with efforts to implement and advance CLCPA goals.

## **Background**

As the resolution states, in 2019, the state codified clean energy goals, and created the Climate Action Council (CAC) to help achieve these goals. Advisory panels to the CAC offer recommendations on their specific topic area, including one on land use and local government. There are no current town, city, village, or county officials on the CAC or on the land use and local government advisory panel. In furtherance of the CLCPA goals, legislation has been adopted in the last several years that impacts local governments – for example, changing the way large-scale renewable energy projects are sited and creating new building requirements to eliminate things like natural gas stoves. Additionally, New York adopted legislation requiring all new school bus purchases be electric starting in 2027. We anticipate at some point the state will impose a similar requirement on highway fleets. In light of this, this resolution asks for local government officials to be included in the conversation at the state level regarding clean energy projects and local needs, wants, and concerns be given due consideration when developing clean energy projects. Additionally, the resolution asks the state to provide local governments with money to help fund programs, like the electrification of highway fleets, meant to help achieve CLCPA goals.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

## **Resolution No. 11**

### **Support Justice Courts by Increasing Court Fees and Keeping Town Justices Local**

WHEREAS, town and village justices are not required to be attorneys admitted to practice in New York State; and

WHEREAS, absent some circumstances where justice courts are consolidated, town justices must be residents of the town they serve; and

WHEREAS, town justices are elected by the people; and

WHEREAS, some towns do not have an attorney living in their jurisdictions; and

WHEREAS, town justice courts provide an essential service that is primarily funded by local real property taxes despite many town justice courts processing state violations; and

WHEREAS, the state-established reimbursement fund that was designed to assist local governments with the



# 2024 Proposed Legislative Program

operational expenses associated with processing state violations has not been increased in over 25 years; and

WHEREAS, the majority of the fees collected by town justice courts are paid to the state and county; NOW THEREFORE BE IT

**RESOLVED**, the Association of Towns will oppose any effort mandating town justices to be attorneys so that justice courts can remain local; and BE IT FURTHER

**RESOLVED**, that the Association of Towns requests legislative action to increase justice court fees that are limited by statute from \$15 to \$25 to account for the cumulative rate of inflation in order to assist local taxpayers in funding justice court expenses that serve the state and to more accurately reflect the costs incurred by town justice courts.

## Background

In 2023, there were different efforts to require that town and village justices be attorneys. Specifically, the New York State Senate passed S139-B, which would require the 100 busiest town and village courts in New York to be presided over by attorneys licensed to practice law in New York who have been admitted to the bar for at least five years. A companion bill, A1358-B, was in the Assembly, but did not pass. In addition, the New York State Bar Association (NYSBA) issued a report in June 2023 stating that all town and village justices should be attorneys. The argument is that, even with the training requirements for justices, including additional training for non-attorney justices, having non-attorney justices does not adequately protect people's legal rights. As evidence of this, NYSBA points out in its report that in 2022, the Committee on Judicial Conduct published 19 decisions regarding the removal, resignation, censure or admonition of town or village justices. Of those 19 decisions, 15 of them were non-attorneys, and four were attorneys. NYSBA also recommends eliminating the requirement that justices be residents as a way to address the fact that some communities do not have resident attorneys.

Others express the concern that the effort to make justices attorneys is a poorly concealed attempt to usurp local control and consolidate justice courts. In addition, they point to the fact that the Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13 percent of the complaints filed against the judiciary were against town and village judges, including both attorney and non-attorney justices.

As far as the funding part of this resolution, town justice courts are primarily funded by local real property taxes, despite the fact that the majority of funds collected in town justice courts is paid to the state and county. For example, in 2009, towns retained only an average of 42 percent of the \$183.5 million collected in their courts, with 53 percent of the revenue going to the state and the remaining 5 percent to the county; more than half of the revenue taken in by town justice courts is paid to the state and county. This number reflects the common and disparate issue encountered by many town justice courts, wherein a significant percentage of their collections are distributed to the state for moving and other Vehicle & Traffic Law violations that happen within their limits.

General Municipal Law § 99-L provides for the payment of specified fees to towns for services performed by town justice courts. However, the current reimbursement rate of \$15 has not been increased since 1997. In order to make towns whole on these costs to reflect the rate of inflation, the fees in General Municipal Law § 99-L should be increased, at minimum, to \$25 for criminal actions, moving violation proceedings, license suspension or revocation orders, and examination of any deposition and information and the issuance of a search warrant by the justice court.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

*Office of the Supervisor*



Town of Liberty Government Center  
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Frank DeMayo  
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December 29, 2023

Michael Edwards  
1495 Briscoe Road  
Swan Lake, NY 12783

RE: Response to letter of December 18, 2023

Dear Mr. Edwards:

In response to your letter referenced above, I have forwarded same to Fusco Engineering for review and answer as they represent the Town of Liberty as Certified Code Officers and Building Inspector Officials. A copy of their response is enclosed.

Should you desire to discuss further you may contact me and/or the building inspector at the Town offices or come by the office. I am here weekdays usually from 6:30am to at least 3pm unless I have appointments or meetings.

Be well and Happy New Year to you and yours.

Sincerely,

Handwritten signature of Frank DeMayo in cursive script.  
Frank DeMayo  
Town of Liberty - Supervisor

Department Head Meeting/Work Session of the Town Board of the Town of Liberty held on December 4, 2023.

**PRESENT:**

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson Vincent McPhillips  
Councilperson John Lennon

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Town Attorney Kenneth Klein  
Finance Director Cheryl Gerow  
Dave Ohman, Delaware Engineering  
Derek Kirk, Sullivan County Democrat

**ABSENT**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING – NYS OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS PROJECTS #641PW78-21**

I'm Mark Blauer, I am a grant writer I have been working for the Town since 2008. I've been working on projects, projects in the Water and Sewer District, more recently in White Sulphur Springs. It's gratifying to see so many people come up for my public hearing tonight on White Sulphur Springs Phase 10 Water Grant. We're doing a public hearing called a performance hearing for one of the grants that we received for White Sulphur Springs. If anybody here is from White Sulphur Springs, you know, we've been tearing up the roads for the last 10 years putting in new water mains. We've been replacing asbestos and old hydrants with new ductile iron and PVC and new hydrants to improve water quality in White Sulphur Springs. I started working at the point of phase 3 project and we've been funding these projects mostly with grants since that time. We're wrapping up the last phase for White Sulphur Springs, it's called Phase 10 and we're required to have a public hearing at the beginning when we go after the grant money, which we did about three years ago and now we're having a final public hearing to tell the public what we have been accomplishing. So if you live in White Sulphur Springs you've been seeing the work going on on Boyd Rd. That road is that work is nearly completed. We're going to be processing in December of the 18<sup>th</sup> meeting an invoice number three of the contractor Tweedie Construction. They're about 90% complete. We did approach the state funding agency on Friday, asking if we could use leftover money to reconstruct t Boyd Rd. the road has been trashed as consequence of the work going to and from with the construction equipment. Your road itself is probably a little soft to begin with these little high ground water situations it's older road. We were thinking of resurfacing the road with town money in this frame, but the damage has



gone far beyond what traditional resurfacing would do. So on Friday, myself in conjunction with the people at Delaware engineering, put together a request to the state to use about \$200,000 left over because the bids came in so low on what Sulphur Springs phase 10 use left over grant money to reconstruct Boyd Rd. in the spring. Clearly it's too late to do any road reconstruction at this point with the snow coming on the ice coming on and the asphalt plants closing anytime now. So we're thinking that we would bid road reconstruction work over the winter and then probably when the asphalt plants open in April, we're going to be doing road reconstruction including repaving and then we would be using most of the grant money at that point. Anything leftover we'd be returning to the state so right now, by my reckoning we have about \$200,000 on stench that we worked very diligently to find a way to hold on to. So the purpose tonight of the hearing is to give the public especially those who live in White Sulphur Springs an opportunity to say what you think about the work we've been doing, and then make any suggestions for the future. This particular program that we've worked with, is available each year. Anything we do less primarily benefit people of low moderate income. We qualified White Sulphur much like we did numerous years ago by doing an income survey door to door. If you live in Loomis or you live in White Sulphur, you might remember we did an income survey some years ago, about six years ago. So again, my name is Mark Blauer I'm a grant writer, I'm not an engineer, my job is to get grants for the town, and that to make sure that we spend it correctly, and to do things like we did last Friday to find a way to hold on to the grant money rather than give it back. So this is your opportunity, as a performance Hearing to give any comments about the product, the work we've done in White Sulphur Springs, and make any suggestions for the future and since we're going to be keep taking down your comments, and sending them to the state, eventually, you make Laurie's job easier by saying who you are and where you live, we will put your name and your address into the minutes in the transcript will give to the state again, thank you very much. I have nothing to do with the head of project you're here for. But if we can talk about White Sulphur and just White Sulphur Springs alone within this hearing, and then we'll move on to the rest of the agenda of the town board. Thank you. So at this time, if anyone wishes to address the board with regards to the White Sulphur project.

Bob Fix

I just want to thank you for what you have done so far. It is greatly appreciated.

Mark Blauer

You're welcome, sir.

### **CLOSE PUBLIC HEARING**

The Town Board does hereby close the Public Hearing at 6:38 p.m.

Motion: Councilperson Supervisor Frank DeMayo

Seconded: Councilperson John Lennon

5 AYES Carried

### **CORRESPONDENCE**

#### **INCOMING:**

1. Correspondence from the New York State Department of Transportation to Green Acres Cottages regarding an application for temporary use of state-owned property Inquiry #2023-002,



- 20 Denman Rd.
2. Correspondence from the New York State Department of Transportation regarding BRIDGE NY.
  3. Correspondence from the New York State Parks, Recreation and Historic Preservation regarding the application under the Recreational Trails Program.
  4. Correspondence from the New York State Parks, Recreation and Historic Preservation regarding the application under the Environmental Protection Fund Grant Program for Parks, Preservation and Heritage.
  5. Correspondence from Tectonic regarding a potential lease for Telecommunications Tower at our Town Facility.
  6. A copy of the Town of Liberty RESTORE VI signed Grant Disbursement Agreements.

**OUTGOING:**

1. Correspondence from Supervisor DeMayo to the Sullivan County Division of Planning regarding the 2023 Update of Sullivan County's Multi-Jurisdictional Hazard Mitigation Plan.

**ACCEPTANCE OF INCOMING AND OUTGOING CORRESPONDENCE**

The Town Board of the Town of Liberty does hereby accept the incoming correspondence.

Motion: Councilperson Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
5 AYES Carried

**DEPARTMENT HEAD REPORTS**

**APPROVAL OF DEPARTMENT HEAD REPORTS**

The Town Board of the Town of Liberty does hereby accept the Department Head Reports as submitted.

Motion: Councilperson John Lennon  
Seconded: Councilperson Dean Farrand  
AYES Carried

**ASSESSOR**

Deeds received

Town - 40  
Village - 23

Data Entry, deeds, permits, valuation etc.....

Attended the Monthly Assessors Meeting

Transition for Eileen moving into the building department continues

At this time there is no replacement for her position.

Brad (data collector) out until further notice

Kevin (data collector) scheduling work

Organizing files

**CEO - BUILDING DEPARTMENT**

2023	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Permits Issued	12	19	19	18	26	19	24	27	31	34	20		249
Permits Completed/Closed	19	34	7	27	19	18	11	18	6	10	7		176
Fire Inspections Performed	0	0	3	17	9	13	4	0	0	0	0		46
Complaints Open	5	18	8	43	20	22	14	19	12	8	14		183
Complaints Closed	4	2	3	1	8	5	6	17	11	29	17		103
Appearance Tickets issued	0	0	0	0	0	2	0	0	0	0	0		2
Planning Board Applications	3	7	0	2	4	3	1	4	6	3	2		35
Planning Board Approvals	4	0	8	1	2	3	1	1	3	3	3		29
Zoning Board Applications	0	0	0	0	0	2	0	0	0	0	0		2
Zoning Board Approvals	0	0	1	0	0	0	1	0	0	0	0		2
Municipal Searches	17	13	7	45	22	14	16	17	15	15	13		194

**COURT-NO REPORT**

**DCO –NO REPORT SUBMITTED**

**FINANCE**

1. Submitted payment request to EFC for Stevensville Water. Total requested and received to date is \$3,245,418.92
2. Submitted and received first payment requests to EFC for Swan Lake Sewer for \$389,203.24.
3. Notified Retirees of dental insurance and vision insurance cost if they choose to opt-in

4. Submitted Tax Cap information to New York State
5. Adopted 2024 Budget and submitted to County. Gave Departments copies of their 2024 Adopted Budget
6. Scheduled 2023 pre-audit meeting with Auditors
7. Began preparation for year end
8. Sent out letters to those on the list of eligible for the Clerk position
9. Scheduled open enrollment for employees for the AFLAC.
10. Submitted Unemployment Claim information
11. Requested updated beneficiaries from Retirees and Employees for the Town of Liberty life insurance policy
12. Received confirmation that eleven (11) poles at Presidential Estates has been fixed as of November 13, 2023 and those poles will be converted over to NYSEG owned.

## **HIGHWAY**

### **Improvements/Maintenance:**

- Replaced road culverts –Lake Marie, Elk Point
- Graded gravel roads- Fox Mountain
- Ditched – Lenape Lake, East Hill, Fox Mountain, Golub Hill, Breezy Hill
- Hand patched with blacktop – Steiglitz, Old Monticello, Cutler, East Hill, Willi Hill, Denman, Huschke, Shore, Heinle, Fox Mountain, Mongaup, Franke Lane, Lily Pond, Revonah Hill, Twin Bridge
- Thomas Ave .2 mile – In-house true and level paving and top paved
- Beaver control – Boyd, Midway

### **Winter:**

- Haul sand from gravel bank to Town Barn
- Tuesday, November 21 – ice/snow less than 1” worked until 6:30PM
- Wednesday, November 22 – ice/snow less than 1” start time 5AM
- Tuesday, November 28 – dusting of snow worked until 4:30PM
- Wednesday, November 29 – less than 1” snow, 4AM call out

### **Facilities:**

- 

### **Equipment/Vehicles:**

- Snow removal equipment ready for winter with no major repairs



**Personnel:**

- Approval of 2 new HMEO's

**Misc:**

- Hand patched State Route 55 from a previous water main break
- Constructed new black top sidewalks for Parks/Rec at Hanofee Park

**Improvements/Maintenance:**

- Replaced road culverts – West Lily Pond, Fox Mountain, Lake Marie
- Graded gravel roads- Campbell, Stafford
- Ditched – Tanzman, West Lily Pond, Fox Mountain, Thomas Avenue, Weston Way
- Hand patched with blacktop – Scheibe, Corrigan, Revonah, Breezy Hill
- Weston Way .3 mile, Thomas Ave .2 mile – In-house true and level paving and top paved
- Ferndale Loomis .2 mile, Brookview 300' – In-house true and level paving
- Revonah .7 mile, Hall Hill .2 mile, West Lily Pond .7 mile – one course top pave
- Beaver control – Boyd, Midway
- Sweep – Ahrens, Thomas, Weston Way

**Storm Damage:**

- Ditch Lily Pond and West Lily Pond, Willi Hill and Fox Mountain
- Sweep Lily Pond, Fox Mountain

**Winter:**

- Haul sand from gravel bank to Town Barn

**Facilities:**

**Equipment/Vehicles:**

- Picked up new 2023 Dodge

**Personnel:**

**Misc:**

- Held Fall Clean Up October 12-13 used 6 – 30 yard containers

**PARK & RECREATION-NO REPORT**

**TOWN CLERK**

Highway Fees	Road Access Permit	10	1,000.00
Conservation	Conservation	3	9.34
Marriage Licenses	Marriage Licenses	9	157.50

Permits	Peddler's Permit	0	.00
Small Sales	EZ Pass	8	200.00
	Notary Fees	44	88.00
	Marriage Certificate	5	50.00
	Photo Copies	12	3.00
	Misc (2 USB Devices)	2	8.00
Building	Certified Mailings	2	221.78
Dog Licensing	Female, Spayed	10	90.00
	Female, Unspayed	3	37.50
	Male, Neutered	10	90.00
	Male, Unneutered	6	70.00
	Purebred	1	25.00
	Senior	4	-20.00
	Replacement Tags	0	0
	Exempt Dogs	0	0
	Redeemed Dog (1)	1	75.00
	Redeemed Dog (2)	0	0
	Reimbursement of Expenses	3	75.00
Building	Variance	0	0
	Special Use	0	0
	Junk Yard	0	0
	Subdivision	0	0
	Building Inspections Public Assembly	0	0
	Building Permit	29	22,830.00
	Commercial Establishment Inspection	0	0
	Fire inspectors	0	0
	Municipal search	15	1,500.00
	Reimbursement of Expenses	4	20.00

## WATER & SEWER-NO REPORT

## DELAWARE ENGINEERING

### December 4, 2023 Town Board Meeting Update on Projects

1. **CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens**
  - **Actions for the Board to consider at today's meeting:**
    - Review and consider approval of Change Order No. 1 – Final Over/Under in the amount of \$12,207.00
    - Review and consider acceptance and execution Substantial Completion and Punchlist and Remaining Work



- Review and consider Contractor Payment Request No. 3 – for action at 12/18/23 meeting
- Project was identified for award of a grant of \$787,700; the Town agreed to fund grant administration (Blauer Associates) at \$45,000 to facilitate project readiness and score more points on the application
- Work includes replacement of approximately 1,650 lineal feet of 6" waterline from the connection on Warden Lane to the end of the line on Boyd Road. Horizontal directional drilling (HDD) will be used to install 6" HDPE lines under Route 52 (required by NYSDOT) and under the stream/wetlands on Boyd Road. The remaining piping will be ductile iron. New valves and hydrants and services to the shutoff box will be provided. Also includes work to replacing Shore Road Well 1 screen.
- Mark Bauer continues to work through NYSOOCR items
- NYSDOH design review is complete. Final approval was received on 6/14/23.
- NYSDEC permit for boring under wetland area received on 7/7/23
- Construction
  - Contract was awarded at the April 17, 2023 meeting and execution copies of the construction contract have been prepared and distributed to the contractor and the Town
  - NYSDOT Work Permit has been obtained by the contractor
  - A pre-construction meeting was held on June 14, 2023
  - Work started in **mid-September** and all contract work was complete on **December 1, 2023**, except for punchlist work
  - **New waterline was put into operation on November 20, 2023, with approval by NYSDOH (Middletown District Office).**
  - The contract completion date is December 1, 2023. (Per Mark Blauer, the deadline for eligible work is January 5, 2024 and the deadline to submit final drawdown requests is February 5, 2024).
  - At the November 6, 2023 meeting, the Town resolved to authorize the Town Supervisor to endorse the NYSDOL Dispensation Form related to the General Contractor (Tweedie Construction) working up to 7 days per week at up to 8 hours per day to complete White Sulphur Springs Phase 10 Construction that will occur on holidays and weekends, based on the schedule dated 10/27/23.
  - \$15,000 in additional NYS OCR funds was approved on November 22, 2023 for additional paving and roadway restoration.
  - Punchlist and remaining work (as of 11/29/23) – to be completed by January 4, 2024
    - Complete disinfection testing for Well 1
    - Site restoration along the route of the water main installation
    - As-Builts
    - Boyd Road restoration of existing roadway surface
  - More on Boyd Road
    - During watermain installation work, the existing surface of Boyd Road was damaged by heavy equipment. Prior to construction, the roadway was in fair condition with a paved surface and some ruts and cracks. The site conditions



for the last 1,100 feet of roadway include high groundwater and poorly drained soils. These conditions, coupled with heavy equipment impacts have degraded this area.

- A site meeting with Tweedie Construction, the Town Highway Department, Town Board Member Lennon, and Delaware Engineering was held on November 27 to discuss restoration of existing roadway surface
  - At this meeting, it was decided that Tweedie Construction would clean off the roadway surface on 11/30/23 and another site meeting with the Town Highway Dept would be held on 11/30 or 12/1 to decide how best Tweedie can spend the \$15,000 to provide some repairs to damaged sections to best get through the winter.
  - Mark Blauer and Delaware will be reaching out to NYS OCR to discuss the possibility of OCR allowing use of some of the remaining uncommitted funds to perform roadway "reconstruction" for 1,100 lineal feet. Work would be done in 2024 so an extension to complete this work would be needed.
  - Also, in previous related communications with OCR, they stated that since this work was not included in the previous design or environmental work, environmental work may need to be done and the work would need to bid out.
  - We will continue to coordinate the discussions with OCR with the Town.
- We continue to process contractor paperwork and provide onsite observation services when the contractor is onsite

• **Change Order No. 1 – Final Over/Under**

- This change order is to address quantity adjustments, for items that were changed during the course of the work, and unforeseen items noted during construction. Additionally, a \$15,000 cost increase (pre-approved by OCR) for additional road restoration work is included in this change order.
  - A cost adjustment for actual lengths of pipe installed (based on unit prices from the bid) results in a net **decrease** in contract price of \$11,068.00.
  - Tweedie Construction Services, Inc. has provided a cost of \$5,500.00 for two reinforced concrete anchor blocks which were installed at both ends of the HDPE watermain to prevent movement due to thermal expansion or contraction.
  - Tweedie Construction Services, Inc. has provided a cost of \$2,775 for one hydrant extension which was installed on a new hydrant at a point where the new watermain was deeper than anticipated.
- This change order will increase the final project cost by a net amount of \$12,207.00, for a new final contract cost of \$403,369.00. The revised cost to finish the project, including retainage, will be \$274,026.68.
- Adequate funds are available to address the additional \$12,207.00 in the existing project contingency. That is, \$183,381 dollars remain in uncommitted funds after this change order.
- **Should the Town agree to proceed with this change, it is recommended that**



**the Town Board resolve to authorize the Town Supervisor to execute Change Order No. 1 in the total amount of \$12,207.00, which will increase the cost of the contract to \$403,369.00 (\$391,162.00 plus \$12,207.00).**

- **Substantial Completion**

- Contract work is substantially completed (as of 11/29/23), except for the following punch list items:

- Boyd Road restoration - \$15,000
- Final site restoration - \$12,892
- Demobilization - \$6,000
- Successfully Complete the Well 1 Disinfection testing - \$5,000
- As-builts - \$1,000
  - Total Punch-list Value = \$39,892 (amount to be withheld)

- **Project Completion (Substantial):**

- We recommend that the Town declare the White Sulphur Springs Water District Phase 10 Improvement Project to be substantially complete on December 1, 2023. This is the date that the one-year maintenance bond will begin.
- Executing Substantial Completion allows the contractor to secure the one-year maintenance bond and proceed to collect project closeout paperwork (e.g., maintenance bond, release of liens from subcontractors, etc.) and allows the Town to release retainage for the project.
- A copy of the Certificate of Substantial Completion is attached with a contract amount of \$403,369 (the final contract amount, including Change Order No. 1) for all contract work.
- Outstanding items to be completed after the December 1, 2023 date of substantial completion are shown on the punch-list which is attached to the Certificate (i.e., road restoration, final site restoration, and as-builts)
- **Therefore, if the project status and this date is acceptable to the Town, we recommend that the Town Board resolve to authorize the Town Supervisor to endorse the Certificate of Substantial Completion form for this contract with a date of Substantial Completion of December 1, 2023 and a final contract amount of \$403,369, including the Punch-list with a total amount of \$39,892. This amount is to be withheld until all punch-list work has been complete.**
- Delaware will then forward the Certificate to the contractor for execution and request project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
- Once all is received from the contractor, we will assemble the project closeout package, and provide it to the Town, with a copy to the contractor.

- 2. **Contractor Payment Request No. 2**

- At the November 6, 2023 meeting the Town resolved to authorize the Town Finance Department to proceed to process Payment Application No. 2, to General Contract No. TL1-G-22 for Tweedie Construction Services, Inc., for the period ending September 18, 2023, in the amount of \$124,592.32, as requested by the contractor.



**3. Contractor Payment Request No. 3 (for action the 12/18/23 Board Mtg.)**

- *The full application package will be provided to the Town Finance under separate cover. There will be one final payment request for Board action in January 2024.*
- We have reviewed Payment Application No. 3 from Tweedie Construction Services, Inc., the contractor for the subject project, for the period ending November 30, 2023, in the amount of **\$219,564.18** for work associated with ductile iron pipe installation, hydrant installation, water valve installation, service line installation and connection, etc. The total cost to date for the project, including this payment request, is **\$348,906.50**, which equates to 94% of the General Contract price for the project of **\$391,162.00**. Following this payment, the balance to finish for the project, including retainage, will be **42,255.50**.
- We agree with the level of work completed to date and the costs presented therein. Therefore, we recommend that the Town resolve to provide payment to the contractor in the amount requested, pending release of funds by NYS OCR.
- **Therefore, should the Town agree with our recommendation, we recommend that:**
  - a. **At the December 18, 2023 meeting, the Town resolves to authorize the Town Finance Department to proceed to process Payment Application No. 3, for General Contract No. TL1-G-22 to Tweedie Construction Services, Inc., for the period ending December 1, 2023, in the amount of \$219,564.18, as requested by the contractor.**

**Project Cost Summary**

- **Overview/Quick Summary**
- Awarded Bid total = \$391,162
- Final Total, Including All Changes = \$403,369
- Construction budget (2021 estimate) = \$587,200 (not including contingency)
- **As of now, there remains \$183,831 in grant dollars presently uncommitted.**

Item No.:	Item Description:	Estimated cost/budget (Feb 2021 Engineering Report for the CFA application)	As bid April 2023 with Bid Alternate Price – no changes	Contract Prices to-date (as of 11-29-23) with all changes	Budget minus bid - minus changes as of 11-29-23
1	Construction – General	\$587,200	\$391,162	\$391,162	\$196,038
2	Construction – (no others)				
3	Construction – Subtotal Bid	\$587,200	\$391,162	\$391,162	\$196,038
4	Change Order No. 1 (Final Over/ Under):				
	Quantity Adjustment (net)		\$0	(\$11,068)	
	Concrete Anchor Blocks		\$0	\$ 5,500	



	Hydrant Extension		\$0	\$ 2,775	
	Add'l Funds for Road Restoration		\$0	\$15,000	
	Change Order No. 1 Total (net) =		\$0	\$12,207	
5=3+4	<b>SUBTOTAL - Construction</b>	\$587,200	\$391,162	\$403,369	\$183,831
	<u>Other Costs:</u>				
6	-Delaware Engineering	\$149,500	\$149,500	\$149,500	
7	-Blauer Associates (Grant Admin) (1)	\$45,000 (1)	\$45,000 (1)	\$45,000 (1)	
<b>8=5+6+7</b>	<b>Total Estimated Cost/Cost to Date</b>	\$781,700	\$585,662	\$597,869	\$183,831
9	Contingency	\$51,000	\$51,000	\$51,000	
10=9+8	Project Budget/Cost to Date Plus Contingency - <b>Total</b>	\$832,700	\$636,662	\$648,869	\$183,831
11=10-7	Project Budget/Cost to Date Plus Contingency <b>Grant Eligible (2)</b>	\$787,700	\$591,662	\$603,869	\$183,831
12	Grant Amount	\$787,700		\$787,700	
13=12-11	Grant Budget Minus Cost – <b>Remaining</b>				\$183,831

- (1) – Town agreed to fund grant administration (Blauer Associates) at \$45,000 to facilitate project readiness and score more points on the application – cost not eligible for grant reimbursement  
(2) – All costs except Grant Administration are eligible for grant funding

- **A list of potential work items (see attached) to spend down the contingency was sent to NYSOCR by Mark Blauer on October 19, 2023.**
  - NYSOCR stated that this work couldn't be added as a change order since these items weren't not specifically included in the Environmental Review Report (EER), contract documents, nor included in the bid items or as add/alternates. As such, the Town would need to reopen the Environmental Review Process and follow all procurement requirements which would take the project beyond the 12/1/23 completion date.
  - Therefore, construction contract work will be completed without including any additional work items, and the final over/under change order will be done to determine the final construction contract amount
  - Any funds not expended for contractor or other work will be recalled/de-obligated by NYSOCR
- \$15,000 in additional work to repair the existing roadway surface on Boyd Rd has been approved by NYSOCR (see above)

- As of now, there remains \$183,831 in grant dollars presently uncommitted. This money will be de-obligated and returned to OCR at the completion of the project unless we can convince OCR to provide more funding for “reconstruction” of a portion of Boyd Road – see above

**Swan Lake WWTP Upgrade**

- **Actions for the Board to consider at today’s meeting:**
  - None
- **Project Funding/Financing Overview**
  - **No Changes this month**
    - Project currently financed for hardship (0%) loan, WIIA grant and BIL funding with a grant of up to 50% of the project cost, less the WIIA grant.
  - Project funding summary based on current information:

Project#	Description	WIIA Grant	BIL Grant	BIL 0% Loan	Total
C3-5370-01-00	Engineering/Prof Services (DEDPC contract plus 10% contingency)	\$ 2,922,655	NA	NA	\$ 2,922,655
C3-5370-01-01	Other WWTP Upgrade scope items	\$ 1,577,345	\$ 6,916,000	\$ 6,584,000	\$ 15,077,345
<b>TOTAL</b>		<b>\$ 4,500,000</b>	<b>\$ 6,916,000</b>	<b>\$ 6,584,000</b>	<b>\$ 18,000,000</b>
<b>Estimated Grant Total</b>					<b>\$11,416,000 (63%)</b>

In summary, the current \$18M project is in line to receive 63% in grants and 0% financing on the balance.

- Project Financing Agreements (PFAs) executed/closed on January 12, 2023 for both projects, short term financing funds now available and costs for contracts with approved MWBE/DBE/SDOVBE Plan(s) are eligible for disbursement
  - **Professional Services Work (C3-5370-01-00)** WIIA Grant funded only
  - In response to communications with NYSEFC, the Town responded on November 15, 2022 to NYSEFC requesting that WIIA funds be utilized for professional services.
  - We sent digital copies of the executed professional services contract to NYSEFC on November 20, 2022 which was approved per 12/6/23 NYSEFC letter.
  - Has 2 programs included for compliance:
    - MWBE/DBE/SDOVBE Goals
      - 30% MWBE, and
      - 6% SDVOBE
    - Delaware/MSI submitted our MWBE & SDVOBE Utilization Plans to the Town on March 16, 2023 and the Town submitted to NYSEFC for review/approval on March 21, 2023.



- We have worked through many of NYSEFC MWBE review comments, and have successfully completed the Construction Inspection RFP solicitation process in September and October 2023.
  - We have worked through NYSEFC's MWBE review comments and on November 2, 2023 the Town received notification that NYS EFC has reviewed and accepted our MWBE and SDVOB Utilization Plans and partial Waiver requests for the Town of Liberty - Project No. 5370-01-00, Delaware Engineering D.P.C. contract.
  - The DE contract is eligible for disbursement, EFC will release payment for all invoices submitted to date (upon receipt and processing of a disbursement request) and the Town can then reimburse internal funds
  - **Cheryl G. has a submitted a disbursement request for project funds invoices to date including for all Delaware's Invoices and others (Bond Counsel?)**
  
- **Construction (C3-5370-01-01)** WIIA & BIL funded, has one program for compliance.
  - MWBE/DEB/SDVOBE
    - 20% MWBE  
[20% DBE (fed.) if equivalency project (pop >10,000), NA]
  - Utilization Plans to be provided by Construction Contractors following bid award so no action until then
  
- Delaware & MSI will continue to work with the Town and NYSEFC through WIIA & BIL requirements
  
- **Moving the WWTP Upgrade Project Forward**
  - Professional Services Work
    - Continuing to work with the Town and NYSEFC and our fiscal subconsultant MSI as needed on contract related items.
    - Design continues and plan to have a review meeting soon with Damon and Town staff to review drawings/concepts
      - Structural work continues on retrofitting the Oxidation Ditches with MBRs
      - Continuing development New Headworks Building layout and components
        - considered reuse of existing stormwater tank to mitigate depth of excavation for the new Influent Building
        - wide range of flow for pumps to satisfy existing and build out conditions
      - Continuing MBR layout and performance and sizing
      - Started New MBR Building layout and components
      - Developing post aeration cascade facilities
    - Working on updated project cost estimate
  
  - **Continuing work on NYSDEC SPDES permit Application for NY-2A for a facility upgrade and expansion**



- Requesting limits for WWTP maximum monthly average daily flow of 0.960 MGD and 0.686 MGD.
  - New permit needed before NYSDEC will approve the design and before project can go out to bid.
  - Town will need to conduct some sampling and analysis for NYSDEC – we will send list to Damon once we receive it from NYSDEC.
  - Draft NY-2A Form filled out and submitted on Friday, August 4, 2023, (and resubmitted on Tuesday August 29, 2023, and September 15, 2023) to NYSDEC Permits (Aparna Roy) along with
    - Location Map
    - Upgrade Site Plans and Process Flow Schematic
    - Detailed Mixing Zone Form
  - Need to submit yet: Updated WTC Form for anticipated WTC usage following the WWTP Upgrade
  - NYSDEC advised us on 10/25/23 that they are working on the application now and will get back to us soon.
- Subcontract work
  - Financial Administration – Municipal Solutions, Inc. (WBE)
    - Subcontract executed 12/29/22 with Municipal Solutions, Inc for Financial Assistance Services to comply with NYSEFC requirements (e.g., MWBE, EEO, etc.)
    - Work to include NYSEFC program compliance, monthly paperwork, etc.
    - Continuing to work with the Town on periodic NYSEFC filings and paperwork and with DE on MWBE & SDVOBE Utilization Plan items
  - Survey and Subsurface Utility Exploration - Shumaker (WBE)
    - Subcontract executed on 10/21/22
    - SUE contractor was onsite Wednesday Nov 2 thru Friday November 4, 2022
    - The surveyor was onsite November 7 thru November 9, 2022 for the initial topo and boundary survey work
    - Topo and boundary survey received 12/22/22
  - Geotechnical (borings and geotech report for new bldgs.) – Atlantic Testing (WBE)
    - Subcontract executed on 02/08/23
    - Boring work began 3/21/23 and continued during the week of 3/27/23.
    - DRAFT boring logs were provided on 05/12/23
    - Final geotechnical report provided on 9/22/23
  - Reproduction/Printing Services
    - Planning to use Constructive Copy (WBE) for repro of bid specs and drawings
  - Construction Cost Estimating (construction) – Trophy Point (SDVOBE)
    - Planning to retain a Service-Disabled Veteran (SDVOBE) firm to provide construction cost estimates at two points during design (50% and 80% design estimate) – plan to do subcontract in the near future
    - Demonstrates good faith effort to utilize SDVOBE firms when feasible - BIL



- funding SDVOBE) goals (6%)
- Other MWBE Subcontract's Pending
  - For Construction-Phase work – will seek as design nears completion
    - Construction Material Testing
    - Special Inspections

### **Stevensville Water Project**

- Construction and punchlist work complete
- Actions for the Board to consider at today's meeting:
  - None

### SHORT SUMMARY:

- **Contract TL2-E-2017 – Electrical.**
  - All work completed and paid out.
- **Contract TL2-G-2017 – General**
  - Water Storage Tank substantially complete June 2021 and paperwork previously processed.
  - **Remaining work for the Watermain, Swan Lake Crossing, and Well Field Improvements:**
    - New waterline has been in operation since late April 2023 and wellfield and other watermain work has been completed
  - **All contract work is substantially completed as of 05/31/23, the following punch list items associated with the Swan Lake Crossing were completed as of 9/29/23**
    - Insulation trim – **Complete**
    - Touch up galvanization paint for new base plates and support brackets – **Complete**
    - As-builts – **Complete**
  - **Project Completion (Substantial) – Watermain, Swan Lake Crossing, and Well Field Improvements Only** (Substantial Completion for Water Storage Tank accepted on June 7, 2021)
    - At the July 3 meeting the Town Board resolved to authorize the Town Supervisor to endorse the Certificate of Substantial Completion form for Contract No. TL2-G-17 – General with May 31, 2023 as the date of Substantial Completion for the Watermain, Swan Lake Crossing, and Well Field Improvements/non-water storage tank work and a final contract amount for Well Field Improvements/non-water storage tank work, of \$1,182,484 and a total final contract amount of \$2,378,660
    - Delaware has forwarded the Town-signed Certificate of Substantial Completion to the contractor for execution and requested project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.) on 07/5/23, and resent the Certificate of Substantial Completion (and Change Order No. 7) for execution on 9/22/23
    - **The contractor returned the executed Certificate of Substantial Completion (and Change Order No. 7) on 10/13/23; we are still waiting for several items from the contractor (maintenance bond and release of liens) and, when all items are in hand,**



**we will assemble the project closeout package, including the final payment application, and provide it to the Town, with a copy to the contractor.**

- **Swan Lake Crossing at Lake Outlet**

- Osterhoudt was onsite during the weeks of April 17 and 24, completing the water main crossing, and successfully tested (disinfection and pressure) the new line
- Delaware submitted NYSDOH Certification of Completion for the crossing and received NYSDOH-District Office approval to put it on line when ready on April 21, 2023
- Delaware plans to submit a final Construction Certification for all contract work to be submitted with as-builts to NYSDOH – currently working on as-builts and will submit certification in the near future

- **Change Order No. 7 – No Cost Time Extension:**

- Change Order No. 7, the no cost time extension, to extend the project completion date from November 30, 2022 to May 31, 2023, was approved at the December 19, 2022 meeting and has been circulated to Osterhoudt for signature several times, the latest resent for execution on 9/22/23.

- **The Contractor returned executed Change Order No. 7 on 10/13/23**

- The fully executed copy will be distributed to the Town, Osterhoudt and NYSDOH and NYSEFC in the near future. (still pending, just need to endorse and circulate)
- The additional time is needed to finish work on the pipe crossing, to complete pressure testing, disinfection, and installation and connection of a new water service. During this time, the new water line will be put into operation, making the project substantially complete.
- Final site restoration and completion of any punch list work will occur in the spring, at which time all work will be fully complete.

- **Change Order No. 6 – Final Over/Under Change Order and Time Extension**

- **Work Substantially Complete on 5/31/23 and Fully Complete on 9/29/23**

- At the September 19, 2022 meeting Town Board resolved to authorize the Town Supervisor to execute Change Order No. 6 to Contract No. TL2-G-2017, in the total amount of \$29,400.00; which will increase the cost of the contract to \$2,378,660.00 (\$2,349,260.00 plus \$29,400.00) and to extend the contract completion date from September 30, 2022 to November 30, 2022.
- CO signed by Frank and copies of the change order sent to Osterhoudt for signing on 9/26/22 and to return to us for final change order processing and distribution.
- Fully executed CO Submitted to NYSEFC for approval on 9/30/2022
- Due to the freezing weather, work on the pipe crossing - to complete pressure testing, disinfection, and installation and connection of a new water service- as well as, final site restoration and completion of any punch list work will occur in the spring 2023, at which time all work will be fully complete.

- **Change Order No. 5**

- **Work Substantially Complete on 5/31/23 and Fully Complete on 9/29/23**



- At the July 18, 2022 meeting the Town Board resolved to authorize the Town Supervisor to execute Change Order No. 5 to Contract TL2-G-2017 – General (H. Osterhoudt Excavating, Inc.) for the Stevensville Water Project to:
    - extend the contract completion date from August 1, 2022 to September 30, 2022, and
    - to provide and perform the work associated with providing the new elevated watermain crossing near the Swan Lake outlet instead of the underwater boring under Swan Lake, and all work associated with each, per the revised design and July 18, 2022 Osterhoudt quote, for a net cost of \$229,810, resulting in an estimated revised contract price of \$2,349,260.
  - The Change Order form was fully executed by the town, Osterhoudt and Delaware on July 20, 2022 and has been subsequently circulated to all, including NYSDOH and NYSEFC.
  - Due to the freezing weather, work on the pipe crossing - to complete pressure testing, disinfection, and installation and connection of a new water service- as well as, final site restoration and completion of any punch list work will occur in the spring 2023, at which time all work will be fully complete.
- **Payment Requests for General Contract (Osterhoudt):**
  - **Payment Request No. 9:**
    - At the **December 19, 2022** meeting the Town Board resolved to authorize the Finance Department to proceed to process Payment Application No. 9, to General Contract No. TL2-G-2017 for H. Osterhoudt Excavating, Inc. for the period ending November 14, 2022, in the amount of \$348,433.10, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
    - We have reviewed the attached Payment Application No. 9 for H. Osterhoudt Excavating, Inc., the contractor for the subject project, for the period ending November 14, 2022, in the amount of \$348,433.10 for work associated with maintenance and protection of traffic, highway work permit compliance, Change Order 5 (including work associated with the new elevated Swan Lake pipe crossing), and Change Order 6.
    - The total cost to date for the project, including this request, is \$2,245,217.00, which equates to approximately 97% of the General Contract price for the project. Following this payment, the balance to finish for the project, including retainage, will be \$133,443.00.
  - **Payment Request No. 10 (Final)**
    - At the November 20, 2023 meeting the Town Board resolved to authorize the Finance Department to proceed to process Payment Application No. 10 (Final), to General Contract No. TL2-G-2017 for H. Osterhoudt Excavating, Inc. for the period ending October 13, 2023, in the amount of \$133,443.00 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC, and **contingent upon the receipt of the complete**



closeout package and all payment application items

- **Final payment Check mailed to the contractor the week of 11/20/23**

- **NYSEFC Final Short Term (ST) Loan Disbursement Request and Long Term (LT) Loan**

- LT Closing was completed on 12/6/22, Long-term funds became available for disbursement beginning on 12/8/2022

- **NYSEFC Document Collection**

- All documents have been submitted, with the exception of TAM's Subcontract Agreement with Turtle & Hughes, including the EEO Policy Statement and Lobbying Certificate.
- An explanation has been provided to NYSEFC that the prime contractor for the Electrical contract has indicated that there is no subcontract because Turtle & Hughes is a materials supply vendor. They only supplied material for this project. This is under review by NYSEFC.

## **2. *Economic Development Water and Sewer Infrastructure Capacity Planning Study***

- Delaware working on revising the draft of the report
- Met with Village DPW Supervisor on October 13, 2023
- Working to revise this ASAP with Dave Burke and then get to the Town for review
- Elm Street Well remediation and future use are key to this study
- Due to likely SPDES permit changes, study to review the ability of the Village WWTP to meet the new limits will also be added to the study recommendation – WWTP has adequate capacity for some additional flow/contributions without more upgrades.
- DE Staff held initial meeting with the Town (Frank and Damon) to review scope, current zoning, water, sewer, development projects, collaboration with Village, study products, and action items, etc. on November 14, 2022
- Met at Village Hall on February 7 with the Village (Mayor Joan, Judy, Lynn Barry, Dave Harman, Mark Kellam) and Town (Supervisor DeMayo and Dean Farrand) with the focus on Village infrastructure and needs.
- Meeting summary was sent to Town and Village on 3/14/22
- Will involve planning staff as well as Town and Village water and sewer staff
- At the September 6, 2022 meeting the Board authorized the Town Supervisor to endorse the Economic Development Water and Sewer Infrastructure Capacity Planning Study, dated August 15, 2022 to conduct:
  - Economic Development Water and Sewer Infrastructure Capacity Planning Study
  - Update to Parksville Sewer Service Alternatives Study
  - Select Grant Writing

## **3. *Swan Lake Sewer System Evaluation/I/I EPG***

- **Board Action Required at Tonight's meeting:**

- None

- Delaware submitted EPG application for up to \$50,000 in grant funding I/I investigations, with commitment for a \$10,000 local match (20%) on August 11, 2023



- Digital copies forwarded to the Town Supervisor, Water and Sewer and Town Clerk on 08-31-23 – hard copy can be provided if requested.
- Funding Award Notification anticipated November-December 2023

#### 4. *Lead & Copper Rule Revisions service line inventory requirements, due October 2024*

- **Nothing new this month**
- **Understanding that the LSL inventory needs to be submitted in October 2024, it is recommended that the Town:**
- **Start now to locate and collect information on lists of connections/water services and,**
- **Consider solicitation (RFQ) for Engineering Services in December – January to assist with the work (required by funding agencies and which will take 1-2 months to do)**
- Funding Listing/Application:
- A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Town’s seven water districts, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. PER and Listing form emailed to Town Supervisor and Damon on 8/25/23.
- The estimated project cost is \$569,094.
- If a grant is received, the project will be subject to federal and DWSRF requirements (e.g., MWBE, BABA, AIS, Davis Bacon, etc.).
- A copy of what was submitted (i.e., engineering report and IUP listing form) was submitted to the Town on August 28.
- **Funding Award Notification anticipated December 2023 – February 2024**
- More Background Information
- EFC and DOH hosted a webinar on the Lead Service Line (LSL) funding available through the Bipartisan Infrastructure Legislation (BIL).
- Grants are only available to municipalities that meet the definition of a Disadvantaged Community (DAV). If a client is not a DAV, then they will only get subsidized financing
- In order to qualify for BIL Lead Service Line grant funding (inventory or replacement), a municipality needs to have a 2021 MHI that is less than 80% of the regionally-adjusted State MHI. The Town of Liberty Qualifies for this.
- DAV eligibility applies to both inventory and replacement projects. DAVs can get up to 100% grant funding (\$2M max) for inventory projects, and up to 70% grant funding (\$10M max) for replacement projects.
- You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
- You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.



- You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
- A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn’t need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
- The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
  - Town applied for a grant for the **inventory** this round, and may apply for **replacement** in subsequent rounds
  - The anticipated schedule is as follows:
    - Submit Project to DWSRF IUP ..... August 25, 2023
    - Secure Short-Term Financing (BAN)..... September to December 2023
    - Perform Lead Service Line Inventory ..... Present to October 2024
      - Solicitation and Selection of Consultant ..... Present to November 2023
      - Review Existing Files ..... Present to December 2023
      - Anticipated Funding Notification ..... December 2023 to February 2024
      - Public Bidding for Excavation Contract ..... January to February 2024
      - Public Outreach ..... January to June 2024
      - Field Investigation and Data Input ..... May to September 2024
      - Final Data Compilation ..... September to October 2024
    - LSL Inventory Completed and Submitted ..... October 2024

**5. Attachments**

- WSS Phase 10 Improvements (TL1-G-2022)
  - Change Order No. 1 – Final Over/Under
  - Substantial Completion and Punchlist and Remaining Work

**6. Items Discussed or Reviewed at Meeting but not distributed with this package:**

- WSS Phase 10 Improvements (TL1-G-2022) Payment Application No. 3 (Final)

**NEW BUSINESS**

**APPROVAL OF MINUTES**

The Town Board does hereby set approve the following minutes as submitted by the Town Clerk:

- Reg. Monthly Mtg. 11/06/23

Motion: Councilperson John Lennon  
 Seconded: Councilperson Dean Farrand  
 5 AYES Carried

**ACCEPTANCE WITH REGRET, THE RESIGNATION OF ANTHONY DWORETSKY FROM THE PLANNING BOARD**

The Town Board does hereby accept with regret, the resignation of Anthony Dworetsky from the Planning Board effective 11/20/23.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Vincent McPhillips  
5 AYES Carried

**APPOINTMENT OF DONALD SHERWOOD TO THE SULLIVAN COUNTY FIRE ADVISORY BOARD FOR THE YEAR 2024**

The Town Board does hereby appoint Donald Sherwood to the Sullivan County Fire Advisory Board for the Year 2024.

Motion: Councilperson Vincent McPhillips  
Seconded: Councilperson Brian McPhillips  
5 AYES Carried

**APPROVAL FOR HIGHWAY TO HIRE (2) HMEO'S PENDING THE RESULTS OF PRE-EMPLOYMENT TESTING**

The Town Board does hereby approve of the Highway Department hiring (2) HMEO's pending the results of pre-employment testing.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Vince McPhillips  
5 AYES Carried

**RE-APPOINTMENT OF ALLEN WERLAU TO THE BOARD OF ASSESSMENT REVIEW FOR A TERM EXPIRING ON 9/30/2028.**

The Town Board does hereby re-appoint Allen Werlau to the Board of Assessment Review for a term expiring on 9/30/2028.

Motion: Councilperson Vince McPhillips  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

**AUTHORIZE THE SUPERVISOR TO EXECUTE CHANGE ORDER NO.1 TL1-G-2022-GENERAL CONTRACT (TWEEDIE CONSTRUCTION) IN THE TOTAL AMOUNT OF \$12,207.00, WHICH WILL INCREASE THE COST OF THE CONTRACT TO \$403,369.00 (\$391,162.00 PLUS \$12,207.00).**

The Town Board does hereby authorize the Supervisor to execute Change Order No. 1 TL1-G-2022-General Contract (Tweedie Construction) in the Total amount of \$12,207.00 which will increase the cost of the contract to \$403,369.00 (\$391,162.00 PLUS \$12,207.00).



Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

**AUTHORIZE THE TOWN SUPERVISOR TO ENDORSE THE CERTIFICATE OF SUBSTANTIAL COMPLETION FORM FOR THIS CONTRACT WITH A DATE OF SUBSTANTIAL COMPLETION FORM FOR THIS CONTRACT WITH A DATE OF SUBSTANTIAL COMPLETION OF DECEMBER 1, 2023 AND A FINAL CONTRACT AMOUNT OF \$403,369 INCLUDING THE PUNCH-LIST WITH A TOTAL AMOUNT OF \$39,892. THIS AMOUNT IS TO BE WITHHELD UNTIL ALL PUNCH-LIST WORK HAS BEEN COMPLETE.**

The Town Board does hereby authorize the Supervisor to endorse The Certificate of Substantial Completion Form for this contract with a date of Substantial Completion as of December 1, 2023 a total amount of \$39,892. and a final contract amount of \$403,369 including the punch-list with a total amount of \$39,892. This amount is to be withheld until all punch-list work has been complete.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

**AUTHORIZATION FOR SUPERVISOR TO CONTACT TETONIC PRACTICAL SOLUTIONS REGARDING THEIR INTEREST IN A POTENTIAL LEASE FOR A TELECOMMUNICATIONS TOWER FACILITY AT 266 OLD LOOMIS RD. (SBL #35.-1-15.1- 5.2 ACRES)**

The Town Board does hereby authorize the Supervisor to contact Tetonc Practical Solutions regarding their interest in a potential lease for a telecommunications tower facility at 266 Old Loomis Rd. (SBL #35.-1-15.1- 5.2 Acres).

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE RESTORE VI PARKSVILLE MAIN STREET REVITALIZATION PROJECT #135,611**

The Town Board does hereby authorize the Supervisor to contact Tetonc Practical Solutions regarding their interest in a potential lease for a telecommunications tower facility at 266 Old Loomis Rd. (SBL #35.-1-15.1- 5.2 Acres).

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

**OLD BUSINESS  
UNDER REVIEW**

1. Drilled wells with a yield of less than 5 GPM.
2. Training & Recommendations policy- Planning & Zoning

3. Shipping Containers
4. Fence In/Fence Out
5. AIRBNB
6. Solar
7. County Water / Sewer Study.

### **IN PROGRESS**

1. Converting and moving the Building Department and the Assessor's Office to the Park & Recreation Building.
2. Fines
3. Empty Lot in Parksville
4. Illegal dumping of garbage
5. Delaware Town/Village Water Sewer Study
6. Lead Service Line Inventory
7. Walnut Mt. Pavillion.

### **PUBLIC PARTICIPATION**

#### **Supervisor Frank DeMayo**

Next item for discussion is the Lake Hills Estate PUD. I'm going to start this discussion with a statement. I'd like to open up the discussion on the Lake Hills PUD with statements. Let me start by again stating that this is the very beginning of a long and detailed process of studies, valuation and planning. My evaluation of the proposal contains two key elements. One is my general concern that we need to generate revenue in order to maintain services to the public and maintain and upgrade our infrastructure without undue burden to the taxpayers. In order to do this, we need growth, we need to increase our tax base. I am a firm believer that renewables such as the proposed commercial industrial site in Ferndale on Old 17 are the most efficient and lucrative ways to increase revenue but those developments are tough to come by however, we continue to massage multiple projects in Liberty that should lead to further development of this type. The other means to generate tax revenue is with housing and when I suggest housing, we should be looking at all proposed developments to see if they have merit and if the development is worthy of consideration. With regards to this particular project, I reflected on a development that was proposed years ago off Kelly Bridge Road. I refer to this as the Merolo subdivision, which was eventually approved. There was a lot of resistance to that plan. I was in favor of it at the time, there were 20 plus or minus lots proposed. Each lot was approximately five acres larger than lot requirements in the RD zone. The plan was to build million dollar homes on these lots, which would have generated a significant amount of tax revenue. A good amount of the lots, I believe over 10 were right on the lake. I'm not sure if there were special requirements for each lot, such as maximum amount of land clearing allowed, but my point is while the revenue was attractive, I look back now and see that environmentally, visual impact runoff, leaching water issues etc. would probably be more detrimental than a cluster development with significant amount of land being reserved as open space or some sort of conservation easement. I'd be looking at that project again, to learn more about what was done in the past just my own education. This all being said, I would not be in favor of that type of development today in this area. I have concerns that with the current zoning a subdivision could people be proposed with three acre lot stretching across the entire lake. With the proposed Lake Hills development, I don't have as much a concern as the development itself is clustered with proposed significant preserved woodlands and 130 acres proposed to be forever wild still have



concerns about the visual impact of the 25 or so units proposed in the light but that should be part of the Planning Board's review to examine the visual impact of those units. If the impact is significant work with the developer to mitigate the impact as would be required with an environmental impact statement. The addition of this 130 acres to the equation as forever wild is the real key to my consideration to move this project to the next phase. I'm not going to pretend nor will I speculate about the many potential impacts of this project. I leave that up to the experts including studies for traffic, water, sewer runoff, pedestrian traffic, cumulative impact, etc. I would rather have that information gathered so that if the project should move forward in the Planning Board process, I will be well informed as to whether or not the project deserves my approval vote should come back to the town board. I believe at this point the developer has provided enough information to work moving forward to the Planning Board for further extensive evaluation, I have certain specific requirements for the planning board to review, which will be memorialized. Excuse me, I would ask me some respect here. Thank you. I have certain specific requirements for the planning board to review which will be memorialized later in the conversation. I also will propose to enact a moratorium on any further PUD application so that the town can review the current law. This all being said, I move that is the opinion of the Town Board of the Town of Liberty. That the proposed plan unit development for the project known as Lake Hills and Swan Lake has submitted sufficient information to move to the next phase of review, the town supervisor was directed to advise the Town Code chapter 147 23 of the town and the town board also directs the Town Attorney to draft the resolution with findings conditions and directors of the town as a supplement to this resolution, which will detail expectations of the town board for further study of specific elements of the proposed PUD for further review by the planning board.

Councilperson Vincent McPhillips

All right, because I've spent many hours going over. So first of all, just give me my time, Frank had his right to go. First of all, a person who has attended these meetings over the last three months, asked why I had no comments during the meetings. I weigh my decisions, and I listen to both sides and then I make a decision. And I have made a decision on how I'm going to vote. Second. I heard through rumors that I was avoiding the last meeting. The last meeting I was not here because I've been on vacation for two weeks, the same two weeks that I go hunting with my family out West and I find that offensive to me. That's my second point. And I hope you let me finish, because I spent all Sunday trying to put this together. I also heard that just developing had no benefit to the town. Well, by God it does, because it would bring in tax revenue. It would have the benefit. It would bring tax revenue because the way this board gives out bonuses and raises to themselves, we need that tax revenue. I'm going say things here tonight, that is going to offend the board and the people that are here. And I'm okay with that. You voted me in for another four years and that's my last four years. The next thing I heard that board members and I'm not on social media, that we're taking graph for their vote one way or the other. I don't always agree with this board but there's no one on this board that's taking graph for their vote one way or the other and that's the truth. The next thing while I was on vacation I heard that everyone was asked on the board to walk the property, I was not asked to walk the property by any councilperson on this board. However, when I was on vacation out west hunting the developer text me, Mr. Wolf, asking me if I wanted to walk to development when I got back. I did not answer him until after I got back. I said to him, Sir, it would be inappropriate for me to walk that property without another town board member and he said, I apologize that no other board member asked you. I said, that's no surprise to me. That's only my own opinion. I do not believe the developer answered all the concerns the people of Swan Lake have and there are a lot of concerns that the people of Swan Lake have. I'm not against people trying to sell their property or development, but this development

doesn't meet the criteria for that piece of property. If it's individual homes or individual septic's. That's one thing but if they bring this back, and answer my questions, and the people of Swan Lake's questions, I would reconsider it. In closing, I do not believe that this Town Board should push it on to the Planning Board. The Planning Board is not where this should come. It should come from Brian McPhillips, Frank DeMayo, Dean Farrand and John Lennon, we shouldn't push when we don't want to make a decision. We shouldn't push something on to someone else. The last thing is I am going to vote no, I'm going to end this because I wrote with answering the concerns of the people of Swan Lake and I will reconsider it but as of tonight, I am voting no sorry. Thank you.

Councilperson Brian McPhillips

I have been pretty adamant of how I feel about this. So there's many things that happen here. Right. So the first is what the actual zoning allows what is being requested from the get go. This has not been a PUD at all, in my understanding of what the code is. I have made the opinion before that I did not get on this town board to be making planning board decisions, however, because it's a PUD and although it's not a special use, it is a special consideration, considering it has been part of our zoning since 1987 and has never been implemented within this town and there's very good reason for that in my idea. The PUD is something that you would put for maybe an older folks development where you're putting an increased density on an area that cannot support that amount of people coming to one area. So how do you supplement bringing that amount of people to a particular area is where maybe you would bring in a park or you'd bring in a shopping plaza or you bring in services that were otherwise unavailable due to that area based on density. That's what the PUD was intended for. This is a circumvention of zoning, which in this room is filled to tell the other members of this board why this a bad idea. The zoning currently right now allows one home, not the rumors that are being told in White Sulphur are of two homes for three acres. One home per three acres. Mr. Wolf has been very open. I can tell you to this board, because it is his property. I would listen to him no different than I would listen to any of you if you were trying to do something on your property. I've advised him from the very beginning that this was not what a PUD was intended for, it was to me is more of a conservation subdivision, or maybe a cluster development or other things that are currently allowed in our zoning, not using this as to set a precedent which is going to affect the entire town. That's why I'm very glad all of you are here today, because this should be relayed to the members of the board of why you're really here. I don't feel as a community, we are against any culture, any person, any religion or any nationalities. That's what makes us and the fact that some of the people are pushing this because it's religion based, or because it's a different person than what we are, you are, or what your neighbor is, that's not why people are here today, people are here today to tell this town board to realize the steps that you're taking, and how misuse of zoning, which is specifically set for the areas that we all choose to reside in whether we choose to live in the village because we need extra services, or whether we choose to be agricultural conservative, because we want the farmer next door, or we want to hunt on our property. Those are things that we choose when we put our homes into to raise our families. This to me is a big mistake for Liberty. I've said it from the beginning.

I personally do not need to sit at the meeting the last time and be told how the planning board process works. I get it. I specifically asked about a dozen questions, because being that this is the town board, this starts here and ultimately ends here, because they are not using the PUD in the way that it was intended. If the plan was to be re-adjusted to what is allowed in that area, that is a different story and I think the people here would understand better if the zoning was used the way it was the comprehension plan was used the



way it was intended. I am obviously a no to this but thank you all for coming out. And I hope your voices can be relayed on other people who don't understand the precedent that they're setting today.

Councilperson John Lennon

I think there's a lot of things that have been misrepresented here tonight. I think as far as my vote goes, as I read over this, and spent a lot of time thinking about this, looking at the zoning, in 1987 it was a whole different world here. I think that PUD thing was put in place back in 1987 without a lot of thought to it. And then it's just been on the books. Now nothing for nothing. I believe these people have researched and they do research everything that goes on and all the laws and all the rules that the town has. And have all the know how to kind of twist things. The way I saw it, I read that PUD law and I read an article 4 for an article 4 is very vague. It's written how an attorney would write something, okay? So that anybody can interpret it as any way they want it to be. That's where I'm coming from. Okay

I know and you're all telling me what I'm saying. And I haven't said anything yet. Right. Okay, so basically, the way I see it, I'm not really in favor of it. Okay. My votes going to be a no.

Councilperson Dean Farrand

So it's already failed three people against it. I had two pages to read here, but I'll just get down to my opinions as to where I am. So after reviewing all the applicable documentation, listening to the public comments, reviewing written comments having an intimate knowledge of the process, having been on the planning board for six years, and re-doing the thoroughness of the process to come. It is my informed opinion to state that this sketch plan, which is the first step in a five step process, this process will take close to a year is my informed opinion, to state this sketch has met the merits to move forward to the Planning Board. That way, you know, at least where I stood.

The Board then took a roll call vote as to who is in favor of the PUD submitted by Lake Hills Estates, LLC to move forward to the Planning Board.

Supervisor Frank DeMayo	YES
Councilperson Dean Farrand	YES
Councilperson Brian McPhillips	NO
Councilperson Vincent McPhillips	NO
Councilperson John Lennon	NO

Attorney Kenneth Klein

You as a board voted down the motion to go vote to mover this thing forward so the PUD application at this point is dead. If you guys introduce and adopt the moratorium and if they bring back a new application for a PUD that will be bound by that moratorium.

Supervisor DeMayo

I would I would personally like to thank the public for attending these meetings and for rendering, you know, your opinions and I think throughout this process, it's been a healthy discussion.

Nancy Levine

This is a wonderful start to the way our town works and how things can be. I don't think anybody in this room is opposed to developments. We just want people to follow the rules and do things the right way. At the last meeting I listened to Jacob Billig give us information on all the things that have to be done before the PUD is approved by the Planning Board. The problem has been that the residents of the town do not trust the boards to do the right thing. Too many times we have seen projects go through which damage the environment, and developers go unpunished when they violate the town's code. If you look at the fiasco on Devaney Road where nine two-family homes are being built with their front yards right next to the road, every single tree on this property was removed. We were told that the town does not want barrack style housing, yet this is a perfect example of barrack style house. Even more building permits were issued on this property when only one meets the town code. The code states that homes using private wells must have a minimum lot size of 30,000 square feet. The Code states that homes using private wells must have a minimum lot size of 30,000 square feet. Eight of these properties have just over 11,000 square feet. So how did they get permits? None of these are in a water district. The previous administration also made an agreement with Stacey Yaun, and now Damon, that they would sign off for a permit before they were issued to make sure that their sewer capacity which there is not this time, this sign off is not happening? How can permits be issued when the EPA and the DEC have already cited the town for violations. Both Frank and John told a prominent Swan Lake person that they will do a stop work order on Devaney construction. So why is work continuing? It seems to me that certain individuals are allowed to break the rules while the rest of us have to follow them to the letter. Shame on anybody who was allowing this to continue, I think that tonight, maybe a new beginning people being involved in the town, showing that we're interested in showing that we love our community. And I hope to see this happen again.

Kathy Horton

My name is Kathy Horton, and I'm a native of Liberty. It's interesting, I don't know how we got this far. I was wondering you said that meetings started over the summer, I was one of the very few people at those beginning meetings. When the folks that wanted to do the development made their presentation it clearly violated the code, clearly we should have said then at that point no, that this plan violates our code, the code of the township so at that point is when we should have said no. Now if you look if you look at for example, and I know Neversink has their own income same kind of thing was brought to them and in the very first meeting it was no. Done it was over. Why is there a process with something that doesn't fit with the Town Code? It doesn't work it doesn't fit.

Bob Fix

Can we get a clarification for the intellectually inept like myself. Now the vote of no was for the PUD that was classified as 90 buildings. 180 families, right? That would be 90 buildings 180 families because they were duplexes. The coding now with nothing changed is good for 45 homes. So that part technically has not changed and if that wants to go through, that still can go through with whatever studies that need to be done, nothing has to be technically changed. The only thing that has to be changed is the zoning. If we go with the 90 building 180 family home. Right? Is that what we voted on that there was not going to be a 90 building unit but 45 is still legal? Is that what we're talking about? So all we did is we did the over exaggeration of the property and we're back to normalization of the property. Is that where we stand? Yes? I'm not really sure. That's why I got to ask questions. So stupid knowledge is a required trade, if you don't ask questions, you're not going to learn anything.



Councilperson Brian McPhillips

So every zone within the Town of Liberty has certain designation of which they're allowed to have, right, this particular district is allowed one home per three acres. So based upon the math, they are allowed to do what that I think it's 80 acres, what holds what say 79 something acres, so whatever would fit four acres. Yeah, there's so there's, it's in our district and our RD district and an R1 district. So portions thereof are going to be subject to the code, the town code, so everybody understands is on the town website. It's Code E360. It's very informative. Everybody should know it. And you can look up zoning designations especially since you know what you can and cannot do within your own property. It's, it's pretty insightful. So what would happen is, they would be able to win as would anybody go to the planning board with what they would like to do as long as it fits in their zoning designation, the reason that this specific zoning issue came to the Town of Liberty, the board, not the planning board is because it was a PUD, which the process automatically came to the town board first, in order to move it forward to the planning board. If this board would have approved it to move to the planning board, the planning board would have done its due diligence, made their own determination. But because it was a PUD, it would have come back to the town board for final determination. The decision today was meaning that the PUD did not satisfy the application for what a PUD meant. So therefore, this PUD has been denied by this town board. And then from that the town board has put a moratorium for at least three months with two more consecutive three months after that, to have a discussion which will involve the public and look into comp plans and where the boards feel that this town should be going. So that's where we are today.

Harriet Dorfman

I am concerned that I think it's wonderful we all came out we got it voted down. We're including people on the board who followed what we asked, however, you're aware, Brian is leaving the board we will have a new board member so just be prepared that this is going to go forward with other things down the road. Brian will not be here. We don't know how the new legislator will vote. That's my point is we all have to stay with the program, because Brian is gone so there are only two and a one. And you need to know well two and two. This new council person taking that seat, and we do not know that person's opinion. Okay. And so you really need to stay steadfast on this. This is not over believe me. I'm sure it is not over.

Cora Edwards. First of all, I want to thank every single person who could be watching TV at home, who could be talking to their family has come here tonight to show that they really care about what happens to Swan Lake, the water, the wetlands, the wildlife, the views, and not to mention, the sewer. I also would like to take the opportunity to thank the people that voted not to pass a PUD that as someone already said, never conformed to Section 147-23 of the town code. This started in May and here we are in December. So I want to thank John, I want to thank Vince. I want to thank Brian, for understanding the impact that a PUD can have on a community on a town on a county level. If this PUD had passed tonight, do you know what would have happened to the golf course? Do you know what would have happened to that area of Grossingers, it would set a big signal saying you don't have to follow the requirements of the town code. It's a free for all. So the fact that there's some brakes on this runaway train is due to everyone who's come here and for you guys who have represented the people who have voted for you.

Sheila Parks

I want to say thank you. I want to say thank you to Nancy Levine, who is always a motivating factor in issues like this first. The presence here is because development is great. It's really great. I think we all want

development. We wanted to follow the rules but we must understand that this particular proposed development didn't just impact Swan Lake. It impacted the whole county. So if you guys want to do development, I suggest you do an opportunity costs of how that's going to impact county taxes. Right. So, for example, transportation, a huge cost for the county for early education matters where transportation costs for delivery School District. Anyone who's entered into early education or early intervention, the county is responsible for that transportation for anyone who requires medical transportation in school for special needs, the county pays for them. I issue purchase orders through every day for county feeds that are impacted by each town and what they do. We have to pay plowing we do most of the plowing for the towns throughout the county, not all of them, but a lot of them. But if you guys want to do development, show your taxpayers actual numbers for how it's going to benefit us, right.

You want to represent your districts then share with your districts how much money these developments would bring in, and how much the county is going to pay for the expansion of development. We have students walking to Liberty School District, on sidewalks where they find the most basic thing, getting kids to school. And the town and the county are now working hand in hand to make sure that their safety for the kids that's just a basic thing. Like you want to have a PUD so I just think that you should give real numbers you should show how much it's going to cost the taxpayers and how much it's going to benefit us and then we can we can support you.

#### BOARD DISCUSSION

Councilperson Brian McPhillips- Nothing to report

Councilperson Vincent McPhillips-Nothing to report

Councilperson Dean Farrand-The Christmas celebration on Saturday was very nice. Kudos to James and everybody else.

Supervisor Frank DeMayo

Sullivan County Catskills Association market on Saturday.

Night in Bethlehem at the Vine & Branch Church.

Parksville Railtrail Stroll from 3:30 to 4:30 followed by the menorah lighting at 4:30.

Saturday the 16<sup>th</sup> El Camino de Guadalupe Parade at 6:00. There will be a procession from St. Peters to the church on South Main St.

#### ADJOURN

The Town Board does hereby adjourn the meeting at 8:48 p.m.

Motion: Councilperson Dean Farrand

Seconded: Councilperson John Lennon

5 AYES Carried

Respectfully submitted,

Town Clerk, Laurie Dutcher



TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 12/18/23

TIME: 7:00 PM

At the Regular Meeting of the Town Board of the Town of Liberty held on 12/18/23 at 7:00 p.m., the following were present:

**PRESENT:**

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson John Lennon

**ABSENT:**

Councilperson Vincent McPhillips

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Confidential Secretary Nick Rusin  
Finance Director Cheryl Gerow

**PLEDGE OF ALLEGIANCE**

**CORRESPONDENCE**

**INCOMING**

1. Memo from Finance Director Gerow regarding the 2024 Monthly Insurance Rates.
2. Report from the State of New York Department of Taxation & Finance Office of Real Property Services regarding Sunsoree Young's Continuing Education Status Report as of 11/30/23.
3. Email from Nancy Levine regarding construction on Devany Rd.

**OUTGOING**

**ACCEPTANCE OF INCOMING CORRESPONDENCE**

The Town Board of the Town of Liberty does hereby accept the incoming correspondence.

Motion: Councilperson Dean Farrand  
Seconded: Supervisor Frank DeMayo  
4 AYES Carried

**APPROVAL OF AUDITS**

The Town Board does hereby approve of the audits as follows:

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1. Approval of the audit:

- December, 2023 Abstract Claims #2019 to #2192 totaling \$710,067.12
- November, 2023 Post Audit Claims #1996 to #2018 totaling \$122,981.29
- November, 2023 General Ledger Abstract Claims #371 to #404 totaling \$699,868.25

Motion: Councilperson Dean Farrand

Seconded: Supervisor Frank DeMayo

4 AYES Carried

**ACCEPTANCE OF MONTHLY REPORTS**

The Town Board does hereby accept the monthly reports as follows:

1. Town Clerk's Monthly Report 12/23
2. Revenue & Expense Report 12/23
3. Supervisor's Report 12/23

Motion: Councilperson John Lennon

Seconded: Supervisor Frank DeMayo

4 AYES Carried

**APPROVAL OF MINUTES**

The Town Board does hereby accept the following minutes as submitted by the Town Clerk:

- Budget Public Hearings 10/8/23
- Regular Monthly Mtg. 11/20/23

Motion: Councilperson John Lennon

Seconded: Councilperson Dean Farrand

4 AYES Carried

**NEW BUSINESS**

**APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING, DPC FOR ENGINEERING SERVICES FOR WSS PHASE 10 PROJECT IN THE AMOUNT OF \$6,232.00**

The Town Board does hereby authorize the payment of voucher to Delaware Engineering, DPC for engineering services for the White Sulphur Springs Phase 10 Design Services in the amount of \$6,232.00.

Motion: Councilperson Dean Farrand

Seconded: Councilperson John Lennon

4 AYES Carried

**APPROVAL OF VOUCHER FOR DELAWARE ENGINEERING, DPC FOR ENGINEERING SERVICES FOR WSS PHASE 10 PROJECT IN THE AMOUNT OF \$21,575.20**



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The Town Board does hereby authorize the payment of voucher to Delaware Engineering, DPC for engineering services for the White Sulphur Springs Phase 10 Design Services in the amount of \$6,232.00.

Motion: Councilperson Brian McPhillips  
 Seconded: Councilperson Dean Farrand  
 4 AYES Carried

**APPROVAL OF VOUCHER FOR TWEEDIE CONSTRUCTION FOR CONSTRUCTION SERVICES FOR WSS PHASE 10 PROJECT IN THE AMOUNT OF \$219,564.18**

The Town Board does hereby authorize the payment of voucher to Tweedie Construction for construction services for the White Sulphur Springs Phase 10 Design Services in the amount of \$219,564.18.

Motion: Councilperson Brian McPhillips  
 Seconded: Councilperson John Lennon  
 4 AYES Carried

**SUPERVISOR AUTHORIZED TO EXECUTE THE 2023 SULLIVAN 180 COMMUNITY IMPACT GRANT IN THE AMOUNT OF \$100,000 FOR THE INSTALLATION OF A BASKETBALL COURT**

The Town Board does hereby authorize the Supervisor to execute the 2023 Sullivan 180 Community Impact Grant in the amount of \$100,000 for the installation of a basketball court.

Motion: Councilperson Dean Farrand  
 Seconded: Councilperson John Lennon  
 4 AYES Carried

**APPROVAL OF THE 2023 BUDGET TRANSFERS & MODIFICATIONS**

The Town Board does hereby approve the following 2022 budget transfers:

2023 Budget Modifications		
A 3083	\$100,000.00	
A 1983.4		\$100,000.00
2022 Golden Feather		
A 3082	\$50,000.00	
A 1982.4		\$50,000.00
2022 Silver Feather		
A 3078	\$30,068.63	
A 1978.4 (857 Parksville Rd)		\$30,068.63

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Restore NY Grant		
A 4089	\$34,692.18	
A 1980.1 (Beautification)		\$ 2,097.75
A 1980.4 (Beautification)		\$ 539.51
A 1980.42 (Infrastructure)		\$25,643.02
A 1980.43 (Chamber Funds)		\$ 6,411.90
AARPA Funds		
DA 4089	\$82,000.00	
DA 5130.22(Gradall)		\$82,000.00
AARPA Funds		
A 3084	\$500.00	
A 1984.4		\$500.00
Sullivan 180 B'Kawk Festival		
A 3062	\$15,000.00	
A 1962.4		\$15,000.00
2023 Sullivan Renaissance		
DB 2680	\$2,880.00	
DB 5110.4		\$2,880.00
Insurance Recovery for road damage (Tanzman Road)		
W3 2680	\$13,556.26	
W3 8311.4		\$13,556.26
Insurance Recovery for Lightening Damage (07/15/23)		
W4 4089	\$12,400.00	
W4 8311.31		\$12,400.00
ARPA Funds for WSS Phase 10		
S4 2120	\$9,112.05	
S4 8110.4		\$9,112.05
Adjust Revenue/Expense for large water leak within District		

Motion: Supervisor Frank DeMayo  
 Seconded: Councilperson Dean Farrand  
 4 AYES Carried

**APPROVAL OF 2021-2024 SNOW & ICE CONTRACT**



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DATE: 12/18/23  
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The following resolution was duly moved, seconded and adopted:

**RESOLVED**, that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads with the Town, The Supervisor be and he is directed to execute a contract with the County of Sullivan for the Town to undertake and perform snow and ice control on County roads located in the Town for the period beginning July 1, 2023 and ending June 30, 2024 and any extensions thereof duly authorized as provided in such contract at the rate therein provided or hereafter approved

**PRESENT:**

Supervisor Frank DeMayo	Yes
Councilperson Dean Farrand	Yes
Councilperson Brian McPhillips	Yes
Councilperson Vincent McPhillips	Absent
Councilperson John Lennon	Yes

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**AUTHORIZATION FOR SUNSOREE YOUNG TO CARRYOVER UP TO 11 DAYS OF VACATION TIME TO 2024**

The Town Board does hereby authorize Sunsoree Young to carryover up to 11 days of vacation time to 2024.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**AUTHORIZATION FOR EILEEN JACKSON TO CARRYOVER UP TO 10 DAYS OF VACATION TIME TO 2024**

The Town Board does hereby authorize Eileen Jackson to carryover up to 10 days of vacation time to 2024.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson John Lennon  
4 AYES Carried

**AUTHORIZATION FOR TAMMY WILSON TO CARRYOVER UP TO 20 DAYS OF VACATION TIME TO 2024**

The Town Board does hereby authorize Tammy Wilson to carryover up to 20 days of vacation time to 2024.

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Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**AUTHORIZATION FOR TAX COLLECTOR TO ACCEPT TAX PAYMENTS OF +/- \$5.00**

The Town Board does hereby authorize the Tax Collector to accept tax payments of +/- \$5.00.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
4 AYES Carried

**AUTHORIZATION FOR TAX COLLECTOR TO SWITCH TO SYSTEMS EAST, LLC FOR TAX COLLECTION**

The Town Board does hereby authorize the Tax Collector to switch to Systems East, LLC for Tax Collection.

Motion: Councilperson John Lennon  
Seconded: Councilperson Dean Farrand  
4 AYES Carried

**AUTHORIZATION FOR TAX COLLECTOR TO USE M&T LOCKBOX SERVICES FOR 2024 TAX COLLECTION**

The Town Board does hereby authorize the Tax Collector to use M&T Lockbox services for 2024 Tax Collection.

Motion: Councilperson John Lennon  
Seconded: Councilperson Dean Farrand  
4 AYES Carried

**AUTHORIZATION TO HIRE PETER MANNING FOR ASSISTANCE REVIEWING THE PUD, FLOATING ZONE FOR HOTELS & THE DCC AREA IN SWAN LAKE IN AN AMOUNT UP TO \$5,000**

The Town Board does hereby authorize the hiring of Peter Manning to assist in reviewing the PUD, Floating Zone for Hotels and the DCC area in Swan Lake in an amount up to \$5,000.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR 2023 ENTITLED "A LOCAL LAW ESTABLISHING A MORATORIUM WITH RESPECT TO PLANNED UNIT DEVELOPMENTS IN THE TOWN OF LIBERTY, SULLIVAN COUNTY, NEW YORK"**



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DATE: 12/18/23  
TIME: 7:00 PM

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, in said Town, on the 18<sup>th</sup> day of December, 2023, at 7:00 p.m., prevailing time.

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

PRESENT: Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson John Lennon  
ABSENT: Councilperson Vincent McPhillips

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

**BE IT RESOLVED**, that introductory Local Law No. 3 of the Year 2023 entitled "A local law establishing a moratorium with respect to Planned Unit Developments 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

**BE IT FURTHER RESOLVED**, that the Town Board hereby determines that the aforesaid local law constitutes a Type II Action as defined in 6 NYCRR §617.5(c)(36) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required; 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 hold a public hearing on the aforesaid local law at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, at 6:15 p.m., prevailing time, on December 3, 2024; 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 Frank DeMayo	voting	AYE
Councilperson Dean Farrand	voting	AYE
Councilperson Brian McPhillips	voting	AYE
Councilperson Vincent McPhillips	voting	ABSENT
Councilperson John Lennon	voting	AYE

The resolution was thereupon declared duly adopted.

**SUPERVISOR AUTHORIZED TO SEND A LETTER OF INTENT TO APPLY FOR \$13,000,000 FROM THE NYFAST PROGRAM FOR WATER & SEWER LINES UP THE RT. 17 CORRIDOR IN FERNDALE**  
The Town Board does hereby authorize the Supervisor to send a letter of intent to apply for \$13,000,000 from the NYFAST program to install water & sewer lines up the Rt. 17 corridor in Ferndale.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**PUBLIC PARTICIPATION**

**Mike Edwards**



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I'm glad that Mr. Mizrahi is here because I'm sure he'll want to add to what I'm going to say. I also wrote a letter which can be shared with people if they want about construction on Devany Road. Both letters make three basic points. The first is that we were promised by you, Frank that you didn't want warehouse style housing and here we are with 36 very large houses a couple of feet apart on a rural lane opposite a completely different kind of community than Indian Lake. I'm certainly not against development, nor is Nancy, but this seems to be exactly the kind of housing you're steering away from. Secondly, a FOIL request that I made and then Nancy investigated, seems to indicate that permits were given when they shouldn't have been given because this construction does not meet the town code requirements for minimum lot size or maximum building coverage. Thirdly, related to that, both she and I would want to know, and I realize this isn't a give and take session but we do want to know why these permits were issued, when they don't appear to be in conformance with the Town Code. This is nothing personal against development we all deserve as taxpayers fair and equal treatment by the Building Department when we apply to do some construction and we want to make sure that this happens in this case, and in every other case that may come before the board.

**Supervisor DeMayo**

Okay, thanks, Michael. Normally, I don't go back and forth but we did meet with counsel to discuss this particular issue when Nancy brought it up because actually it was quite a while ago, because she asked about how the water you know how the water was how the water was going to be dealt with. I didn't say although she said I suggested that I definitively said I said, I don't know maybe they're poking holes in the ground. That's exactly what he said. But I didn't know. We did take a look at that. There were there are some resolutions to this. I got your letter today. It didn't make packet but we'll put it in the next next packet. And I will be sure that getting an answer to that. And we'll we'll make that public record also. And I referred to the Fusco engineering building, so that they can answer that. Okay.

**Abraham Mizrahi**

I would like to have the board, like he just had mentioned that I want to be treated equally meaning to say we moved up here about five years ago and two years ago when anybody would walk on Main Street on the weekends. We didn't see what we see right now. Now we see a beautiful downtown where hundreds of people every weekend walk-through and do a lot of shopping. I will take a lot of credit for this. Due to what I brought up a lot of jobs for the Hispanic, Black, White, and Jewish community up to Sullivan County in Liberty, New York, especially. I'm working hard in the in the village and in the town to upgrade housing, I bought buildings from slum lords in the Town of Liberty and updated and upgraded the houses made beautiful out of it. And I'm having happy tenants and making sure that everybody in this town is happy. And that brings people to come up to live up here take jobs up here. Now when I mentioned the word that I would like to be treated equally, like you said, the precedent of this town was that whenever anybody walked into the building department, there's a code that if you have a pre-existing one you can build as long as it's often said that you can build it's a single family detached Liberty they didn't know that the Building Department found a liberty and that's in the past as well not only now since Fusco took over that's before and that was given to non-Jewish people. Same as Jewish people and anybody walk in they will get a permit that they have a preexisting lot and I was on do we get it to family and are these only they would get a single family just that was present in the town. Now, since Abraham Mizrahi came up, of course, Nancy

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Levine stood up right away, and tried to bust me. Why? Just because I'm trying to help the town and I guess she has some issues personally with me. What happens is that because I'm not the type of guy, which I'm going to sue the town to say, Oh, you gave me permits, and now I want to sue you, because you are trying to revoke my permits, because you make me you make me do more work on my project more than what I would have to do. I'm being bullied. It's not because it sounds bad to me that I'm trying to avoid being bullied, just simply because those people are trying to take the Town as they try to bully town and me as a stick they're using as a stick to bully the Town all the time, they take me to an article 78 against the Town and it's not once that they they're doing it but again and again, just to bully the Town Members. They're using me as a stick but I am a human being and I have a heart in my body, you have blood flowing in my body. There's no reason to make me lose so much money on a lot of projects, just because I won't say what I am, but you know exactly what I am. And that's exactly why I'm being treated that way by one group of people for solid. And I don't think it's fair. As you said, it's not fair to treat one different than others. The Town is treating me differently just because of Nancy Levine, Cora Edwards and her husband, Michael Edwards, those group of people are being treated much more differently, I have to pay much more money on my projects. By the end saying that my houses are warehousing, I'm being insulted by this, because as you all know, you can drive by, but he doesn't even know how the sidings going look even if you look at the houses, which I've done the siding, you can look at the windows, you can look at the entire detail, there's a lot of ins and outs, the roof layout of this building, it's not box. Whereas this is just a way how to insult me again and again and again, try to bully me and there's no reason. I got my permits very fairly. Now I'm being bullied and I'm being asked to do a lot of work on my project. This is unfair for me to have to do all of my water testing everything I'm doing right now, just to be able to please the Town to be able to get my permits, which I got fair, I just pulled my permits I walked into the Town I gave my building permits. I gave everything I needed everything the right way. Now I'm asked, don't poke holes in the ground do not do wells do one big system. They're trying to believe this as well. There's no reason for me to be bullied different than others, please stop bullying Mr. Mizrahi right, which is only trying to do better for the Town, I'm not trying to make it sound worse. I'm actually helping the Hispanic, Black, White and Hasidic community at the same time. It's well known that what I'm saying right now, I'm helping every single culture in this town, I'm very across board 100%, across the board, I invested a lot of money on Main Street, a lot of money in my street, millions of dollars on Main Street, I didn't do it for our community, I didn't do it for the Hasidic community saying I did it for our community as a whole, just my culture, I worked I gave free rent for the mosque for an entire year, they are not even my religion. And I'm trying to work across board 100%. And I don't think it's fair to treat it differently. And I would like to ask the board whenever those people, which I mean, Nancy Levine, Cora Edwards, and also Michael Edwards comes into the town and asked the town to bully me again and again, please treat me fairly and make sure that they don't the town shouldn't ask me to do more work than I would have asked anybody else. Just because you guys are afraid of those people suing you guys. Thank you so much. I really appreciate your service.

**Supervisor DeMayo**

Thank you. And I'll address this too. Because we met with counsel and we're working on a resolution. I think that's a fair thing to do. So but we do have an obligation to answer inquiries from the public and we will do that also.



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**Linda Burkhardt**

Good evening. My name is Linda Burkhardt and I actually live in Broome County, which is in northern Broome, which is up near Binghamton and I have been volunteering for New York citizens audit for almost two years. I'm not an official spokesperson for them that privilege goes to our executive board. Everybody else in the organization including our executive board of volunteers nobody gets paid in our organization. We're a 501C3 and what we are after kind of on a mission and a little history of NYS citizens. They have foiled the New York state voter database now five times, what we wanted to do was to see what the registrations looked like within New York State voter database, really with no high expectation of finding anything anomalous or out of order and the contrary was quite true. There are a number of apparent violations according to election law that are occurring within our New York state voter database. I really want to stress we are referring to the state voter database, we are not talking about the counties, the counties can't even access the New York State voter database so this is strictly at the state level. We had a data team or what we call our research team, examine one once they got the database, they examined it, and they queried for different things and the one big thing I'd like to talk about is that they have found approximately 5.1 million registrations within the New York state voter database that are apparently in violation of election and voter registration laws. Things like missing birth dates, changed birth dates, missing addresses, you cannot vote if you don't have an address, you don't know which precinct you should be even voting at and people that have voted twice, dead people that have voted, there's just a plethora of different things and it varies by area. Obviously, the highly dense and densely populated areas are going to have more of these very obvious issues, over registrations in counties is an issue. Nassau County is well over 100%. Westchester has over 100%, Erie counties over 100% and then in other counties, that kind of varies by age. So there are all these apparent anomalies that we feel need to be explained, we sent the 5.1 million lines of registrations to the Division of Election Law Enforcement, which is under the umbrella of the New York State Board of Elections, the New York State Board of Elections has never been audited ever personally, for me, I'm beginning to wonder where all that data is housed. That's my big question today as I learn more and more. So there's a lot of questions. Why is this happening? There appears to be a manipulation of the data within the database as well. Any of you that have had an account hacked or pirated or whatever, you kind of get the feel that you, you feel like you don't have any control and by sista (?) standards, according to what our researchers found, there is a total loss of control in the New York State motor database. We are here to have you look at the information, read the resolution we'd really like you to support the what is going on movement is kind of like how I'm looking at it. We're trying to educate everybody, because I don't think anybody knows that anybody foiled the New York State Voter database unless we come and tell you, so we're here and we're hoping that you'll digest the information, say, yeah, there's something wrong and something needs to be done about it. Because we had continued to have elections after election, even after we supplied all of this, all of the research findings, after the foils to Secretary State, Attorney General, New York State Board Of Elections, State Police, who sent it on to the FBI. So we've tried to do our due diligence, as far as educating the people of the upper level. So we've returned to the grassroots level for a push from the grassroots level but, people this is a civil rights issue because if there's 5.1 apparent registrations that don't belong in the New York State Water database, can they get used? If they can get used that dilutes my vote, dilutes your vote and your vote and so we can't be sure unless there's an audit. I think an audit would really benefit everyone, because then

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there will be no question as to the validity of the process of our elections, at least here in New York State. Thank you very much.

**Deborah Flurry**

Good evening I'm Deborah Flurry. I live here Loch Sheldrake. I became a volunteer with New York Citizen's audit a little while ago basically after I started reviewing the information that's available on the website, the information that's on the handouts that we have. I worked for 37 ½ years for Department of Corrections protecting the state's assets through dozens of audits, and I can understand you guys go through audits, I don't understand why New York State Board of Elections is not audited. Why is this voter roll in such a mess? Okay, we've got people from 2016 election 2020 election and everybody's fighting about what the real outcome is. We need to stop. We need to stop fighting. People have lost relationships over these last couple elections, because, you know, nobody wants to believe it. Everybody's crying foul play on the upper levels. It needs to stop, win or lose. Show us the proof. Thank you.

**Holly Gretzy**

I'm going wrap it up. Okay. I promise. I'm Holly Gretzky, and I'm also from Broome and I promise I'm going wrap this up. We held a wonderful data conference with the 10 supervisors about 8 weeks ago and we had our data folks really go through all of the information, which is quite, quite amazing. I handed you some summary sheets and I'll just go right to the bottom of the summary sheets, because you all can read them yourselves. It really comes down to the election validity and how many allowable errors under federal law, you're allowed here in New York State? For 2022, we were allowed 48 errors. That is one vote in error for every 125,000 ballots cast. We had 745,246 errors. Is that close, not even close and basically, so we followed through with the 2020 allowable errors, we were like seven date, we had 960,476. Again, is that close? Not even. So I want to just to tell you all that right now this resolution is before the Sullivan County Legislature for a vote this coming week and so we've been in all the towns, and we're here in Liberty, to basically introduce you to the resolution, because we really need your support. You guys as a Town Board, and as a town have a lot of power, because we're coming from a grassroots level. So that's what we're here to do. We want to thank you very much for your patience and your understanding. I know its public comment but if there are any questions, I know that some of the other folks here the council people have not had the benefit to really absorb the information. I don't want to take precious time to go over it but the summary sheets really tell the whole story. So I'm going to wrap up, I do want to tell you that statewide, we have a total of 64 signed resolutions from towns and 20 counties and the support for this resolution to defend our vote is extremely strong in the southern tier and Central New York region which our team is covering. So it is this part of the state which is defending our vote as New Yorkers and to be honest, this problem isn't we're not finger pointing at any county board of election. The problem isn't at the local levels, it's statewide, there's something happening at a state or an out of state level. Our group we cover 15 counties and quite honestly, we understand that the boards of election are doing their very best. In fact, Linda and I work with them on Election Day a lot of our people do and we can see from our vantage point that they're working very diligently. It's at a state or an out of state level. So we just want to share that with you because it's really important that we stand together as New Yorkers so that if our votes are being diluted down state we need to stand up and defend our vote. I want to thank you very much for your time



TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 12/18/23  
TIME: 7:00 PM

for your service. I want to wish you guys a Merry Christmas, Happy New Year and Happy Hanukkah. Thank you very much.

**BOARD DISCUSSION**

Councilperson Brian McPhillips

Read his resignation from the Town Board as Councilperson as of 12/31/23.

Councilperson John Lennon

Thanked Brian McPhillips for his 10 years as a Councilperson.

Councilperson Dean Farrand

Thanked Brian for his 10 years of service.

Supervisor Frank DeMayo

Thanked Brian for his 10 years of service.

Test pits were dug at Walnut for the pavilion test results will be in shortly

**EXECUTIVE SESSION**

The Town Board does hereby go into Executive Session at 7:35 p.m. to discuss personnel and contract negotiations.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
4 AYES Carried

**TOWN BOARD SUSPEND'S THE TOWN'S HEALTH CARE COVERAGE CONTRIBUTION CAP UNTIL JUNE 30, 2024**

The Town Board does hereby suspend the Town's Health Care Coverage Contribution Cap for both single (\$13,000) and family (\$26,000) until June 30, 2024 while the Town Board explores insurance options due to the increase in cost for the Excelsior program. Employees will still continue to contribute 20% in accordance with the current policy.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
4 AYES Carried

**JORDAN COHEN HIRED AS CLERK IN ASSESSOR'S OFFICE AT A SALARY OF \$38,623.00 AS OF 12/29/23**

The Town Board does hereby hire Jordan Cohen as clerk for Assessor's Office at a salary of \$38,623.00 effective 12/29/23.

Motion: Supervisor Frank DeMayo

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 12/18/23  
TIME: 7:00 PM

Seconded: Councilperson Brian McPhillps  
4 AYES Carried

**OUT OF EXECUTIVE SESSION**

The Town Board does hereby come out of Executive Session at 9:30 p.m.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
4 AYES Carried

**ADJOURN**

The Town Board does hereby adjourn the meeting at 8:50 p.m.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
4 AYES Carried

Respectfully submitted,  
Town Clerk, Laurie Dutcher



TOWN OF LIBERTY END OF YEAR MEETING  
120 NORTH MAIN STREET LIBERTY, NY 12754  
DECEMBER 28, 2023  
3:00 P.M.

At the End of Year Meeting of the Town Board of the Town of Liberty held on December 28, 2023 at 3:00 p.m. at 120 North Main Street, Liberty, New York, the following were present:

**PRESENT:**

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson John Lennon

**ABSENT:**

Councilperson Vincent McPhillips

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Finance Director Cheryl Gerow  
Confidential Secretary Nick Rusin  
Manny Steinberg  
Ari Halpern

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AUDIT**

The Town Board of the Town of Liberty does hereby approve the audit as follows:

1. December, 2023 Post Audit Abstract:
  - Claims #2193 to #2270 totaling \$462,920.67

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
4 AYES Carried

**NEW BUSINESS**

**APPROVAL OF THE 2023 BUDGET TRANSFERS & MODIFICATIONS**

TOWN OF LIBERTY END OF YEAR MEETING  
 120 NORTH MAIN STREET LIBERTY, NY 12754  
 DECEMBER 28, 2023  
 3:00 P.M.

The Town Board of the Town of Liberty does hereby authorize the following Budget Transfers and Modifications:

A 3068	\$9,631.25	
A 1968.4		\$9,631.25
2018 Golden Feather Grant		
A 3069	\$2,000.00	
A 1969.4		\$2,000.00
Plans and Progress Grant		
DB 4089	\$5,477.00	
DB 5110.41 (Tire Disposal)		\$5,477.00
ARPA Funds		
MO 4089	\$40,000.00	
MO 8310.2 (Jet Vac)		\$40,000.00
ARPA Funds		
DB 2706	\$37,350.00	
DB 5110.4		\$37,350.00
Hazard Mitigation Grant		
A 2680	\$742.05	
A 1620.4		\$742.05
Town Hall Insurance Recovery (floor repairs)		

TOWN OF LIBERTY END OF YEAR MEETING  
 120 NORTH MAIN STREET LIBERTY, NY 12754  
 DECEMBER 28, 2023  
 3:00 P.M.

2023 Budget Transfers

Account	To (+)	From (-)
A 1220.1	\$ 12,125.00	
A 1330.4	\$ 1,542.00	
A 1355.1		\$ 6,830.00
A 1355.4	\$ 6,830.00	
A 1410.1	\$ 74.00	
A 1410.4		\$ 1,616.00
A 1440.4	\$ 2,313.00	
A 1620.4	\$ 5,817.00	
A 1620.3		\$ 5,817.00
A 1670.4	\$ 1,237.00	
A 1910.4	\$ 3,500.00	
A 1920.4	\$ 55.00	
A 1930.4	\$ 12,610.00	
A		
1978.43	\$ 136.00	
A 1980.4	\$ 45.00	
A		
1980.42	\$ 229.00	
A 1981.4	\$ 175.00	
A 1984.4	\$ 500.00	
A 1990.4		\$ 25,000.00
A		
3310.41	\$ 200.00	
A 3310.4		\$ 200.00
A 3510.2	\$ 121.00	
A 3510.4		\$ 121.00
A 5010.4	\$ 1,871.00	
A 5132.2	\$ 1,706.00	
A 5132.4		\$ 3,577.00
A 7020.1	\$ 5,000.00	
A 7020.4	\$ 800.00	
A 7020.2		\$ 600.00
A 7110.2		\$ 2,500.00

Account	To (+)	From (-)
MO 1440.4	\$ 1,070.00	
MO 1910.4	\$ 352.00	
MO 8110.4		\$ 1,422.00
S1 9901.9200	\$ 340.00	
S1 9901.9600	\$ 1.00	
S1 8110.4		\$ 341.00
S2 8110.4		\$ 1,355.00
S2 9901.9200	\$ 1,355.00	
S4 9901.9600	\$ 1.00	
S4 9901.9200	\$ 335.00	
S4 8110.4		\$ 336.00
W1 9901.9600	\$ 1.00	
W1 9901.9200	\$ 462.00	
W1 8310.4		\$ 463.00
W2 9901.9400		\$ 18,275.00
W2 8310.4	\$ 960.00	
W2 8310.41	\$ 16,488.00	
W2 9901.9200	\$ 826.00	
W2 9910.9600	\$ 1.00	
W3 8311.4	\$ 9,273.00	
W3 9711.6	\$ 7,500.00	
W3 9901.9200	\$ 944.00	
W3 9901.9600	\$ 1.00	
W3 9901.9500		\$ 17,718.00
W3 9711.7	\$ 43,122.00	
W3 9901.9500		\$ 30,000.00



TOWN OF LIBERTY END OF YEAR MEETING  
 120 NORTH MAIN STREET LIBERTY, NY 12754  
 DECEMBER 28, 2023  
 3:00 P.M.

A 7110.4		\$ 1,200.00
A 7110.1		\$ 1,500.00
A 7111.1	\$ 3,046.00	
A 7111.4	\$ 2,880.00	
A 7111.2		\$ 500.00
A 7140.4		\$ 550.00
A 7150.1		\$ 9,200.00
A 7150.4	\$ 8,093.00	
A 7150.2		\$ 1,000.00
A 7310.4		\$ 27.00
A 7312.4	\$ 267.00	
A 7312.1		\$ 267.00
A 7510.4	\$ 535.00	
A 7550.4	\$ 10,534.00	
A 7510.1		\$ 534.00
A 8510.4		\$ 2,500.00
A 9050.8	\$ 375.00	
A 9060.8		\$ 19,077.00
Total:	\$ 82,616.00	\$ 82,616.00

Account	To (+)	From (-)
B 1420.41	\$ 813.00	
B 1910.4	\$ 142.00	
B 3620.43	\$ 300.00	
B 8010.41	\$ 5,141.00	
B 8010.4		\$ 3,500.00
B 8020.4	\$ 528.00	
B 1930.4		\$ 3,424.00
TOTAL:	\$ 6,924.00	\$ 6,924.00

W3 8310.4		\$ 13,122.00
W4 8311.4	\$ 6,500.00	
W4 9901.9200	\$ 335.00	
W4 8310.4		\$ 6,835.00
W5 9901.9600	\$ 1.00	
W5 9901.9500		\$ 1.00
W6 9901.9600	\$ 1.00	
W6 9901.9500		\$ 1.00
W7 8310.4	\$ 2,249.00	
W7 9901.9600	\$ 1.00	
W7 8310.41		\$ 2,250.00
	\$ 92,119	\$ 92,119

Account	To (+)	From (-)
DA 1910.4	\$ 1,190.00	
DA 5130.2	\$ 1,528.00	
DA 5130.4	\$ 566.00	
DA 5130.41		\$ 2,000.00
DA 5140.2	\$ 1,720.00	
DA 5140.4		\$ 1,720.00
DA 5142.1		\$ 1,284.00
DB 1910.4	\$ 950.00	
DB 5110.1		\$ 950.00
Total:	\$ 5,954.00	\$ 5,954.00

Motion: Councilperson Dean Farrand  
 Seconded: Supervisor Frank DeMayo  
 4 AYES Carried

**JOAN REDINGTON AUTHORIZED TO CARRYOVER (15) DAYS OF VACATION TIME TO 2024**

TOWN OF LIBERTY END OF YEAR MEETING  
120 NORTH MAIN STREET LIBERTY, NY 12754  
DECEMBER 28, 2023  
3:00 P.M.

The Town Board does hereby authorize Joan Redington to carryover (15) days of vacation time to 2024.

Motion: Councilperson Brian McPhillips  
Seconded: Supervisor Frank DeMayo  
4 AYES Carried

**SARA SPRAGUE AUTHORIZED TO CARRYOVER (1) DAY OF VACATION TIME TO 2024**

The Town Board does hereby authorize Sara Sprague to carryover (1) day of vacation time to 2024.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson John Lennon  
4 AYES Carried

**ADJOURN**

The Town Board does hereby adjourn the meeting at 3:02 p.m.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson John Lennon  
4 AYES Carried

Respectfully submitted,

Laurie Dutcher,  
Town Clerk

VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT
1	4417	CLEARFLY						
		GENERAL FUND - TOWNWIDE		Contractual				
		GENERAL FUND - TOWNWIDE		A 1110 4	P	127.40	64000	
		GENERAL FUND - TOWNWIDE		A 1220 4	P	32.20		
		GENERAL FUND - TOWNWIDE		A 1310 4	P	31.85		
		GENERAL FUND - TOWNWIDE		A 1330 4	P	16.10		
		GENERAL FUND - TOWNWIDE		A 1355 4	P	31.85		
		GENERAL FUND - TOWNWIDE		A 1410 4	P	31.85		
		GENERAL FUND - TOWNWIDE		A 1620 4	P	587.39		
		GENERAL FUND - TOWNWIDE		A 1680 4	P	16.10		
		GENERAL FUND - TOWNWIDE		A 5132 4	P	100.08		
		GENERAL FUND - TOWNWIDE		A 6772 4	P	24.73		
		GENERAL FUND - TOWNWIDE		A 7020 4	P	76.76		
		TOWN - OUTSIDE VILLAGE		B 3620 4	P	47.95		
		WATER AND SEWER OPERATIONAL FUND		MO 8110 4	P	37.23		1,161.49
2	1734	PITNEY BOWES BANK INC PURCHASE PWR						
		GENERAL FUND - TOWNWIDE		Contractual				
		GENERAL FUND - TOWNWIDE		A 1670 4	P	578.45	64001	578.45
3	130	VERIZON						
		STEVENSVILLE WATER DISTRICT		Contractual				
		STEVENSVILLE WATER DISTRICT		W3 8310 4	P	147.37	63998	147.37
4	110	NYSE&G						
		S. L. / BRISCOE CONSOLIDATED SEWER		Contractual				
		INFIRMARY ROAD SEWER DISTRICT		Contractual				
		INFIRMARY ROAD SEWER DISTRICT		S2 8110 4	P	22.89	63999	
		INFIRMARY ROAD SEWER DISTRICT		S7 8110 4	P	22.89		45.78
5	110	NYSE&G						
		FERNDALE WATER DISTRICT		Contractual				
		ROUTE 55 WATER DISTRICT		Contractual				
		ROUTE 55 WATER DISTRICT		W2 8310 4	P	22.89	63999	
		ROUTE 55 WATER DISTRICT		W7 8310 4	P	668.42		691.31
6	7023	DELTA DENTAL OF NEW YORK						
		GENERAL FUND - TOWNWIDE		Emp. Benefit				
		GENERAL FUND - TOWNWIDE		A 9060 8	P	97.00	24010500	97.00
7	1361	TWEEDIE CONSTRUCTION SERVICES, INC						
		COMMUNITY DEVELOPMENT BLOCK GRANTS		Capital Improvement				
		COMMUNITY DEVELOPMENT BLOCK GRANTS		CD 8311 3	P	219,564.18	1793	219,564.18
8	7032	DELAWARE ENGINEERING, D.P.C.						
		COMMUNITY DEVELOPMENT BLOCK GRANTS		Capital Improvement				
		COMMUNITY DEVELOPMENT BLOCK GRANTS		CD 8311 3	P	21,575.20	1791	21,575.20
9	7032	DELAWARE ENGINEERING, D.P.C.						
		COMMUNITY DEVELOPMENT BLOCK GRANTS		Capital Improvement				
		COMMUNITY DEVELOPMENT BLOCK GRANTS		CD 8311 3	P	6,232.00	1792	6,232.00
10	5153	SPECTRUM						
		GENERAL FUND - TOWNWIDE		Contractual				
		GENERAL FUND - TOWNWIDE		A 5132 4	P	34.56	64004	34.56
11	5404	CHARTER COMMUNICATIONS						
		GENERAL FUND - TOWNWIDE		Contractual				
		GENERAL FUND - TOWNWIDE		A 1620 4	P	128.93	64007	128.93
12	110	NYSE&G						
		GENERAL FUND - TOWNWIDE		Contractual				
		FERNDALE LIGHT DISTRICT		Contractual				
		FERNDALE LIGHT DISTRICT		L1 5182 4	P	1,759.57	64002	
		SWAN LAKE LIGHT DISTRICT		Contractual				
		SWAN LAKE LIGHT DISTRICT		L2 5182 4	P	476.06		
		W.S.S. LIGHT DISTRICT		Contractual				
		W.S.S. LIGHT DISTRICT		L3 5182 4	P	1,434.01		
		PARKSVILLE LIGHT DISTRICT		Contractual				
		PARKSVILLE LIGHT DISTRICT		L4 5182 4	P	518.66		
		LOCH SHELDRAKE ROAD LIGHT DISTRICT		Contractual				
		LOCH SHELDRAKE ROAD LIGHT DISTRICT		L5 5182 4	P	408.61		
		LOCH SHELDRAKE ROAD LIGHT DISTRICT		LOCH SHELDRAKE ROAD LIGHT DISTRICT		442.31		5,039.22



VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK	AMOUNT
13	110	NYSE&G							
GENERAL FUND - TOWNWIDE			Contractual	A 7110 4	P	37.28	64002		37.28
14	110	NYSE&G							
GENERAL FUND - TOWNWIDE			Contractual	A 7110 4	P	24.64	64002		
GENERAL FUND - TOWNWIDE			Contractual	A 7150 4	P	132.13			156.77
15	110	NYSE&G							
INFIRMARY ROAD SEWER DISTRICT			Contractual	S7 8110 4	P	180.46	64002		180.46
16	3038	CONSTELLATION ENERGY SVC OF NY							
GENERAL FUND - TOWNWIDE			Contractual	A 5182 4	P	88.05	64003		88.05
17	3038	CONSTELLATION ENERGY SVC OF NY							
ROUTE 55 WATER DISTRICT			Contractual	W7 8310 4	P	126.97	64003		126.97
18	3038	CONSTELLATION ENERGY SVC OF NY							
GENERAL FUND - TOWNWIDE			Contractual	A 7150 4	P	37.04	64003		
GENERAL FUND - TOWNWIDE			Contractual	A 7150 4	P	173.97			211.01
19	7023	DELTA DENTAL OF NEW YORK							
GENERAL FUND - TOWNWIDE			Emp. Benefit	A 9060 8	P	241.00	240103		241.00
20	575	ADVANCED AUTO PARTS							
HIGHWAY FUND - TOWNWIDE - HWY 3 & 4			Contractual	DA 5130 4	P	420.30			420.30
21	575	ADVANCED AUTO PARTS							
WATER AND SEWER OPERATIONAL FUND			Contractual	MO 8110 4	P	827.83			827.83
22	1595	AMERICAN EXPRESS							
GENERAL FUND - TOWNWIDE			Contractual	A 1010 4	P	15.99			15.99
23	1595	AMERICAN EXPRESS							
GENERAL FUND - TOWNWIDE			Contractual	A 1330 4	P	67.52			
GENERAL FUND - TOWNWIDE			Contractual	A 1410 4	P	26.99			94.51
24	1595	AMERICAN EXPRESS							
WATER AND SEWER OPERATIONAL FUND			Contractual	MO 8110 4	P	1,230.58			1,230.58
25	5070	AMTHOR'S							
HIGHWAY FUND - TOWNWIDE - HWY 3 & 4			Contractual	DA 5142 4	P	2,182.14			2,182.14
26	100	CARGILL INCORPORATED							
HIGHWAY FUND - TOWNWIDE - HWY 3 & 4			Contractual	DA 5142 4	P	22,229.17			22,229.17
27	20	CATSKILL-DELAWARE PUB.							
GENERAL FUND - TOWNWIDE			Contractual	A 1670 4	P	77.34			77.34
28	1115	COUNTY OF SULLIVAN							
GENERAL FUND - TOWNWIDE			Contractual	A 1680 4	P	4,800.00			4,800.00
29	7032	DELAWARE ENGINEERING, D.P.C.							
GENERAL FUND - TOWNWIDE			Infrastructure/Water Study	A 1980 42	P	6,675.00			6,675.00
30	7032	DELAWARE ENGINEERING, D.P.C.							
RESERVE - SWAN LAKE SEWER			Capital Outlay	HX 8310 3	P	18,580.00			18,580.00

VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT
31	2226	GFL ENFIRONMENTAL GENERAL FUND - TOWNWIDE	Contractual	A 5132 4	P	186.57		186.57
32	4024	DENNIS HANEY CAPITAL - PARKS EQUIPMENT	Equipment	HG 7110 3	P	180.00		180.00
33	1356	H.O. PENN MACHINERY COMP INC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	2,648.59		2,648.59
34	1356	H.O. PENN MACHINERY COMP INC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	318.50		318.50
35	972	JOHN BONHAM ROAD EQ & SUPPLIES, INC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5142 4	P	7,152.50		7,152.50
36	1510	KRISTT CO. GENERAL FUND - TOWNWIDE	Contractual	A 1620 4	P	493.02		493.02
37	6030	LIBERTY IRON WORKS GENERAL FUND - TOWNWIDE	Contractual	A 7110 4	P	25.00		25.00
38	1499	MIRABITO ENERGY PRODUCTS HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5142 4	P	2,786.49		2,786.49
39	138	NYS UNEMPLOYMENT INSURANCE GENERAL FUND - TOWNWIDE TOWN - OUTSIDE VILLAGE	Emp. Benefit Employee Benefit	A 9050 8 B 9050 8	P P	1,211.19 3,315.54		4,526.73
40	7184	NORTH EAST PARTS GROUP, LLC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	1,205.37		1,205.37
41	7226	NORTHSTAR LIFTS LLC RESERVE- TOWN HALL IMPROVEMENTS	Capital Improvements	HA 1620 2	P	53,470.00		53,470.00
42	3013	PARTNERS IN SAFETY, INC. GENERAL FUND - TOWNWIDE	Emp. Benefit	A 9050 8	P	196.00		196.00
43	82	PREMIER PRINTING & APPAREL GENERAL FUND - TOWNWIDE	Contractual	A 5132 4	P	3,174.00		3,174.00
44	8010	QUILL CORPORATION GENERAL FUND - TOWNWIDE	Contractual	A 5132 4	P	396.17		396.17
45	3307	RESNICK ENERGY GENERAL FUND - TOWNWIDE HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual Contractual	A 5132 4 DA 5142 4	P P	785.35 1,022.80		1,808.15
46	3307	RESNICK ENERGY GENERAL FUND - TOWNWIDE	Contractual	A 1620 4	P	406.19		406.19
47	160	SCHMIDTS WHOLESALE, INC. FERNDALE WATER DISTRICT	Contractual	W2 8310 4	P	1,662.50		1,662.50
48	160	SCHMIDTS WHOLESALE, INC. LOOMIS SEWER DISTRICT	Contractual	S1 8110 4	P	2,920.56		2,920.56

VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT
49	1251	STAPLES ADVANTAGE GENERAL FUND - TOWNWIDE	Contractual	A 1110 4	P	518.34		518.34
50	5020	STEVENSVILLE WATER DIST. INDIAN LAKE WATER DISTRICT	DISTRICT TO DISTRICT SALES	W5 8310 41	P	530.75		530.75
51	8015	SULLIVAN CO. SEPTIC SERVICE GENERAL FUND - TOWNWIDE	Contractual	A 7110 4	P	870.00		870.00
52	5318	THOMPSON SANITATION GENERAL FUND - TOWNWIDE	Contractual	A 7110 4	P	120.00		120.00
53	1056	TRACTOR SUPPLY CO CREDIT PLAN HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	39.99		39.99
54	420	TRADING POST - LIBERTY GENERAL FUND - TOWNWIDE	Contractual	A 7110 4	P	24.98		24.98
55	5175	TOLLS BY MAIL GENERAL FUND - TOWNWIDE	Contractual	A 5132 4	P	2.15		2.15
56	453	TRACTOR SUPPLY BUSINESS ACCOUNT WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4	P	472.92		472.92
57	420	TRADING POST - LIBERTY HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	116.99		116.99
58	420	TRADING POST - LIBERTY WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4	P	202.61		202.61
59	1277	UDIG NY INC WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4	P	17.00		17.00
60	8123	HD SUPPLY, INC WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4	P	581.47		581.47
61	4032	VILLAGE OF LIBERTY WATERWORKS GENERAL FUND - TOWNWIDE	Contractual	A 1620 4	P	270.59		270.59
62	247	WASTE MANAGEMENT, INC. S. L. / BRISCOE CONSOLIDATED SEWER	Contractual	S2 8110 4	P	1,085.10		1,085.10
63	2150	WELLS FARGO VENDOR FIN SERV GENERAL FUND - TOWNWIDE	Contractual	A 1620 4	P	2,067.00		2,067.00
64	1902	WEX BANK WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4	P	1,102.71		1,102.71
65	1937	WEX BANK GENERAL FUND - TOWNWIDE	Contractual	A 7110 4	P	234.59		234.59
66	4420	YACANO ENTERPRISES, LLC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	60.00		60.00
67	1740	CAMPBELL FREIGHTLINER HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Contractual	DA 5130 4	P	7.25		7.25



VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT
68	1079	JOANNE GEROW GENERAL FUND - TOWNWIDE		Contractual A 3510 4	P	482.08		482.08
69	340	W.W. GRAINGER, INC WATER AND SEWER OPERATIONAL FUND		Contractual MO 8110 4	P	106.14		106.14
70	972	JOHN BONHAM ROAD EQ & SUPPLIES, INC HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual DA 5142 4	P	5,827.50		5,827.50
71	1499	MIRABITO ENERGY PRODUCTS HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual DA 5142 4	P	864.85		864.85
72	420	TRADING POST - LIBERTY GENERAL FUND - TOWNWIDE		Contractual A 7110 4	P	15.50		
		GENERAL FUND - TOWNWIDE		Contractual A 7550 4	P	8.99		24.49
73	420	TRADING POST - LIBERTY HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual DA 5130 4	P	19.18		19.18
74	8123	HD SUPPLY, INC WATER AND SEWER OPERATIONAL FUND		Contractual MO 8110 4	P	20.97		
		S. L. / BRISCOE CONSOLIDATED SEWER		Contractual S2 8110 4	P	438.53		
		W.S.S. WATER DISTRICT		Contractual W4 8310 4	P	135.00		594.50
75	643	VERIZON SELECT SERVICES INC. S. L. / BRISCOE CONSOLIDATED SEWER		Contractual S2 8110 4	P	1.76		1.76
76	1941	WEX BANK GENERAL FUND - TOWNWIDE		Contractual A 1355 4	P	41.67		41.67
77	6090	CIRILLO ARCHITECTS, PC GENERAL FUND - TOWNWIDE		Contractual A 1440 4	P	10,984.38		10,984.38
78	1912	BILLIG, LOUGHLIN & SILVER, LLP TOWN - OUTSIDE VILLAGE		Contractual B 1420 4	P	400.00		400.00
79	3145	KEVIN L. PATTON, PE GENERAL FUND - TOWNWIDE		Contractual A 1968 4	P	1,700.00		1,700.00
80	1124	BLAUER ASSOCIATES W.S.S. WATER DISTRICT		ARPA FUNDS W4 8311 31	P	3,000.00		3,000.00
81	4417	CLEARFLY GENERAL FUND - TOWNWIDE		Contractual A 1110 4		127.40	63997	
		GENERAL FUND - TOWNWIDE		Contractual A 1220 4		32.20		
		GENERAL FUND - TOWNWIDE		Contractual A 1310 4		31.85		
		GENERAL FUND - TOWNWIDE		Contractual A 1330 4		16.10		
		GENERAL FUND - TOWNWIDE		Contractual A 1355 4		31.85		
		GENERAL FUND - TOWNWIDE		Contractual A 1410 4		31.85		
		GENERAL FUND - TOWNWIDE		Contractual A 1620 4		587.24		
		GENERAL FUND - TOWNWIDE		Contractual A 1680 4		16.10		
		GENERAL FUND - TOWNWIDE		Contractual A 5132 4		100.08		
		GENERAL FUND - TOWNWIDE		Contractual A 6772 4		24.73		
		GENERAL FUND - TOWNWIDE		Contractual A 7020 4		76.76		
		TOWN - OUTSIDE VILLAGE		Contractual B 3620 4		47.95		

VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT	
		WATER AND SEWER OPERATIONAL FUND		Contractual		MO 8110 4		37.23	1,161.34
82	5403	CHARTER COMMUNICATIONS		Contractual		A 7020 4		107.98	64006
		GENERAL FUND - TOWNWIDE		Contractual		A 1110 4		34.00	64005
83	3314	RINGSQUARED TELECOM LLC		Contractual		A 1620 4		246.73	
		GENERAL FUND - TOWNWIDE		Contractual		A 7110 4		34.00	
		GENERAL FUND - TOWNWIDE		Contractual		A 7150 4		34.00	
		GENERAL FUND - TOWNWIDE		Contractual		MO 8110 4		34.00	382.73
		WATER AND SEWER OPERATIONAL FUND		Contractual					
84	575	ADVANCED AUTO PARTS		Contractual		DA 5130 4		43.19	43.19
		HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual					
85	1595	AMERICAN EXPRESS		Contractual		A 1620 4		34.98	34.98
		GENERAL FUND - TOWNWIDE		Contractual					
86	8122	ALLEGIANCE TRUCKS BINGHAMTON	16758	Contractual		DA 5130 4		1,666.28	1,666.28
		HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual					
87	368	BADGER METER INC		Contractual		S1 8110 4		79.43	
		LOOMIS SEWER DISTRICT		Contractual		S2 8110 4		476.56	
		S. L. / BRISCOE CONSOLIDATED SEWER		Contractual		S4 8110 4		13.24	
		YOUNGSHILL SEWER DISTRICT		Contractual		S7 8110 4		66.19	
		INFIRMARY ROAD SEWER DISTRICT		Contractual		W1 8310 4		39.72	
		LOOMIS WATER DISTRICT		Contractual		W2 8310 4		251.52	
		FERNDALE WATER DISTRICT		Contractual		W3 8310 4		291.23	
		STEVENSVILLE WATER DISTRICT		Contractual		W4 8310 4		66.19	
		W.S.S. WATER DISTRICT		Contractual		W5 8310 4		13.23	
		INDIAN LAKE WATER DISTRICT		Contractual		W6 8310 4		13.23	
		COLD SPRING ROAD WATER DISTRICT		Contractual		W7 8310 4		13.23	1,323.77
		ROUTE 55 WATER DISTRICT		Contractual					
88	650	TOWN OF BETHEL TAX COLLECTOR		Contractual		A 1950 4		1,584.18	1,584.18
		GENERAL FUND - TOWNWIDE		Contractual					
89	1740	CAMPBELL FREIGHTLINER		Contractual		DA 5130 4		267.09	267.09
		HIGHWAY FUND - TOWNWIDE - HWY 3 & 4		Contractual					
90	4220	CATSKILL MOUNTAINKEEPER		Contractual		A 1920 4		500.00	500.00
		GENERAL FUND - TOWNWIDE		Contractual					
91	829	COOPER ARIAS, LLP		Contractual		A 1320 4		7,050.00	7,050.00
		GENERAL FUND - TOWNWIDE		Contractual					
92	7206	DAVIS VISION INC		Emp. Benefit		A 9060 8		270.85	270.85
		GENERAL FUND - TOWNWIDE		Emp. Benefit					
93	312	Laurie Dutcher		Contractual		A 1330 4		16.08	16.08
		GENERAL FUND - TOWNWIDE		Contractual					
94	5012	Laurie Dutcher, Tax Collector		Contractual		A 1950 4		759.75	
		GENERAL FUND - TOWNWIDE		Contractual		A 5132 4		2,774.20	3,533.95
		GENERAL FUND - TOWNWIDE		Contractual					

VOUCHER#	VENDOR#	CLAIMANT NAME/ADDRESS	PO #	ACCOUNT	ENC	AMOUNT	CHECK#	CHECK AMOUNT
95	7207	GREAT OUTDOOR ADS LLC						
		GENERAL FUND - TOWNWIDE	Contractual	A 1480 4		95.00		95.00
96	5095	HOME DEPOT						
		GENERAL FUND - TOWNWIDE	Contractual	A 6772 4		57.96		
		GENERAL FUND - TOWNWIDE	Contractual	A 7110 4		35.88		93.84
97	232	STATE OF NY DEPT. OF CIVIL SERVICE						
		GENERAL FUND - TOWNWIDE	Emp. Benefit	A 9060 8		39,841.16		
		TOWN - OUTSIDE VILLAGE	Empl. Benefit	B 9060 8		4,527.40		
		HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	Emp. Benefit	DA 9060 8		17,204.14		
		HIGHWAY FUND - TOWN OUTSIDE VILLAGE-HWY1	Emp. Benefits	DB 9060 8		13,582.21		
		WATER AND SEWER OPERATIONAL FUND	Emp. Benefits	MO 9060 8		15,393.18		90,548.09
98	135	NYS ASSOC OF TOWN SUPERINTENDENTS						
		GENERAL FUND - TOWNWIDE	Contractual	A 5010 4		250.00		250.00
99	1919	NYS GOVERNMENT FINANCE OFFICERS						
		GENERAL FUND - TOWNWIDE	Contractual	A 1310 4		380.00		380.00
100	592	ORANGE/SULLIVAN TOWN CLERKS ASSOC.						
		GENERAL FUND - TOWNWIDE	Contractual	A 1410 4		40.00		40.00
101	2016	SULLIVAN COUNTY PARTNERSHIP						
		GENERAL FUND - TOWNWIDE	Contractual	A 1920 4		575.00		575.00
102	3307	RESNICK ENERGY						
		GENERAL FUND - TOWNWIDE	Contractual	A 1620 4		769.96		769.96
103	2150	WELLS FARGO VENDOR FIN SERV						
		GENERAL FUND - TOWNWIDE	Contractual	A 1355 4		45.05		
		TOWN - OUTSIDE VILLAGE	Contractual	B 3620 4		45.04		90.09
104	1514	WHITE SULPHUR AUTO & TRUCK						
		WATER AND SEWER OPERATIONAL FUND	Contractual	MO 8110 4		558.80		558.80
105	1931	FALLSBURG TAX COLLECTOR						
		GENERAL FUND - TOWNWIDE	Contractual	A 1950 4		451.99		451.99
106	20	CATSKILL-DELAWARE PUB.						
		GENERAL FUND - TOWNWIDE	Contractual	A 1670 4		232.06		232.06
								541,424.47 **



	ACCOUNT	ENC	AMOUNT	
<b>GENERAL FUND - TOWNWIDE</b>				
Contractual	A 1010 4	P	15.99	
Contractual	A 1110 4	P	645.74	
Contractual	A 1220 4	P	32.20	
Contractual	A 1310 4	P	31.85	
Contractual	A 1330 4	P	83.62	
Contractual	A 1355 4	P	73.52	
Contractual	A 1410 4	P	58.84	
Contractual	A 1440 4	P	10,984.38	
Contractual	A 1620 4	P	3,953.12	
Contractual	A 1670 4	P	655.79	
Contractual	A 1680 4	P	4,816.10	
Contractual	A 1968 4	P	1,700.00	
Infrastructure/Water Study	A 1980 42	P	6,675.00	
Contractual	A 3510 4	P	482.08	
Contractual	A 5132 4	P	4,678.88	
Contractual	A 5182 4	P	1,847.62	
Contractual	A 6772 4	P	24.73	
Contractual	A 7020 4	P	76.76	
Contractual	A 7110 4	P	1,351.99	
Contractual	A 7150 4	P	343.14	
Contractual	A 7550 4	P	8.99	
Emp. Benefit	A 9050 8	P	1,407.19	
Emp. Benefit	A 9060 8	P	338.00	
				40,285.53 *
Contractual	A 1110 4		161.40	
Contractual	A 1220 4		32.20	
Contractual	A 1310 4		411.85	
Contractual	A 1320 4		7,050.00	
Contractual	A 1330 4		32.18	
Contractual	A 1355 4		76.90	
Contractual	A 1410 4		71.85	
Contractual	A 1480 4		95.00	
Contractual	A 1620 4		1,638.91	
Contractual	A 1670 4		232.06	
Contractual	A 1680 4		16.10	
Contractual	A 1920 4		1,075.00	
Contractual	A 1950 4		2,795.92	
Contractual	A 5010 4		250.00	
Contractual	A 5132 4		2,874.28	
Contractual	A 6772 4		82.69	
Contractual	A 7020 4		184.74	
Contractual	A 7110 4		69.88	
Contractual	A 7150 4		34.00	
Emp. Benefit	A 9060 8		40,112.01	
				57,296.97 *
				97,582.50 **
<b>TOWN - OUTSIDE VILLAGE</b>				
Contractual	B 1420 4	P	400.00	
Contractual	B 3620 4	P	47.95	
Employee Benefit	B 9050 8	P	3,315.54	
				3,763.49 *
Contractual	B 3620 4		92.99	
Empl. Benefit	B 9060 8		4,527.40	
				4,620.39 *
				8,383.88 **

	ACCOUNT	ENC	AMOUNT	
<b>COMMUNITY DEVELOPMENT BLOCK GRANTS</b>				
Capital Improvement	CD 8311 3	P	247,371.38	
				247,371.38 *
				247,371.38 **
<b>HIGHWAY FUND - TOWNWIDE - HWY 3 &amp; 4</b>				
Contractual	DA 5130 4	P	4,836.17	
Contractual	DA 5142 4	P	42,065.45	
				46,901.62 *
Contractual	DA 5130 4		1,976.56	
Emp. Benefit	DA 9060 8		17,204.14	
				19,180.70 *
				66,082.32 **
<b>HIGHWAY FUND - TOWN OUTSIDE VILLAGE-HWY1</b>				
Emp. Benefits	DB 9060 8		13,582.21	
				13,582.21 *
				13,582.21 **
<b>RESERVE- TOWN HALL IMPROVEMENTS</b>				
Capital Improvements	HA 1620 2	P	53,470.00	
				53,470.00 *
				53,470.00 **
<b>CAPITAL - PARKS EQUIPMENT</b>				
Equipment	HG 7110 3	P	180.00	
				180.00 *
				180.00 **
<b>RESERVE - SWAN LAKE SEWER</b>				
Capital Outlay	HX 8310 3	P	18,580.00	
				18,580.00 *
				18,580.00 **
<b>FERNDALE LIGHT DISTRICT</b>				
Contractual	L1 5182 4	P	476.06	
				476.06 *
				476.06 **
<b>SWAN LAKE LIGHT DISTRICT</b>				
Contractual	L2 5182 4	P	1,434.01	
				1,434.01 *
				1,434.01 **
<b>W.S.S. LIGHT DISTRICT</b>				
Contractual	L3 5182 4	P	518.66	
				518.66 *
				518.66 **
<b>PARKSVILLE LIGHT DISTRICT</b>				
Contractual	L4 5182 4	P	408.61	
				408.61 *
				408.61 **
<b>LOCH SHELDRAKE ROAD LIGHT DISTRICT</b>				
Contractual	L5 5182 4	P	442.31	
				442.31 *
				442.31 **

	ACCOUNT	ENC	AMOUNT	
<b>WATER AND SEWER OPERATIONAL FUND</b>				
Contractual	MO 8110 4	P	4,599.46	
				4,599.46 *
Contractual	MO 8110 4		630.03	
Emp. Benefits	MO 9060 8		15,393.18	
				16,023.21 *
				20,622.67 **
<b>LOOMIS SEWER DISTRICT</b>				
Contractual	S1 8110 4	P	2,920.56	
				2,920.56 *
Contractual	S1 8110 4		79.43	
				79.43 *
				2,999.99 **
<b>S. L. / BRISCOE CONSOLIDATED SEWER</b>				
Contractual	S2 8110 4	P	1,548.28	
				1,548.28 *
Contractual	S2 8110 4		476.56	
				476.56 *
				2,024.84 **
<b>YOUNGSHILL SEWER DISTRICT</b>				
Contractual	S4 8110 4		13.24	
				13.24 *
				13.24 **
<b>INFIRMARY ROAD SEWER DISTRICT</b>				
Contractual	S7 8110 4	P	203.35	
				203.35 *
Contractual	S7 8110 4		66.19	
				66.19 *
				269.54 **
<b>LOOMIS WATER DISTRICT</b>				
Contractual	W1 8310 4		39.72	
				39.72 *
				39.72 **
<b>FERNDALE WATER DISTRICT</b>				
Contractual	W2 8310 4	P	1,685.39	
				1,685.39 *
Contractual	W2 8310 4		251.52	
				251.52 *
				1,936.91 **
<b>STEVENSVILLE WATER DISTRICT</b>				
Contractual	W3 8310 4	P	147.37	
				147.37 *
Contractual	W3 8310 4		291.23	
				291.23 *
				438.60 **
<b>W.S.S. WATER DISTRICT</b>				
Contractual	W4 8310 4	P	135.00	
ARPA FUNDS	W4 8311 31	P	3,000.00	
				3,135.00 *



	ACCOUNT	ENC	AMOUNT	
<b>W.S.S. WATER DISTRICT</b>				
Contractual	W4 8310 4		66.19	66.19 *
				3,201.19 **
<b>INDIAN LAKE WATER DISTRICT</b>				
DISTRICT TO DISTRICT SALES	W5 8310 41	P	530.75	530.75 *
Contractual	W5 8310 4		13.23	13.23 *
				543.98 **
<b>COLD SPRING ROAD WATER DISTRICT</b>				
Contractual	W6 8310 4		13.23	13.23 *
				13.23 **
<b>ROUTE 55 WATER DISTRICT</b>				
Contractual	W7 8310 4	P	795.39	795.39 *
Contractual	W7 8310 4		13.23	13.23 *
				808.62 **
				541,424.47 ***

TO THE SUPERVISOR:

I certify that the vouchers listed above were audited by the TOWN BOARD and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite his name. Claims # \_\_\_\_\_ to claims # \_\_\_\_\_ audited on \_\_\_\_\_. Claims # \_\_\_\_\_ to claims # \_\_\_\_\_ audited on \_\_\_\_\_. All other claims were authorized under Blanket Resolution adopted by the Town Board on February 11, 1988.

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 TOWN CLERK

APPROVED AND ORDERED PAID THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 SUPERVISOR

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

GL VOUCH#	VEND#	CLAIMANT NAME/ADDRESS	ACCOUNT	AMOUNT	CHECK#	CHECK AMOUNT
405	758	TOWN OF LIBERTY DATE: 12/01/23	HT 202	133,443.00	23120100	133,443.00
406	3136	CR MENDERIS LLC DATE: 12/04/23	TA 95	1,465.00	1867	1,465.00
407	3137	MPK SULLIVAN LLC DATE: 12/05/23	TA 95	169.60	1868	169.60
408	3138	BERNFELD DATE: 12/05/23	TA 95	778.25	1869	778.25
409	2883	BEN WEITSMAN & SON DATE: 12/05/23	TA 95	315.40	1870	315.40
410	2882	FULL GOSPEL NY CHURCH ASSEMBLY DATE: 12/05/23	TA 95	25.50	1871	25.50
411	1014	SULLIVAN RESORTS LLC DATE: 12/05/23	TA 95	400.00	1872	400.00
412	1724	CAMP MACHNE GILA DATE: 12/05/23	TA 95	378.95	1876	378.95
413	2881	WESLEY ILLING DATE: 12/05/23	TA 95	135.00	1875	135.00
414	3139	THE MYLU TEAM DATE: 12/05/23	TA 95	1,030.22	1874	1,030.22
415	3140	DEE DEE'S COTTAGES DATE: 12/05/23	TA 95	1,142.50	1873	1,142.50
416	3141	TFS PARKSVILLE LLC DATE: 12/05/23	TA 95	5,000.00	1877	5,000.00
417	3142	JACK KLUGMAN DATE: 12/05/23	TA 95	993.21	1878	993.21
418	3143	PLUMLEY ENGINEERING DATE: 12/05/23	TA 95	969.60	1879	969.60
419	3144	ROCK PAPER PLATE LLC DATE: 12/05/23	TA 95	3,728.39	1880	3,728.39
420	133	FRANK DEMAYO DATE: 12/05/23	TW 18	218.76	2432	218.76
421	1770	EMPLOYEES OF THE TOWN OF LIBERTY DATE: 12/06/23	TP 10	60,734.33	23120602	60,734.33
422	1227	FIRST NATL. BANK OF JEFFERSONVILLE DATE: 12/06/23	TP 10	20,336.85	23120603	20,336.85
423	285	PAYROLL TRUST & AGENCY ACCOUNT DATE: 12/06/23	TP 10	7,620.06	23120604	7,620.06

GL VOUCH#	VEND#	CLAIMANT NAME/ADDRESS	ACCOUNT	AMOUNT	CHECK#	CHECK AMOUNT
424	758	TOWN OF LIBERTY DATE: 12/06/23	TP 10	701.11	65664	701.11
425	758	TOWN OF LIBERTY DATE: 12/06/23	TP 10	295.42	65665	295.42
426	758	TOWN OF LIBERTY DATE: 12/06/23	TP 10	7.70	65666	7.70
427	1920	N.Y.S. INCOME TAX BUREAU DATE: 12/06/23	TW 21	3,516.72	23120605	3,516.72
428	310	USCM/ NORTHEAST DATE: 12/06/23	TW 28	1,840.27	23120606	1,840.27
429	2011	SULLIVAN COUNTY SHERIFF'S OFFICE DATE: 12/06/23	TW 23	215.62	2433	215.62
430	1770	EMPLOYEES OF THE TOWN OF LIBERTY DATE: 12/12/23	TP 10	73,086.04	23121202	73,086.04
431	1227	FIRST NATL. BANK OF JEFFERSONVILLE DATE: 12/12/23	TP 10	32,843.89	23121203	32,843.89
432	285	PAYROLL TRUST & AGENCY ACCOUNT DATE: 12/12/23	TP 10	6,026.07	23121204	6,026.07
433	1920	N.Y.S. INCOME TAX BUREAU DATE: 12/12/23	TW 21	6,026.07	23121205	6,026.07
434	930	GLENN SMITH, PE, INC. DATE: 12/18/23	TA 95	515.00	1881	515.00
435	930	GLENN SMITH, PE, INC. DATE: 12/18/23	TA 95	567.00	1882	567.00
436	1770	EMPLOYEES OF THE TOWN OF LIBERTY DATE: 12/20/23	TP 10	65,258.90	23122002	65,258.90
437	1227	FIRST NATL. BANK OF JEFFERSONVILLE DATE: 12/20/23	TP 10	22,323.56	23122003	22,323.56
438	285	PAYROLL TRUST & AGENCY ACCOUNT DATE: 12/20/23	TP 10	8,026.59	23122004	8,026.59
439	2009	SULLIVAN COUNTY SUPPORT COLLECTION DATE: 12/20/23	TP 10	222.00	65732	222.00
440	758	TOWN OF LIBERTY DATE: 12/20/23	TP 10	701.11	65735	701.11
441	758	TOWN OF LIBERTY DATE: 12/20/23	TP 10	295.42	65734	295.42
442	758	TOWN OF LIBERTY DATE: 12/20/23	TP 10	7.70	65733	7.70



GL VOUCH#	VEND#	CLAIMANT NAME/ADDRESS	ACCOUNT	AMOUNT	CHECK#	CHECK AMOUNT
443	1920	N.Y.S. INCOME TAX BUREAU DATE: 12/20/23	TW 21	3,829.96	23122005	3,829.96
444	310	USCM/ NORTHEAST DATE: 12/20/23	TW 28	1,909.48	23122006	1,909.48
445	2011	SULLIVAN COUNTY SHERIFF'S OFFICE DATE: 12/20/23	TW 23	215.62	2434	215.62
446	758	TOWN OF LIBERTY DATE: 12/21/23	HX 202	36,541.70	23122100	36,541.70
447	1770	EMPLOYEES OF THE TOWN OF LIBERTY DATE: 12/27/23	TP 10	47,162.14	23122703	47,162.14
448	1227	FIRST NATL. BANK OF JEFFERSONVILLE DATE: 12/27/23	TP 10	14,869.64	23122704	14,869.64
449	285	PAYROLL TRUST & AGENCY ACCOUNT DATE: 12/27/23	TP 10	6,139.67	23122705	6,139.67
450	758	TOWN OF LIBERTY DATE: 12/27/23	TP 10	701.11	65784	701.11
451	758	TOWN OF LIBERTY DATE: 12/27/23	TP 10	295.42	65785	295.42
452	758	TOWN OF LIBERTY DATE: 12/27/23	TP 10	7.70	65786	7.70
453	1920	N.Y.S. INCOME TAX BUREAU DATE: 12/27/23	TW 21	2,465.90	23122706	2,465.90
454	310	USCM/ NORTHEAST DATE: 12/27/23	TW 28	1,641.40	23122707	1,641.40
455	2011	SULLIVAN COUNTY SHERIFF'S OFFICE DATE: 12/27/23	TW 23	172.50	2435	172.50
456	578	AFLAC NEW YORK DATE: 12/28/23	TW 29	820.26	23122800	820.26
457	703	STATE COMPTROLLER DATE: 12/28/23	A 690	27,057.00	2959	27,057.00
458	4042	VILLAGE OF LIBERTY DATE: 12/28/23	A 690	25.00	2960	25.00
459	1910	N.Y.STATE & LOCAL RETIREMENT SYSTEM DATE: 12/28/23	TW 18	4,748.46	23122801	4,748.46
						609,963.77 **

ACCEPTED/APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

CLAIMS FROM # \_\_\_\_\_ TO # \_\_\_\_\_ TOTALING: \$ \_\_\_\_\_

\_\_\_\_\_  
 SUPERVISOR

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

\_\_\_\_\_  
 COUNCILPERSON

	ACCOUNT	AMOUNT	
<b>GENERAL FUND - TOWNWIDE</b>			
Clearing Account	A 690	27,082.00	27,082.00 *
			27,082.00 **
<b>RESERVE - STEVENSVILLE WATER CAPITAL</b>			
CASH FROM EFC	HT 202	133,443.00	133,443.00 *
			133,443.00 **
<b>RESERVE - SWAN LAKE SEWER</b>			
Cash from EFC	HX 202	36,541.70	36,541.70 *
			36,541.70 **
<b>TRUST AND AGENCY</b>			
Escrow account	TA 95	17,613.62	17,613.62 *
			17,613.62 **
<b>PAYROLL ACCOUNT</b>			
Payroll	TP 10	367,662.43	367,662.43 *
			367,662.43 **
<b>PAYROLL WITHOLDING</b>			
Retirement	TW 18	4,967.22	
N.Y.S. Income Tax	TW 21	15,838.65	
Income Executions - Garnashee	TW 23	603.74	
PEBSCO - Deferred Compensation	TW 28	5,391.15	
AFLAC Contributions	TW 29	820.26	
			27,621.02 *
			27,621.02 **
			609,963.77 ***

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	1	1.21
	Marriage License	Marriage License Fee	4	70.00
	Permits	Refuse Collection	14	1,350.00
		Towing License	11	1,100.00
	TOWN CLERK	EZ Pass	21	525.00
		Marriage Certificate	2	20.00
		Notary Fees	49	98.00
		<b>Sub-Total:</b>		<b>\$3,164.21</b>
A1620.4	Central Printing & Mailing	Photo Copies	6	1.50
		<b>Sub-Total:</b>		<b>\$1.50</b>
A2544	Dog Licensing	Female, Spayed	6	54.00
		Female, Unspayed	1	12.50
		Male, Neutered	5	45.00
		Male, Unneutered	1	12.50
	SENIOR	SENIOR	3	-15.00
		<b>Sub-Total:</b>		<b>\$109.00</b>
A2545	Dog	Redeemed Dog	3	225.00
		<b>Sub-Total:</b>		<b>\$225.00</b>
A3510.4	Dog	Reimbursement Of Expenses	1	25.00
		<b>Sub-Total:</b>		<b>\$25.00</b>
B2115	Building Fees	Lot Improvements	3	850.00
		Special Use	4	1,200.00
		<b>Sub-Total:</b>		<b>\$2,050.00</b>
B2770	Building Fees	Building Permit	6	18,564.00
		Municipal Search	6	600.00
		<b>Sub-Total:</b>		<b>\$19,164.00</b>
			<b>Total Local Shares Remitted:</b>	<b>\$24,738.71</b>
Amount paid to:	Ny State Dept. Of Health			90.00
Amount paid to:	NYS Ag. & Markets for spay/neuter program			17.00
Amount paid to:	NYS Environmental Conservation			20.79
<b>Total State, County &amp; Local Revenues:</b>		<b>\$24,866.50</b>	<b>Total Non-Local Revenues:</b>	
			<b>\$127.79</b>	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Laurie Dutcher, Town Clerk, Town of Liberty during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date



Account#	Account Description	Fee Description	Qty	Local Share
	Rents	Cold Spring Rd Water	16	0.00
		Ferndale Water	28	0.00
		Indian Lake Water	16	0.00
		Loomis Sewer	1	0.00
		Loomis Water	18	0.00
		Rt. 55 Water	17	0.00
		Sewer Unit 08	7	0.00
		Stevensville 09	2	0.00
		Stevensville Water	30	0.00
		WSS Water	31	0.00
		Youngs Hill Sewer	13	0.00
		<b>Sub-Total:</b>		<b>\$0.00</b>
A 2590	Highway Fees	Road Access Permit	29	2,800.00
		<b>Sub-Total:</b>		<b>\$2,800.00</b>
A1255	Conservation	Conservation	47	196.06
	Marriage License	Marriage License Fee	67	1,172.50
	Permit	Water Permit	1	375.00
	Permits	Junk Yard	3	750.00
		Peddlers License	2	300.00
		Refuse Collection	18	1,750.00
		Towing License	13	1,300.00
	Small Sales	EZ Pass	45	1,125.00
		Marriage Certificate	29	290.00
		Misc	1	4.00
	TOWN CLERK	EZ Pass	50	1,250.00
		Marriage Certificate	23	230.00
		Misc	2	8.00
		Notary Fees	197	602.00
		<b>Sub-Total:</b>		<b>\$9,352.56</b>
A1620.4	Central Printing & Mailing	Photo Copies	229	57.25
	Small Sales	Photo Copies	25	6.25
		<b>Sub-Total:</b>		<b>\$63.50</b>
A1670.4	Building Fees	Certified Mailings	32	4,111.55
		<b>Sub-Total:</b>		<b>\$4,111.55</b>
A2544	Dog Licensing	Exempt Dogs	2	0.00
		Female, Spayed	94	846.00
		Female, Unspayed	28	350.00
		Male, Neutered	91	819.00
		Male, Unneutered	46	570.00
		Purebred Licenses	3	100.00
		Replacement Tags	2	10.00
	SENIOR	SENIOR	40	-200.00
		<b>Sub-Total:</b>		<b>\$2,495.00</b>
A2545	Dog	Boarding Fees	2	50.00

Account#	Account Description	Fee Description	Qty	Local Share
		Redeemed Dog	37	2,775.00
		Redeemed Dog 2	11	1,650.00
		<b>Sub-Total:</b>		<b>\$4,475.00</b>
A3510.4	Dog	Reimbursement Of Expenses	16	400.00
		<b>Sub-Total:</b>		<b>\$400.00</b>
B2110	Building Fees	Variance	1	300.00
		<b>Sub-Total:</b>		<b>\$300.00</b>
B2115	Building Fees	Lot Improvements	4	1,150.00
		Special Use	29	8,700.00
		Subdivision	7	9,350.00
		<b>Sub-Total:</b>		<b>\$19,200.00</b>
B2770	Building Fees	Bldg Inspections Public Assembly	1	300.00
		Building Permit	268	296,566.90
		Commercial Establishment Inspections	21	1,575.00
		Fire Inspections	18	6,340.00
		Municipal Search	176	20,100.00
		<b>Sub-Total:</b>		<b>\$324,881.90</b>
B3620.4	Reimbursement of Expenses	Reimbursement Of Expenses	10	120.75
		<b>Sub-Total:</b>		<b>\$120.75</b>

**Total Local Shares Remitted: \$368,200.26**

Amount paid to:	Cold Spring Rd Water	4,071.61
Amount paid to:	Ferndale Water	63,158.65
Amount paid to:	Indian Lake Water	3,266.99
Amount paid to:	Loomis Sewer	4,447.85
Amount paid to:	Loomis Water	11,023.06
Amount paid to:	Ny State Dept. Of Health	1,507.50
Amount paid to:	NYS Ag. & Markets for spay/neuter program	477.00
Amount paid to:	NYS Environmental Conservation	3,347.94
Amount paid to:	Rt. 55 Water	15,187.53
Amount paid to:	Sewer Unit 08	35,072.74
Amount paid to:	Stevensville Water	70,885.74
Amount paid to:	Stevensville 09	1,160.50
Amount paid to:	WSS Water	22,677.66
Amount paid to:	Youngs Hill Sewer	3,497.03

**Total State, County & Local Revenues: \$607,982.06**

**Total Non-Local Revenues: \$239,781.80**

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Laurie Dutcher, Town Clerk, Town of Liberty during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

REVENUE SUMMARY

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FUND NAME	BUDGET AS MODIFIED	CURRENT RECEIPTS	Y-T-D RECEIPTS	UNCOLLECTED BALANCE
GENERAL FUND - TOWNWIDE	2,922,297.11	163,924.77	3,224,783.29	302,486.18-
TOWN - OUTSIDE VILLAGE	425,765.00	71,636.11	617,189.35	191,424.35-
COMMUNITY DEVELOPMENT BLOCK GRANTS	.00	251,011.38	456,107.94	456,107.94-
HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	1,605,717.00	14,331.28	1,665,201.21	59,484.21-
HIGHWAY FUND - TOWN OUTSIDE VILLAGE-HWY1	1,194,480.00	47,187.86	1,224,182.76	29,702.76-
HIGHWAY CHIPS FUND	644,000.00	607,072.62	673,351.03	29,351.03-
WATER AND SEWER OPERATIONAL FUND	939,536.00	206,819.84	935,676.82	3,859.18
TOTAL SEWER DISTRICTS	822,323.05	13,406.32	838,290.47	15,967.42-
TOTAL WATER DISTRICTS	1,394,761.26	171,260.26	1,515,321.43	120,560.17-
GRAND TOTALS.....	9,948,879.42	1,546,650.44	11,150,104.30	1,201,224.88-



EXPENSE SUMMARY

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FUND NAME	BUDGET AS MODIFIED	CURRENT EXPENDITURES	Y-T-D EXPENDITURES	P.O. BALANCE	UNENCUMBERED UNEX. BALANCE
GENERAL FUND - TOWNWIDE	3,175,619.11	469,781.07	2,917,795.64	.00	257,823.47
TOWN - OUTSIDE VILLAGE	514,765.00	34,681.22	355,325.12	.00	159,439.88
COMMUNITY DEVELOPMENT BLOCK GRANTS	.00	251,730.83	456,107.94	.00	456,107.94-
HIGHWAY FUND - TOWNWIDE - HWY 3 & 4	1,737,122.00	251,891.85	1,446,194.69	.00	290,927.31
HIGHWAY FUND - TOWN OUTSIDE VILLAGE-HWY1	1,269,480.00	80,163.69	1,050,416.88	.00	219,063.12
HIGHWAY CHIPS FUND	644,000.00	.00	673,351.03	.00	29,351.03-
WATER AND SEWER OPERATIONAL FUND	939,536.00	304,718.18	969,817.48	.00	30,281.48-
TOTAL SEWER DISTRICTS	854,323.05	48,487.88	663,972.82	.00	190,350.23
TOTAL WATER DISTRICTS	1,499,261.26	260,499.32	1,398,944.84	.00	100,316.42
GRAND TOTALS.....	10,634,106.42	1,701,954.04	9,931,926.44	.00	702,179.98



Town of Liberty  
Supervisor's Report  
December-23  
Bank Account Reconciliation

Name	Bank	Account #	Current Total
General Fund	Key Bank	*183	\$ 684,213.37
Highway Fund	Key Bank	*191	\$ 1,377,137.15
Capital Reserve Fund	TD Banknorth	*521	\$ 1,246,397.80
Capital Reserve Fund	Wayne Bank	*701	\$ 353,377.59
Street Light Districts	CHB	*555	\$ 54,547.49
Water and Sewer Fund	Key Bank	*205	\$ 1,969,982.70
Trust and Agency	Key Bank	*744	\$ 332,229.27
Central Checking	Key Bank	*183	\$ -
Health Insurance	Jeff Bank	*993	\$ -
Payroll Account	Jeff Bank	*310	\$ -
Payroll Withholding	Jeff Bank	*174	\$ -
NYS CDBG	Key Bank	*418	\$ -
Grant Account	Key Bank	*212	\$ -
		<b>TOTAL:</b>	<b>\$ 6,017,885.37</b>

Key Bank Treasury Bills:			\$ 5,053,138.64
Catskill Hudson Bank CD			\$ 193,558.17
Jeff Bank CD			\$ -
TD Banknorth CD			\$ 208,205.81
		<b>TOTAL CD:</b>	<b>\$ 5,454,902.62</b>

2023



**Town of Liberty**  
 120 North Main Street  
 Liberty, New York 12754

Voucher No. \_\_\_\_\_  
 Check No. \_\_\_\_\_

**CENTRAL CHECKING**

Claimant's Name and Address: Delaware Engineering, D.P.C.  
28 Madison Avenue Extension  
Albany NY ZIP 12203

Vendor #: 7032 P.O. # \_\_\_\_\_

Office Use Only

Coding:	✓
Vendor#:	✓
PO#:	—
PO ATTACHED:	—
Invoice #'s:	✓
Addition:	✓
Dept. Head Sig.	✓
Reviewed by:	<i>SS</i>
Date:	1/8/24

	Invoice # - Description of Goods/Services	Invoice Amt.	Fund/App.#	Amount
12/28/23	Invoice # 18 - Delaware Engineering Phase 10			
	Engineering during const.	\$3,640.00	CD8311.3	\$3,640.00
		\$3,640.00	Total	\$3,640.00

THE ABOVE SERVICES OR MATERIALS WERE RENDERED OR FURNISHED TO THE MUNICIPALITY ON THE DATES STATED AND THE CHARGES ARE CORRECT.  
 Date: 1/8/24 Signature: *Frank J. DeMay*





## DELAWARE ENGINEERING, D.P.C.

55 South Main Street  
Oneonta, New York 13820

Tel: 607.432.8073  
Fax: 607.432.0432

December 28, 2023

Cheryl Gerow  
Budget/Accounting Coordinator  
Town of Liberty  
Government Center  
120 North Main Street  
Liberty, NY 12754

Re: White Sulphur Springs Water District – Phase 10 Improvements

Sub: Engineering Services Invoice No. 18

Dear Cheryl:

Attached for Town review and processing is our invoice totaling \$3,640.00 for the subject project. Total cost to date, including this invoice, is \$127,404.20. Based on the contract price of \$149,500.00, the remaining balance equals \$22,095.80.

Work performed/provided which is covered by the invoices through December 2023 includes:

**Task 1 – Design Services:**

- None at this time

**Task 2 – Bid/Award Services:**

- None at this time

**Task 3 – Engineering During Construction:**

- Continued coordination with contractor.
- Received and reviewed updated project schedules from contractor. Provided Town with schedule updates.
- Continued communications with the project grant administration consultant (Blauer Associates) regarding OCR issues.
- Continued communications with OCR.
- Continued working on requests to OCR for usage of remaining funds.
- Worked with contractor on finalize project close-out documents and paperwork
- Worked with grant administration consultant to help generate project contract extension request for submission to OCR by the Town
- Received approval of extension request from OCR
- Drafted professional services contract amendment for Town consideration



**Task 4 – On-Site Observation Services:**

- Site inspector continued on-site observation during construction work.
- Inspector coordinated with contractor regarding daily schedule and provided updates.
- Inspector reviewed quantities of piping installed.
- Inspector reviewed and refined project punch-list.
- Inspector reviewed quantities in draft final payment requests.
- Inspector reviewed site conditions prior to final work (associated with Change Order No. 1)
- Inspector observed final work by contractor for the year (road restoration work associated with Change Order No. 1)

**Task 5 – As-Built:**

- Continued work on As-Built Drawings.

**Task 6 – Subcontractor Services:**

- None at this time

**Work planned for January 2024 includes:**

**Task 1 – Design Services:**

- Begin preparing design documents (drawings and specifications) for the Boyd Road Reconstruction phase of the project (pending approval of professional services contract amendment).

**Task 2 – Bid/Award Services:**

- Prepare for new construction contract bidding and award process including pre-bid meeting (pending approval of professional services contract amendment).

**Task 3 – Engineering During Construction:**

- Continue coordination with contractor.
- Submit final As-Built Drawings to NYSDOH.
- Continue communicating with OCR.
- Continue coordinating with the Town Water and Sewer Department.
- Finalize original construction contract close-out.
- Prepare for commencement of new construction contract

**Task 4 – On-Site Observation Services:**

- Resume on-site observations if or when construction work commences or resumes (none anticipated for January 2024)

**Task 5 – As-Built:**

- Finalize As-Built Drawings and submit to the Town and NYSDOH.



**DELAWARE ENGINEERING, D.P.C.**

55 South Main Street  
Oneonta, New York 13820

Tel: 607.432.8073  
Fax: 607.432.0432

Please contact me at (607) 432-8073 if you have any questions.

Respectfully,

**DELAWARE ENGINEERING, D.P.C.**

Dave Ohman, P.E.

Attachment:

CC: Frank DeMayo, Town Supervisor (w/enclosures)  
Mark Blauer, Blauer Associates (w/enclosures)  
Damon Knack, Town Water & Sewer Department (w/enclosures)  
Cheryl DeCarr, Delaware Engineering, D.P.C. (w/enclosures)

12-2023 Liberty (T) White Sulphur Springs WD – Phase 10 Imp CL 18.doc





**Delaware Engineering, D.P.C.**  
28 Madison Ave. Ext.  
Albany, NY 12203  
(518) 452-1290

Liberty (T)  
120 North Main Street  
Liberty, NY 12754

Invoice number 22-2437-18  
Date 12/28/2023

Project 22-2437 Liberty (T) White Sulphur Springs  
Water District-Phase 10

For Services Rendered Through December 31, 2023

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**4 On-Site Observation Services**

	Hours	Rate	Billed Amount
Dennis A. Bacon	28.00	130.00	3,640.00
		Invoice total	<b>3,640.00</b>

Approved by:

David R. Ohman

*Please remit payment to:*  
*Delaware Engineering, D.P.C.*  
*28 Madison Ave. Ext.*  
*Albany, NY 12203*

# DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-432-8073/FAX 607-432-0432

Town of Liberty  
120 North Main Street  
Liberty, NY 12754

PROJECT ID 22-2437

PROJECT: White Sulphur Springs Water District - Phase 10 Improvements  
INVOICE/REQUISITION No.: 18

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
<b>1. Task 1 - Design Services</b>				
Labor	\$ -	\$ 49,031.25	\$ 49,031.25	
Reimbursable Expenses	\$ -	\$ 968.75	\$ 968.75	
<b>SUBTOTAL - TASK 1</b>	\$ -	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>2. Task 2 - Bid/Award Services</b>				
Labor	\$ -	\$ 6,275.00	\$ 6,275.00	
Reimbursable Expenses	\$ -	\$ 725.00	\$ 725.00	
<b>SUBTOTAL - TASK 2</b>	\$ -	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00
<b>3. Task 3 - Engineering During Construction</b>				
Labor	\$ -	\$ 24,417.50	\$ 24,417.50	
Reimbursable Expenses	\$ -	\$ 1,082.50	\$ 1,082.50	
<b>SUBTOTAL - TASK 3</b>	\$ -	\$ 25,500.00	\$ 25,500.00	\$ 25,500.00
<b>4. Task 4 - On-Site Observation Services</b>				
Labor	\$ 3,640.00	\$ 24,270.00	\$ 27,910.00	
Reimbursable Expenses	\$ -	\$ 1,205.20	\$ 1,205.20	
<b>SUBTOTAL - TASK 4</b>	\$ 3,640.00	\$ 25,475.20	\$ 29,115.20	\$ 48,000.00
<b>5. Task 5 - As-Builts</b>				
Labor	\$ -	\$ -	\$ -	
Reimbursable Expenses	\$ -	\$ -	\$ -	
<b>SUBTOTAL - TASK 5</b>	\$ -	\$ -	\$ -	\$ 1,500.00

# DELAWARE ENGINEERING, D.P.C.

55 South Main Street, Oneonta, New York 13820 Phone 607-432-8073/FAX 607-432-0432

	CURRENT COST	PREVIOUS COST	COST TO DATE	BUDGET
<b>6. Task 6 - Subcontract Services</b>				
Subcontractor - Geotechnical Evaluation (Keystone)	\$ -	\$ 7,789.00	\$ 7,789.00	\$ 7,500.00
Subcontractor - Surveying (REGEN, LLC)	\$ -	\$ 8,000.00	\$ 8,000.00	\$ 10,000.00
<b>SUBTOTAL - TASK 6</b>	<b>\$ -</b>	<b>\$ 15,789.00</b>	<b>\$ 15,789.00</b>	<b>\$ 17,500.00</b>
<b>TOTAL</b>	<b>\$ 3,640.00</b>	<b>\$ 123,764.20</b>	<b>\$ 127,404.20</b>	<b>\$ 149,500.00</b>
<b>AMOUNT DUE FOR CURRENT SERVICES</b>	<b><u>\$ 3,640.00</u></b>			
<b>AMOUNT PAST DUE</b>	<b><u>\$ 27,807.20</u> Invoice #16, 10/12/2023 and Invoice #17, 12/7/2023</b>			
<b>TOTAL NOW DUE</b>	<b><u>\$ 31,447.20</u></b>			
<b>BUDGET BALANCE</b>	<b>\$ 22,095.80</b>			

THIS STATEMENT REFLECTS PAYMENTS RECEIVED ON OR BEFORE BILLING DATE



**APPLICATION TOWN OF LIBERTY REFUSE COLLECTION LICENSE**

License expires the 31st day of December following the Date of Issue

- 1. NAME OF APPLICANT: Sims Limite
- 2. ADDRESS: 820 Route 211 East ~~AT~~ N.Y. 10941
- 3. TELEPHONE: 845-703-4055
- 4. VEHICLE
  - A-NAME OF OWNER: Sims Metal
  - B-MAKE OF VEHICLE: MACK
  - C-LICENSE PLATE #: Indiana 0793062
  - D-BODY TYPE: Koltoff
  - E-REGISTRATION#:
- 5. DO YOU INTEND TO OPERATE THE VEHICLE PERSONALLY?
- 6. NAME AND ADDRESS OF EMPLOYEES WHO WILL OPERATE VEHICLE?

I CERTIFY THAT I AM FAMILIAR WITH THE GARBAGE AND REFUSE ORDINANCE OF THE TOWN OF LIBERTY AND THE RULES AND REGULATIONS APPLYING TO THE TOWN REFUSE AREA AND GARBAGE DUMP AND AGREE TO COMPLY WITH THE TERMS AND CONDITIONS THEREOF.

[Signature]  
SIGNATURE OF APPLICANT

ROSEMARIE SWORN TO BEFORE ME THIS  
Notary Public, State of New York  
No. 01LE6018825  
Qualified in Dutchess County  
Commission Expires June 29, 2027

<sup>th</sup> 8 DAY OF January 2024

[Signature]  
NOTARY PUBLIC

APPLICATION & LICENSE FEE RECEIVED  
1/12/24

01/08/2024  
DATE

APPLICATION INSPECTED AND APPROVED BY CODE ENFORCEMENT OFFICER

[Signature]  
CODE ENFORCEMENT OFFICER

1/12/2024  
DATE

APPLICATION APPROVED BY THE TOWN BOARD

DATE

LICENSE ISSUED

DATE

LICENSE # 1079

**RATE SCHEDULE:**

PICK UP TRUCK / 1 TON OR OVER.....\$ 50.00    PACKER / CONTAINER TRUCK.....\$100.0

Town of Liberty Finance Office  
 120 North Main Street  
 Liberty, NY 12754  
 (845) 292-5772  
[c.gerow@townofliberty.org](mailto:c.gerow@townofliberty.org)

DATE: January 17, 2024  
 TO: Town Board Members  
 FROM: Cheryl Gerow  
 RE: 2023 Budget Transfers and Modifications

Please approve the below Budget Transfers and Modifications:

A 4089	\$6,675.00	
A 1980.42		\$6,675.00
ARPA Funds/Infrastructure		
A 2680	\$9,800.00	
A 5182.4		\$9,800.00
Insurance Claim (Street Light)		
W4 4089	\$9,800.00	
W4 8311.31		\$9,800.00
WSS Phase 10 ARPA Funds		
A 3068	\$1,700.00	
A 1968.4		\$1,700.00
2018 Golden Feather Grant		

2023 Budget Transfers

Account	To (+)	From (-)
A 1330.4	\$ 83.00	
A 1355.1		\$ 74.00
A 1355.4	\$ 74.00	
A 1355.41		\$ 2,257.00
A 1410.4		\$ 83.00
A 1420.4		\$ 2,769.00
A 1440.4	\$ 10,984.00	
A 1620.4	\$ 3,952.00	
A 1620.3		\$ 3,952.00
A 1620.2		\$ 2,325.00
A 1670.4	\$ 243.00	
A 1680.4	\$ 2,409.00	
A 1681.4		\$ 9,054.00
A 5132.4	\$ 2,769.00	
A 5182.4	\$ 274.00	
A 6772.2		\$ 274.00
A 7020.4	\$ 75.00	
A 7110.1		\$ 1,769.00
A 7110.4	\$ 1,351.00	
A 7150.4	\$ 343.00	
A 7310.4		\$ 9.00
A 7550.4	\$ 9.00	
A 9050.8	\$ 1,407.00	
A 9060.8		\$ 1,407.00
B 9050.8	\$ 3,316.00	
B 9060.8		\$ 3,000.00
B 9030.8		\$ 316.00
DA 5130.4	\$ 4,836.00	
DA 5142.4		\$ 4,836.00
W2 8310.4	\$ 1,685.00	
W2 9901.9400		\$ 1,685.00
W7 8310.4	\$ 795.00	
W7 9901.9100		\$ 488.00
W7 9901.9300		\$ 307.00
Total:	\$ 34,605.00	\$ 34,605.00



OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

## Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent:  1a. Delivered by:

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:  
For premises outside the City of New York:

- New Application    Removal    Class Change

For premises in the City of New York:

- New Application    New Application and Temporary Retail Permit    Temporary Retail Permit    Removal  
 Class Change    Method of Operation    Corporate Change    Renewal    Alteration

For **New** and Temporary Retail Permit applicants, answer each question below using all information known to date  
 For **Renewal** applicants, answer all questions  
 For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)  
 For **Corporate Change** applicants, attach a list of the current and proposed corporate principals  
 For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation  
 For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type  
 For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

**Please include all documents as noted above. Failure to do so may result in disapproval of the application.**

**This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:**

3. Name of Municipality or Community Board:

**Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable):  Expiration Date (if applicable):

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village:  , NY Zip Code:

9. Business Telephone Number of applicant/ Licensee:

10. Business E-mail of Applicant/Licensee:

11. Type(s) of alcohol sold or to be sold:    Beer & cider    Wine, Beer & Cider    Liquor, Wine, Beer & Cider

12. Extent of Food Service:    Full Food menu; full kitchen run by a chef/cook    Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment:   
 Seasonal Establishment    Juke Box    Disc Jockey    Recorded Music    Karaoke

14. Method of Operation: (check all that apply)  
 Live Music (give details i.e., rock bands, acoustic, jazz, etc.):   
 Patron Dancing    Employee Dancing    Exotic Dancing    Topless Entertainment  
 Video/Arcade Games    Third Party Promoters    Security Personnel  
 Other (specify):

15. Licensed Outdoor Area: (check all that apply)    None    Patio or Deck    Rooftop    Garden/Grounds    Freestanding Covered Structure  
 Sidewalk Cafe    Other (specify): \_\_\_\_\_

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

16. List the floor(s) of the building that the establishment is located on:

17. List the room number(s) the establishment is located in within the building, if appropriate:

18. Is the premises located within 500 feet of three or more on-premises liquor establishments?  Yes  No

19. Will the license holder or a manager be physically present within the establishment during all hours of operation?  Yes  No

20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:  
 Name  Serial Number

21. Does the applicant or licensee own the building in which the establishment is located?  Yes (if YES, SKIP 23-26)  No

**Owner of the Building in Which the Licensed Establishment is Located**

22. Building Owner's Full Name:

23. Building Owner's Street Address:

24. City, Town or Village:  State:  Zip Code:

25. Business Telephone Number of Building Owner:

**Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice**

26. Representative/Attorney's Full Name:

27. Representative/Attorney's Street Address:

28. City, Town or Village:  State:  Zip Code:

29. Business Telephone Number of Representative/Attorney:

30. Business E-mail Address of Representative/Attorney:

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

31. Printed Principal Name:  Title:

Principal Signature: 

The Town Board of the Town of Liberty supports any effort(s) by appropriate governing authorities/agencies within Sullivan County, the State of New York and/or the United States Government to audit and correct any voter role inaccuracies within their respective jurisdictions.





# Resolution for an Audit of the New York State 2022 General Election

SECOND EDITION




**Whereas** It is a recognized civil right in the United States for every citizen to have free and fair elections. "And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." (Reynolds v. Sims, 377 U.S. 533 (1964))

**Whereas** It is the affirmative duty of our election officials to comply with all Federal and State laws governing administration and procedure of our elections, thereby guaranteeing our elections are accurate and free from distortion or manipulation. "Congress seeks...to guard the election of members of Congress against any possible unfairness by compelling...everyone concerned in holding the election to a strict and scrupulous observance of every duty devolved upon him while so engaged... The evil intent consists in disobedience to the law." (In Re Coy, 127 U.S. 731 (1888)).

**Whereas** Our constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring accuracy can only be achieved through fealty to those laws governing the following four tenets of an election:

1. The Voter Rolls Must Be Accurate (National Voter Registration Act, 1993).
2. Votes Counted Must Be From Eligible Voters (US Constitution, Fourteenth Amendment).
3. The Number of Votes Counted Must Equal the Number of Voters Who Voted.
4. There Can Be No More Than One in 125,000 Ballots in Error by the Voting System (Help America Vote Act, 2002).



**Whereas** An open-source audit of the New York State 2022 General Election conducted by New York Citizens Audit has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- **5,142,950** ineligible or uncertain registration violations found within the NY State voter roll database.
- **732,359** votes cast by ineligible or uncertain registrants.
- **35,312** more votes counted than voters who voted in the 2022 general election. No one knows who cast them.
- **745,246** apparent voting violations in excess of the legal standard of system accuracy for a valid federal election. For the 2022 election in New York this number was **48**.
- Certification as defined by law, an attestation of accuracy and compliance, appears to have been fraudulent and illegal.


**Whereas** These findings trample accuracy requirements of voting systems for a Federal Election, wherein the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, or one in 125,000 ballots. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error.

**Whereas** It must be known factually, and provably, that the intent of the voters is accurately represented by election results before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a Fraud ab Initio. (United States v. Throckmorton, 98 U.S. 61 (1878)).

**Whereas** State and Federal Officials have met the efforts of New York Citizens Audit to seek redress for these egregious violations with indifference and inaction, including the Attorney General, Secretary of State, State Board of Elections, Inspector General, Federal Bureau of Investigations, State Leadership of Democrat and Republican parties, County Election Officials, Sheriffs, District Attorneys, and others.

**Whereas** None of the reported 2020 violations were addressed prior to the administration and certification of the 2022 General Election, and there prevails a spirit of extreme contention and zero trust between people of differing political ideologies across New York, which is destructive to our families, our way of life, and the fabric of these United States.





**Therefore** We call upon our Representatives including Town Board Members, County Legislators, State Legislators, Federal Legislators, Law Enforcement, Federal and State Prosecutors, and Judges to provide relief to the people, and the assurance of domestic tranquility, through the fulfillment of each of the following firm requests:

1. A complete end-to-end audit, from registration through certification, of the New York State 2022 General Election, for both paper and electronic records, including ballots, by a mutually agreed upon external, third-party bonded auditing firm, possessed of adequate insurance and indemnification for the handling and protection of the personal identifying information of millions of New York citizens, in order to determine the true error rate. This audit will provide a comprehensive report and analysis of all lapses and errors with explanation of cause where it can be determined.
2. The enactment of legislation defining a mutually agreed upon process by which an end-to-end audit would be triggered in any future elections.
3. The enactment of legislation defining a mutually agreed upon accuracy rate for the voter roll databases.
4. The enactment of legislation allowing for anonymous vote verification and tracking by the voter (open-source, royalty-free patent pending), including automatic mechanisms to report and remedy errors during the canvass period following an election, regardless of ballot entry source.
5. Criminalize election misconduct explicitly with regard to State election law, and increase penalties to reflect the societal and generational harms inflicted by these crimes.

— Resolution on following page —





## Be if Resolved

That Liberty, NY stands in support with the concerns and remedies presented here. We implore the Sullivan County Legislature, NYS Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and County Boards of Elections to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Supervisor Frank DeMayo	_____	_____	_____
Councilman Dean Farrand	_____	_____	_____
Councilman John Lennon	_____	_____	_____
Councilman Brian McPhillips	_____	_____	_____
Councilman Vincent McPhillips	_____	_____	_____

As recorded on the \_\_\_\_\_ of \_\_\_\_\_, 2023.



# Appendix to the Resolution

## Research Sources for the Open-Source Audit by New York Citizens Audit:

- A copy of NYSVoter database obtained via FOIL request from the NYS Board of Elections on December 19, 2022.
- 2022 Certified Statewide General Election Results, downloaded from the official website of the NYSBOE.

## Relevant Laws applicable to an End-to-End Audit:

- US Constitution; Article I, Section 4.
- H.R. 2 The National Voter Registration Act of 1993 (Pub. L. 103-31).
- H.R. 3295 The Help America Vote Act of 2002 (Pub.L. 107-252).
- Federal Election Assistance Commission Voting System Standards Volume I: Performance Standards, April, 2002.
- Federal Information Security Modernization Act of 2014 (Public Law 113-283), originally Federal Information Security Management Act of 2002 (Public Law 107-347 (Title III)).
- National Institute of Standards and Technology SP 800-53: Security and Privacy Controls for Information Systems and Organizations.
- FIPS 199 - Standards for Security Categorization of Federal Information and Information Systems.
- U.S. Code: Title 52; Subtitle I—Voting Rights (§§ 10101 - 10702), Subtitle II—Voting Assistance and Election Administration (§§ 20101 - 21145) including:
  - ◆ 52 USC §10101(b)—Intimidation, threats, or coercion.
  - ◆ 52 USC §10307(c)—False Information in, and Payments for, Registering and Voting.
  - ◆ 52 USC §20701—Retention and preservation of records and papers by officers of elections.
  - ◆ 52 USC §20702—Theft, destruction, concealment, mutilation, or alteration of records or papers.
  - ◆ 52 U.S. Code § 21081—Voting systems standards (HAVA)
  - ◆ 52 U.S. Code § 21083—Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 18 USC §241—Conspiracy Against Rights.
- 18 USC §242—Deprivation of Rights Under Color of Law.
- 18 USC §1519—False Records in the Administration of a Federal Matter.
- 18 USC §1028A—Aggravated Identity Theft.
- 18 USC § 514—Fictitious obligations.
- Consolidated Laws of New York; Chapter 17, Elections.
- New York Codes, Rules, and Regulations, Title IX Executive Department, Subtitle V—State Board of Elections.
- NY Penal Law, Part 3, Title K § 190.80 Identity theft in the first degree.
- NY Penal Law, Part 3, Title K §170.10 forgery in the second degree.



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## **supervisordemayo townofliberty.org**

---

**From:** Dean Farrand <neck1257@gmail.com>  
**Sent:** Wednesday, January 10, 2024 2:32 PM  
**To:** supervisordemayo townofliberty.org  
**Subject:** Fwd: Liberty PUD code  
**Attachments:** Planned unit development districts.docx; PUD moratorium.docx

Missed you somehow

----- Forwarded message -----

**From:** Dean Farrand <[neck1257@gmail.com](mailto:neck1257@gmail.com)>  
**Date:** Wed, Jan 10, 2024 at 2:10 PM  
**Subject:** Liberty PUD code  
**To:** Peter Manning <[geniuslociplan@gmail.com](mailto:geniuslociplan@gmail.com)>, Dean Farrand <[NECK1257@gmail.com](mailto:NECK1257@gmail.com)>, Vincent McPhillips <[vmcphillips@labellapc.com](mailto:vmcphillips@labellapc.com)>, John Lennon <[j.lennon@townofliberty.org](mailto:j.lennon@townofliberty.org)>

Peter,

Glad to have you back to lend your expertise. I created the existing PUD into a word document and then took the liberty to make mostly "process flow alterations". I believe that the way the current law is laid out leads to confusion as to what the process is especially for individuals unfamiliar with zoning codes.

This is just my first draft with a focus on putting the process in a logical (at least for me) sequence so that we can have a unified understanding of the process.

As always please feel free to contact me with any comments and or questions. I attached the unedited version and my edited version.

Dean ;



## PUD LAW

### GENERAL STATEMENT

- A. The purpose of a planned unit development (PUD) district is to foster excellence in neighborhood design and further the goals and objectives of the Town of Liberty Comprehensive Plan. These "floating districts" promote creative site layout and architectural design and secure the advantages of large-scale site planning for residential, commercial or professional office developments, or certain combinations thereof. The flexibility granted to projects in a PUD District comes with a commitment to include features beneficial to the entire community, features not normally required of traditional developments. Achieving such objectives requires in-depth scrutiny by both the Town Board and Town Planning Board during the development of the PUD proposal. Therefore, more information is required about the project than would be required if development were being pursued under conventional zoning. The discretion of the Town Board regarding density of use, or even as to whether to approve or deny a PUD application, shall be absolute. This is consistent with the Town Board's inherent power to rezone. The Town Board can exercise this power prior to the Sketch Plan Process or at the completion of the Sketch Plan Process. The Town Board must make a decision at the end of the Preliminary Process.

### B. PUD OVERALL PROCESS DESCRIPTION

#### 1. Sketch Plan Process

1. The Sketch Plan Process is a discussion between the Town Board, Planning Board and Applicant.
2. The rules, boundaries, requirements, and regulations are defined and agreed upon during the Sketch Plan Process.
3. The intent is to provide both The Town Board and The Planning Board with sufficient information on the proposal for each board to decide whether the proposal has merit as a PUD and whether to allow the applicant to proceed to the next stage of review.
4. The intent is to provide the applicant with a clear understanding of the predicted costs and timeline for the project so that the Applicant can determine whether to proceed with the application PRIOR to expending time and dollars.
5. Public Hearing must be held at the completion of the Sketch Plan Process and prior to the initiation of the Preliminary Plan.

#### 2. Preliminary Plan

1. The Preliminary Plan is a discussion between the Planning Board and the Applicant
2. This is the stage of the PUD process where site plan development begins.
3. SEQRA is performed.
4. Public Hearings are held, studies are performed, applicable regulations are applied, and board requirements are addressed.
5. This is where the Towns Engineering Consultants review all documents presented by the applicant on the Towns behalf.
6. At the end of this process "If the application is found to contain all the information required, the Planning Board shall certify said application is complete and direct the application to the Town Board with recommendations to approve, disapprove, or conditionally approve the proposed PUD district.

#### 3. PUD application accepted or denied.

1. This is where The Town Board decides whether this PUD is approved or denied.

#### 4. Major Subdivision Review

1. The Major Subdivision review is a discussion between the Planning Board and Applicant
2. Once the PUD district has been created it goes back to the Planning Board for additional review in accordance with 130-30(13) Major Subdivisions. Public Hearings Required in this process.

#### 5. Periodic Review

### PUD PROCESS

#### 1. Sketch Plan Preapplication

Preapplication conference. Prior to the official submission of the application for a Planned Unit Development District, the landowner, or the landowner's agent, must meet with the Planning Board to discuss the proposed scope and nature of the contemplated development. The intent of this conference is to ensure that the application meets the minimums for the following PUD criteria.

A. Type of PUD. Applicants applying for PUD shall apply under one of the two following alternatives:

1. Large-scale PUD (LSPUD).

- i. Minimum size: 150 contiguous acres. **[Amended 2-3-2020 by L.L. No. 2-2020]**
- ii. Maximum size: no maximum size.
- iii. Requires phasing plan. All phases shall be illustrated in a phasing development map and numbered in the expected order of development.
- iv. Rezoning granted under the large-scale PUD process has a twenty-three-year duration. The Town Board may revoke undeveloped sections of a LSPUD after 23 years. Periodic reviews shall be completed as provided herein.

2. Small-scale PUD (SSPUD).

- i. Minimum size: 30 contiguous acres.
- ii. Maximum size: 149.9 contiguous acres. **[Amended 2-3-2020 by L.L. No. 2-2020]**
- iii. Rezoning granted under the small-scale PUD process has a thirteen-year duration. The Town Board may revoke undeveloped sections of a SSPUD after 13 years.

B. Authorized uses within PUD.

1. No use shall be established, and no development shall be permitted in the PUD District, unless specifically approved pursuant to the procedures and standards set forth in this section. The specific uses to be allowed in the PUD shall be approved by the Planning Board. The general categories of allowable uses that may be permitted in any PUD are as follows:

- i. Commercial (including retail products and services, excluding wholesale).
- ii. Offices (business or professional, excluding large-scale medical clinics).
- iii. Single-family dwellings.
- iv. Multifamily dwellings (including apartments and townhouses).
- v. Age-restricted, assisted living and skilled care facilities.
- vi. Public and/or private recreational facilities (outdoor or indoor).
- vii. Destination resorts.
- viii. Mixed uses (including any combination of above uses).

2. The proposed PUD shall have an appropriate ratio of mixed uses that are sustainable for its location, Town needs and market considerations. The actual ratio of mixed uses shall be specified by the applicant as part of the PUD application and approved by the Planning Board and Town Board as part of the approval process.

C. Development density, open space and common recreation facilities.

(1) The density of a proposed PUD development shall be set forth initially by the applicant as part of the PUD plan and application process and determined by the Planning Board and Town Board as part of the final approval process. Maximum density shall be based upon the degree to which the planned unit development preserves significant natural features and open space (i.e., wetlands, waterways and steep slopes) and provides recreational amenities (i.e., active and passive recreational facilities, including nature trails, bicycle paths, sitting areas, parks and playgrounds). Based on gross acreage, without offset for environmental limitations, the following specifies the maximum allowed increased density over underlying zoning:

<b>Percentage of PUD Preserved as Open Space or Community Recreation</b>	<b>Density Multiplier</b>
Less than 25%	1.10
25% to 39%	1.25
40% to 49%	1.35

50% +	1.50
-------	------

(2) Alternatively, the Town Board also may agree to accept a contribution of \$5,000 for each additional housing unit proposed over that permitted by the underlying zoning. This monetary contribution is a substitute for the provision of a portion of the required open space or



community recreation on-site, provided that no less than 25% of the PUD is devoted to on-site open space or community recreation. Proceeds will be deposited into a recreation fund for community park and recreation facility improvements. This monetary contribution can be substituted with an equal exchange

- (3) Creative integration of open space and recreational amenities into the PUD design is encouraged. Connections to surrounding parks and open space through a coordinated trail system shall be made to the maximum extent practicable. Open space shall be usable for recreation purposes or provide visual, aesthetic, or environmental amenities, and may not be occupied by streets, drives, dependent parking areas or structures other than recreational dependent structures.
- E. Age-restricted housing density bonus. A density bonus for age-restricted housing has been established to offer a land-use-based option to facilitate the economic feasibility of age-restricted housing development. The bonus provides the developer a density bonus of 5% above that which is provided for open space and of community recreation and is held specific to the parcel(s) for which the age restricted housing is being proposed.

#### **Sketch Plan Conference**

- F. Sketch plan conference. The Town Board shall schedule a joint Town Board/ Planning Board conference with the applicant within 45 days of the sketch plan submission. The applicant shall make a presentation at this joint Town Board/Planning Board conference describing the PUD proposal. The intent is to provide both the Town Board and the Planning Board with sufficient information on the proposal for each Board to decide whether the proposal has merit as a PUD and whether to allow the applicant to proceed to the next stage of review.
- (1) Sketch plan process. An application for a PUD approval starts with the submission and review of a sketch plan as set forth below. The applicant shall meet with the Town Board to discuss the proposed project and to reach an understanding on basic requirements prior to detailed design investment. If the Town Board determines the proposal does not merit further review because it does not meet the objectives of this chapter, then no further action on the application shall be taken. The Town Board may require the applicant to meet with staff or consultants to facilitate the submission of a complete and suitable application. Sketch plan submissions shall include the following:
    - (a) A conceptual plan showing the parcel or parcels to be included in the PUD.
    - (b) The location of the various uses and their areas.
    - (c) Approximate location of significant natural and man-made features of land, such as waterways, wetlands, streets, easements and buildings.
    - (d) Proposed layout of structures, roads, utilities and other features.
    - (e) Current owners of parcel(s) to be included in PUD.
    - (f) A written narrative or statement of what is proposed and the merits of such proposal. Said statement to be of sufficient detail and scope to provide a well-developed concept of the PUD and must include, at a minimum, the following:

- [1] Total number of acres proposed for the PUD.
  - [2] Type of uses proposed and ratio of mixed uses.
  - [3] Number of residential and commercial units.
  - [4] Preliminary density calculations (dwelling units per acre).
  - [5] An explanation of how the developer's particular mix of land uses meets existing community needs and goals.
  - [6] A summary of the operation and ownership arrangements during development and post-development phases.
  - [7] A summary of the infrastructure needed and/or available with respect to transportation, roads, water, and sewer, electric and telecommunications.
  - [8] A general description of the provisions of other community facilities, such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - [9] Recreational facilities and/or amenities that will be included in the PUD plan.
  - [10] General description of architectural, planning, and environmental design standards to be proposed as part of the PUD plan.
- (3) Town Board and Planning Board action on sketch plan. The Town Board shall provide their opinion to the Planning Board, in writing, within 45 days. The Planning Board shall have 62 days from the date of the conference in which to make the preliminary determination as to whether the applicant may move on to next stage of the application process and submit a formal request for a PUD. The Planning Board may provide the applicant with direction regarding the content, design, allowed uses, ratio of mixed uses, project size and scope that the Board deems appropriate for the formal application stage. Although said preliminary determination will not commit the Town Board to any specific course of action on the PUD to be requested, the sketch plan process is intended to advise the applicant as to what may be generally acceptable, or not acceptable to the Board so that the applicant has an understanding of what is expected in the next stage of review. Such preliminary determination should establish issues that must be addressed in PUD design, define acceptable uses, specify the supporting documentation required for submission, and specification of all involved agencies. If it is determined the sketch plan proposal does not have merit for further review as a PUD, the applicant may submit a revised proposal for another sketch plan conference but may not submit a formal PUD application.

### **Preliminary Plan**

This is the stage of the PUD process where site plan development begins, SEQRA is performed, Public Hearings are held, studies are performed, applicable regulations are applied, and board requirements are addressed. This is where the Towns Engineering Consultants review all documents presented by the applicant on the Towns behalf. At the end of this process "If the application is found to contain all the information required, the Planning Board shall certify said application is complete and direct the application to the Town Board with recommendations to approve, disapprove, or conditionally approve the proposed PUD district.

E. Development standards and guidelines.

- (1) Unified control. No application for a PUD shall be accepted or approved unless all of the property included in the application is under unified ownership and/or control by the applicant, or if the applicant has a legally binding contract with the property owner to transfer ownership upon approval of the PUD.
- (2) Preservation of natural features. Significant natural features of any PUD shall be preserved whenever possible for purposes of buffering new development, preserving the character of neighborhoods, protecting critical environmental resources and providing for stormwater management.
- (3) Preservation of historic resources. Whenever a proposed site for a PUD has existing historic buildings, structures or sites of significance located thereon, such resources shall be preserved and incorporated into the design.
- (4) Integrated architectural design. The PUD plan of development shall integrate the design of buildings, structures, landscaping, infrastructure facilities and common areas into cohesive units of development.
- (5) Pedestrian system. The PUD shall provide for an internal system of pedestrian circulation using sidewalks and trails, with connections to adjoining properties or systems where feasible.
- (6) Streets. The PUD shall provide for a vehicular circulation plan that can safely accommodate current traffic volumes, as well as those generated by the PUD. Access points shall be designed to provide for smooth flow, controlled turning movements and vehicular traffic safety.
- (7) Off-street parking and loading. The proposed development shall comply with the off-street parking and loading standards set forth herein, unless it is demonstrated that a deviation from those standards is warranted, and is specifically approved during the PUD approval process.
- (8) Utilities. Underground on-site utilities are required, including telephone, electric, cable, water distribution mains and sewer collection reaches.
- (9) Lighting. All lighting shall include full cut-off fixtures and be arranged so as to prevent direct glare or hazardous interference to adjoining streets, properties, or the night sky.
- (10) Ownership and maintenance. Subject to Town Board approval, the open space resulting from PUD design shall be permanently protected through a conservation easement and generally titled to a homeowners' association (HOA), or other form of ownership (such as municipal) prior to the sale of any lots or dwelling units in the PUD. If an HOA option is selected, then membership shall be mandatory for each property owner within the subdivision, and successive owners, with voting of one vote per lot or units and the developer's control of common amenities, therefore, assign to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the HOA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly-held amenities. Each property owner must be



required to pay their proportionate share of the HOA's costs and the HOA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The HOA must have the ability to adjust the assessment to meet changing needs.

(11) Development phasing. The development of a PUD may be proposed and approved in phases. A phasing plan shall be submitted to the Planning Board as part of the large-scale PUD application documents. The Planning Board shall have the authority to approve, with or without modifications and/or conditions, or deny the phasing plan based on the following standards:

- (a) Each phase, when completed, must be able to fully function on its own, or in conjunction with prior phases, without dependence on subsequent phases.
- (b) The infrastructure, as installed, shall be sufficient to accommodate each planned phase of development.
- (c) Each phase shall have an appropriate ratio of the various uses proposed for the development.

(12) Construction schedule. The applicant shall propose, and the Planning Board shall review and approve, a construction schedule for the development of an approved PUD. Generally, commencement of development of the large-scale PUD, or the first phase if a phased large-scale PUD approved, shall commence within three years of the date that the final site plan of the PUD is approved. However, it is recognized that depending on the scale and complexity of the development, consideration may be made with respect to the reasonable time necessary for the applicant to obtain construction financing, insurance and bonds, executing construction contracts, and other such aspects involved in a development project. Thus, the Planning Board may modify the time-period allowed for commencement of construction depending on the circumstances of each PUD.

(3) Preliminary plan submission. The applicant shall submit 10 copies of the preliminary plan and application to the Planning Board at least four weeks prior to the meeting of the Board at which the application is to be heard. Each preliminary plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New York and shall bear the signature, seal, license number and telephone number of the said professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor. Each submission shall include a preliminary plan drawn at a scale of not less than one inch equals 100 feet and the following additional information:

- (a) Certification that the applicant is the owner of the land or an authorized agent, or that the owner has given consent under an option agreement.
- (b) Certificate from the Town Tax Collector that all taxes and assessment have been paid to date.
- (c) A key map showing the entire tract and its relation to the surrounding areas.
- (d) Title block including the name of development, applicant contact information, identity of a landowner, written and graphic scales and the dates of preparation and revisions.

- (e) North arrow.
- (f) Approval signature block for Planning Board and Town Board.
- (g) Land area to the nearest tenth of an acre and computation of disturbed area.
- (h) The names and lot and block numbers of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax roll.
- (i) Existing section, block and lot numbers of the lots to be subdivided or developed.
- (j) Zoning district affecting the tract and within 200 feet thereof, including district names and requirements, and a comparison to the application.
- (k) Land use plan specifying residential land areas and indicating the acreage, density and the type of dwelling units proposed; nonresidential land areas indicating the acreage, square footage, and specific type of uses proposed; conceptual footprints of all proposed buildings with typical dimensions; approximate and maximum height of all proposed buildings; locations of parking areas and the estimated number of parking spaces; and general calculations of impervious surface coverings.
- (l) Housing plan indicating the number and type of housing units, as well as the form of ownership and any deed restrictions, as necessary, to be provided.
- (m) Open space and recreation plan indicating the general location of land areas to be devoted to open space, conservation, and recreational purposes, including a general description of the improvements proposed to be made thereon and a plan for the operation and maintenance of said land areas.
- (n) Environmental inventory including a general description of the waterways, wetlands, wildlife habitat, upland vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental resources of the site, both during construction and thereafter.
- (o) Traffic circulation plan showing the general location and types of transportation facilities, indicating all existing and proposed collector and local streets, and all proposed improvements to existing roads. The traffic circulation plan shall include daily and peak hour traffic volume projections, an assessment of the traffic impacts of the proposed development on the highway network and estimated levels of services before and after development, with or without traffic improvements.
- (p) Pedestrian circulation plan showing the general location and types of facilities for pedestrian access throughout the PUD, including both sidewalks and trails.
- (q) Utility plan indicating the general location of existing and proposed sewer and water lines, pump stations, water supply wells, sewage treatment plants and proposed methods for handling solid waste disposal. Additionally, tract connections to electric, gas, cable, and telephone facilities shall be generally indicated and a plan for the operations and maintenance of the proposed utilities shall be submitted.

- (r) Stormwater management plan indicating the proposed method of controlling surface water runoff, including design calculations for drainage improvements and proposed soil erosion and sediment control measures, both during construction and thereafter.
  - (s) Community facilities plan indicating the scope and type of supporting community facilities to be provided.
  - (t) Proposed phasing plan indicating areas to be developed in each phase and the priority of each. The eventual development of each phase should be related to the land use plan, the traffic circulation plan, the stormwater management plan and the utility plan to ensure the phasing plan is workable. It should also demonstrate a reasonable balance of the different components of the PUD exists at each phase of the project.
  - (u) SEQR, Part I of the New York State Environmental Assessment Form (Long Form), or a draft environmental impact statement.
  - (v) Draft PUD District amendment to the Town of Liberty Zoning Law to accommodate the proposed PUD project.
  - (w)
- (4) Action by the Town of Liberty on the preliminary plan. The Planning Board shall review the application for the preliminary plan for the purpose of determining, within 62 days of its submission, whether said application is complete.
- (a) If said application is found to contain all of the information required, the Planning Board shall certify said application is complete and direct the application to the Town of Liberty Town Board with recommendations to approve, disapprove or conditionally approve the proposed PUD District.
  - (b) If said application is found to lack some of the information required above, the Planning Board shall cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application. Should the Planning Board conclude the missing information is not applicable to the subject application and/or are not necessary to make an informed decision on the application, it may waive such requirements as a prerequisite for completeness only, and certify the application is complete, notwithstanding the missing items.
  - (c) If waivers of checklist items have been specifically requested by the applicant in the application, the Planning Board shall act on the request for waivers within 62 days of application submission or requested extension from the applicant. If the waivers are granted, the application is complete as long as all other requirements for submission have been satisfied. If the waivers are denied, the application is incomplete until missing information is submitted. An applicant who has been notified that is application is incomplete may request waiver of one or more of the submission requirements. Said request shall be the subject of a resubmitted application and will be treated as a new submission.
  - (d) Should the Planning Board fail to act within 62 days of the date of the submission of the application, said application shall be deemed complete.



- (e) The Planning Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may direct that revisions be made in the application documents. The modifications shall be considered as reasonably necessary in order for the Planning Board to make an informed decision as to whether the requirements of approval of the application have been met. This is provided that the application shall not be deemed incomplete for lack of any additional information or revisions. Promptly after certification of completeness, the application documents shall be distributed by the Planning Board to the Town Board for approval of PUD district formation.

### **Creation of PUD District**

- (3) This is where The Town Board decides whether this PUD is approved or denied. This is where the Town Board would amend the Zoning Law to create the proposed PUD zoning district. This is done in accordance with applicable re Amendment of zoning law to create PUD District.
  - (a) The Town Board shall, in its discretion, in accordance with the requirements of the New York State Town Law, amend its Zoning Law to create the proposed PUD District, provided that it has first issued a finding of the following facts and conclusions:
    - [1] That departures by the proposed development from zoning regulations, otherwise applicable to the subject property, conform to the zoning provisions outlined above;
    - [2] That the proposals for maintenance and conservation of the common space are reliable, and the amount, location and purpose of the common open space are adequate;
    - [3] That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual gratification and are adequate;
    - [4] That the proposed PUD will not have an unreasonably adverse impact upon the area in which it is proposed to be established; and
    - [5] In the case of a proposed PUD, which contemplated construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
  - (b) Should the Town Board fail to make such findings and hold a public hearing on the proposed PUD District within 62 days of application submission to the Town Board, the application for PUD District creation shall presumed to be denied and no further action shall be taken.

### **Site Plan and Subdivision Review**

Once the PUD district has been created it goes back to the Planning Board (147-23 (G)(8)) for additional review in accordance with 130-30(13) Major Subdivisions. Public Hearings Required in this process.

(3) Site plan and subdivision approval. Following Town Board enactment of the proposed PUD District, the applicant shall prepare a final site/subdivision plan including all of the information required under § 130-13 of Chapter 130, Subdivision of land, of the Code of the Town of Liberty, and submit it to the Planning Board for final review and approval. The submission shall include a final timetable, with specific dates for completion of different aspects of the projects to be used as a guide for the Code Enforcement Officer to administer periodic review. When more than 12 months have elapsed between the creation of the PUD and the date of the submission of the site plan and where the Planning Board finds conditions affecting the plan have changed significantly in the interim, the Planning Board may recommend to the Town Board the PUD District designation be rescinded. The Planning Board may disapprove a site/subdivision plan if it varies substantially from the preliminary project plan upon which the creation of the PUD District was based. **[Amended 11-6-2006 by L.L. No. 10-2006]** H. Periodic review.

### **Periodic Review**

Requirements are placed on the Town Code Enforcement Officer to monitor the development of the PUD. 147-23(H)

The Town Code Enforcement Officer shall review the progress of the project and compare it to the timetable approved by the Planning Board as part of the site approval process according to the following timetable:

- (a) Large-scale PUD (LSPUD): every four years.
- (b) Small-scale PUD (SSPUD): every two years.

(2) If the Code Enforcement Officer finds the project has met the development timetable, a letter shall be sent to the Planning Board stating such. If the Code Enforcement Officer finds the project has not met the development timetable, then he must notify the Planning Board, in writing, within 30 days. Upon receiving the notification from the Code Enforcement Officer, the Planning Board must schedule, within 62 days, a hearing to review the timetable and project progress with the developer. The Planning Board may:

- (a) Do nothing and require another review in one year;
- (b) Find compelling reasons why the project has fallen behind schedule and vote to approve a revised site/subdivision plan with an amended timetable; or
- (c) Find the project is behind schedule because conditions have sufficiently changed since the creation of the PUD and recommend the Town Board revoke or modify the PUD classification. The recommendation must be made in writing and describe, in detail, the reasons for such a recommendation.

(3) Upon receiving notification from the Planning Board about a PUD project that has fallen behind schedule, the Town Board may amend the Zoning Law to revoke or extend the PUD District, as provided by Town Law.

I. Performance guarantee, inspection fees, maintenance bond. The developer shall provide for all performance guarantees, inspection fees and maintenance bonds as described in § 130-13 of Chapter 130, Subdivision of Land, of the Code of the

Town of Liberty. [Amended 11-6-2006 by L.L. No. 10-2006]



## **supervisordemayo townofliberty.org**

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**From:** Peter Manning <geniuslociplan@gmail.com>  
**Sent:** Wednesday, December 20, 2023 8:13 PM  
**To:** supervisordemayo townofliberty.org  
**Cc:** n.rusin townofliberty.org  
**Subject:** Re: Zoning Issues  
**Attachments:** PLANNING SERVICES AGREEMENT Town of Liberty - December 20, 2023.docx; Proposed Text Changes to Liberty Zoning Law March 2019 (Draft) - Paginated.docx; T. Liberty, Local Law No. 1, 2019.pdf; Town of Liberty Business-Friendly Zoning Project Report - October 2019 Update.pdf

Frank,

Thanks for the update. I apologize for not replying sooner. In part, this is because I wanted to expand upon what I wrote earlier (to you on Dec. 7) and what I worked on for the town in 2019. I wanted you to become more familiar with the project as it is relevant to the current zoning considerations.

Here is what I wrote on Dec. 7:

In 2019, as part of a county grant, I undertook a comprehensive review of the town's zoning law and identified three levels of zoning revisions: 1) Necessary, straightforward fixes/ cleaning up procedures/ adding clarifying language/ having the law consistent with state statutes, and the like. These changes were adopted in 2019. 2) Second level changes, including PUD and many other sections, that require (more) discussion and review by the town board, but could potentially be advanced without undertaking a comprehensive plan. 3) Significant changes that would emerge after and as a result of undertaking the comprehensive plan. (END)

I've attached:

- the proposed zoning amendments I developed for Levels 1) and 2) in 2019
- Local Law #1, 2019 (shows which changes were adopted)
- The project report (updated in October 2019)

Some changes to the PUD section were proposed but not adopted. The report emphasizes the importance of undertaking a comprehensive plan, and this recommendation remains vital. I think it would be helpful if I had the opportunity to communicate the importance of the comprehensive plan to the town board. I can also conduct a land use training session on the topic of the Comprehensive Plan for the PB's training hours, if that's something the town is interested in.

Yes, I am happy to help the town with the zoning issues identified, and I have attached a contract reflecting this in the amount the town board has allotted. I look forward to working with the town again.

Merry Christmas and Happy New Year,

Peter

Peter Manning  
Genius Loci Planning  
(607) 832-4413

On Wed, Dec 20, 2023 at 9:09 AM supervisordemayo [townofliberty.org](mailto:townofliberty.org) <[supervisordemayo@townofliberty.org](mailto:supervisordemayo@townofliberty.org)> wrote:

Good Morning Peter,

I hope all is well.

In our meeting Monday night, the Board authorized me to contact you for services. We are looking at multiple revisions to our code. At this time, they authorized up to \$5,000.00 but I advised the board that the limit may change pending how complicated the revisions are.

We are looking at 4 separate issues, revisions to the PUD code being the top priority. Dean and I have already looked in detail at the code and have a good idea as to what may be changed but we will, of course be looking to you for guidance and assistance with drafting a revised local law. The other 3 issues we may look at include creation of a hotel floating zone, a code for flag lots and identification of adding to the DCC Zone on Stanton Corners Road in Swan Lake.

If this is something you can take on, we look forward to working with you again. Can you provide a proposal to formalize an agreement so that we could move forward, something similar to the agreement we had for the Houses of Worship/Schools code.

Feel free to give me a call if you have any questions. The best number to reach me at is my cell (845) 796-6081.

Thanks...be well and Merry Christmas and Happy New Year.

Frank

granted, be valid for a period equal to that for preliminary plan approval. If the preliminary plan shall be rejected, no special use building permit shall be granted.

B. Density

(3) Land contained within the boundaries of easements previously granted to public utility corporations providing electrical or telephone service; ~~and dividing by the number of proposed units.~~

G. Conversions of existing structures. Conversions of motels, hotels or other existing structures to multiple dwelling projects of six or more units, regardless of whether such conversions involve structural alterations, shall be reviewed as special use permits in accordance with Article VIII ~~considered subdivisions and, moreover,~~ be subject to the provisions of this section. If the proposed project does involve structural alterations, the preliminary plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound, the proposed conversion will not impair structural soundness and existing water and sewage disposal systems, are adequate or can be modified to meet the new demands place on them.

**147-23. Planned unit development districts.**

A. The purpose of a planned unit development (PUD) district is to foster excellence in neighborhood design and further the goals and objectives of the Town of Liberty Comprehensive Plan. These "floating districts" promote creative site layout and architectural design and secure the advantages of large-scale site planning for residential, commercial or professional office developments, or certain combinations thereof. The flexibility granted to projects in a PUD District comes with a commitment to include features beneficial to the entire community, ~~such as open space and parkland. features not normally required of traditional developments.~~ Achieving such objectives requires in-depth scrutiny by both the Town Board and Town Planning Board during the development of the PUD proposal. Therefore, more information is required about the project than would be required if development were being pursued under conventional zoning. The discretion of the Town Board regarding density of use, or even as to whether to approve or deny a PUD application, shall be absolute. This is consistent with the Town Board's inherent power to rezone.

D. Development density, open space and common recreation facilities.

**Percentage of PUD Preserved as Open Space or Community Recreation**

**Density Multiplier  
(multiplied by  
underlying district  
density)**

~~Less than 15% to 25%~~

1.10

25% to 39%

1.25



40% to 49%	1.35
50% +	1.50

- (2) ~~Alternatively, the Town Board also may agree to accept a contribution of \$2,500 for each additional housing unit proposed over that permitted by the underlying zoning. This monetary contribution is a substitute for the provision of a portion of the required open space or community recreation on-site, provided that no less than 25% of the PUD is devoted to on-site open space or community recreation.~~ A minimum of 15% open space or parkland, or a combination thereof, must be provided. Alternatively, if it is determined due to site constraints that the required open space or parkland cannot be provided within the proposed development site; and if the Planning Board has made a finding that a proper case exists for requiring that a park or parks or open space be suitably located for playgrounds or other recreational or open space purposes within the town, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. Proceeds will be deposited into a recreation fund for community park and recreation facility improvements.

F. Development standards and guidelines.

- (10) Ownership and maintenance. Subject to Town Board approval, the open space resulting from PUD design shall be permanently protected through a conservation easement and generally titled to a homeowners' association (HOA) ~~if the PUD contains residential lots or units~~, or other form of ownership (such as municipal) prior to ~~the sale of any lots or dwelling units in final approval~~ of the PUD. If an HOA option is selected, then membership shall be mandatory for each property owner within the subdivision, and successive owners, with voting of one vote per lot or units and the developer's control of common amenities, therefore, assign to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the HOA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly-held amenities. Each property owner must be required to pay their proportionate share of the HOA's costs and the HOA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The HOA must have the ability to adjust the assessment to meet changing needs.

G. Procedure. The following provides further detail for each step in the PUD process outlined above:

- (6) Action by the Town of Liberty on the preliminary plan. The Planning Board shall review the application for the preliminary plan for the purpose of determining, within 62 days of its submission, whether said application is complete.
- (a) If said application is found to contain all of the information required, the Planning Board shall certify said application is complete and direct the application to the Town of Liberty Town Board with recommendations to approve, disapprove or conditionally approve the proposed PUD District. ~~Prior to directing the application to the Town Board, the Planning Board, if it is lead agency under the~~



SEQR review, shall determine completeness of the application for SEQR purposes. Pursuant to NYCRR Part 617.3 (c) an application is not complete until a negative declaration has been issued; or until a draft EIS has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy. If the Town Board is lead agency it shall determine completeness for SEQR purposes.

- (e) The Planning Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may direct that revisions be made in the application documents. The modifications shall be considered as reasonably necessary in order for the Planning Board to make an informed decision as to whether the requirements of approval of the application have been met. This is provided that the application shall not be deemed incomplete for lack of any additional information or revisions. Promptly after certification of completeness, the application documents shall be distributed by the Planning Board to the Town Board for ~~approval~~ **its consideration** of PUD district formation.
- (7) Amendment of zoning law to create PUD District.
- (a) The Town Board shall, in its discretion, in accordance with the requirements of the New York State Town Law, amend its Zoning Law to create the proposed PUD District, provided that it has first issued a finding of the following facts and conclusions:
    - [1] That departures by the proposed development from zoning regulations, otherwise applicable to the subject property, conform to the zoning provisions outlined ~~above~~ **in this section**;
- (8) Site plan and subdivision approval. Following Town Board enactment of the proposed PUD District, the applicant shall prepare a final site **plan in accordance with Article VIII of this zoning law and, if applicable, a subdivision plat** including all of the information required under § 130-13 of Chapter 130, Subdivision of land, of the Code of the Town of Liberty, and submit it to the Planning Board for final review ~~and approval~~. The submission shall include a final timetable, with specific dates for completion of different aspects of the projects to be used as a guide for the Code Enforcement Officer to administer periodic review. When more than 12 months have elapsed between the creation of the PUD and the date of the submission of the site plan and where the Planning Board finds conditions affecting the plan have changed significantly in the interim, the Planning Board may recommend to the Town Board the PUD District designation be rescinded. The Planning Board may disapprove a site/subdivision plan if it varies substantially from the preliminary project plan upon which the creation of the PUD District was based.

#### § 147-33. Reconstruction.

If any nonconforming structure use is damaged or destroyed as a result of a casualty, it may, pursuant to special use procedures, be restored or reconstructed within 12 months of the date of

**§ 147-23. Planned unit development districts. [Amended 5-2-2005 by L.L. No. 6-2005 ; 6-19-2006 by L.L. No. 6-2006 ]**

- A. The purpose of a planned unit development (PUD) district is to foster excellence in neighborhood design and further the goals and objectives of the Town of Liberty Comprehensive Plan. These "floating districts" promote creative site layout and architectural design and secure the advantages of large-scale site planning for residential, commercial or professional office developments, or certain combinations thereof. The flexibility granted to projects in a PUD District comes with a commitment to include features beneficial to the entire community, features not normally required of traditional developments. Achieving such objectives requires in-depth scrutiny by both the Town Board and Town Planning Board during the development of the PUD proposal. Therefore, more information is required about the project than would be required if development were being pursued under conventional zoning. The discretion of the Town Board regarding density of use, or even as to whether to approve or deny a PUD application, shall be absolute. This is consistent with the Town Board's inherent power to rezone.
- B. Type of PUD. Applicants applying for PUD shall apply under one of the two following alternatives:
- (1) Large-scale PUD (LSPUD).
    - (a) Minimum size: 150 contiguous acres. **[Amended 2-3-2020 by L.L. No. 2-2020 ]**
    - (b) Maximum size: no maximum size.
    - (c) Requires phasing plan. All phases shall be illustrated in a phasing development map and numbered in the expected order of development.
    - (d) Rezoning granted under the large-scale PUD process has a twenty-three-year duration. The Town Board may revoke undeveloped sections of a LSPUD after 23 years. Periodic reviews shall be completed as provided herein.
  - (2) Small-scale PUD (SSPUD).
    - (a) Minimum size: 30 contiguous acres.
    - (b) Maximum size: 149.9 contiguous acres. **[Amended 2-3-2020 by L.L. No. 2-2020 ]**
    - (c) Rezoning granted under the small-scale PUD process has a thirteen-year duration. The Town Board may revoke undeveloped sections of a SSPUD after 13 years.
- C. Authorized uses within PUD.
- (1) No use shall be established, and no development shall be permitted in the PUD District, unless specifically approved pursuant to the procedures and standards set forth in this section. The specific uses to be allowed in the PUD shall be approved by the Planning Board. The general categories of allowable uses that may be permitted in any PUD are as follows:



- (a) Commercial (including retail products and services, excluding wholesale).
  - (b) Offices (business or professional, excluding large-scale medical clinics).
  - (c) Single-family dwellings.
  - (d) Multifamily dwellings (including apartments and townhouses).
  - (e) Age-restricted, assisted living and skilled care facilities.
  - (f) Public and/or private recreational facilities (outdoor or indoor). **[Amended 12-16-2013 by L.L. No. 5-2013 ]**
  - (g) Destination resorts. **[Added 12-16-2013 by L.L. No. 5-2013 <sup>1</sup>]**
  - (h) Mixed uses (including any combination of above uses).
- (2) The proposed PUD shall have an appropriate ratio of mixed uses that are sustainable for its location, Town needs and market considerations. The actual ratio of mixed uses shall be specified by the applicant as part of the PUD application and approved by the Planning Board and Town Board as part of the approval process.

**D. Development density, open space and common recreation facilities.**

- (1) The density of a proposed PUD development shall be set forth initially by the applicant as part of the PUD plan and application process and determined by the Planning Board and Town Board as part of the final approval process. Maximum density shall be based upon the degree to which the planned unit development preserves significant natural features and open space (i.e., wetlands, waterways and steep slopes) and provides recreational amenities (i.e., active and passive recreational facilities, including nature trails, bicycle paths, sitting areas, parks and playgrounds). Based on gross acreage, without offset for environmental limitations, the following specifies the maximum allowed increased density over underlying zoning:

<b>Percentage of PUD Preserved as Open Space or Community Recreation</b>	<b>Density Multiplier</b>
Less than 25%	1.10
25% to 39%	1.25
40% to 49%	1.35
50% +	1.50

- (2) Alternatively, the Town Board also may agree to accept a contribution of \$2,500 for each additional housing unit proposed over that permitted by the underlying zoning. This monetary contribution is a substitute for the provision of a portion of the required open space or community recreation on-site, provided that no less than 25% of the PUD

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**1. Editor's Note: This local law also provided for the redesignation of former Subsection C(1)(g) as Subsection C(1)(h).**

is devoted to on-site open space or community recreation. Proceeds will be deposited into a recreation fund for community park and recreation facility improvements.

- (3) Creative integration of open space and recreational amenities into the PUD design is required. Connections to surrounding parks and open space through a coordinated trail system shall be made to the maximum extent practicable. Open space shall be usable for recreation purposes or provide visual, aesthetic, or environmental amenities, and may not be occupied by streets, drives, dependent parking areas or structures other than recreational dependent structures.
- E. Age-restricted housing density bonus. A density bonus for age-restricted housing has been established to offer a land-use-based option to facilitate the economic feasibility of age-restricted housing development. The bonus provides the developer a density bonus of 5% above that which is provided for open space and of community recreation and is held specific to the parcel(s) for which the age-restricted housing is being proposed.
- F. Development standards and guidelines.
- (1) Unified control. No application for a PUD shall be accepted or approved unless all of the property included in the application is under unified ownership and/or control by the applicant, or if the applicant has a legally binding contract with the property owner to transfer ownership upon approval of the PUD.
  - (2) Preservation of natural features. Significant natural features of any PUD shall be preserved whenever possible for purposes of buffering new development, preserving the character of neighborhoods, protecting critical environmental resources and providing for stormwater management.
  - (3) Preservation of historic resources. Whenever a proposed site for a PUD has existing historic buildings, structures or sites of significance located thereon, such resources shall be preserved and incorporated into the design.
  - (4) Integrated architectural design. The PUD plan of development shall integrate the design of buildings, structures, landscaping, infrastructure facilities and common areas into cohesive units of development.
  - (5) Pedestrian system. The PUD shall provide for an internal system of pedestrian circulation using sidewalks and trails, with connections to adjoining properties or systems where feasible.
  - (6) Streets. The PUD shall provide for a vehicular circulation plan that can safely accommodate current traffic volumes, as well as those generated by the PUD. Access points shall be designed to provide for smooth flow, controlled turning movements and vehicular traffic safety.
  - (7) Off-street parking and loading. The proposed development shall comply with the off-street parking and loading standards set forth herein, unless it is demonstrated that a deviation from those standards is warranted, and is specifically approved during the PUD approval process.

- (8) Utilities. Underground on-site utilities are required, including telephone, electric, cable, water distribution mains and sewer collection reaches.
- (9) Lighting. All lighting shall include full cut-off fixtures and be arranged so as to prevent direct glare or hazardous interference to adjoining streets, properties, or the night sky.
- (10) Ownership and maintenance. Subject to Town Board approval, the open space resulting from PUD design shall be permanently protected through a conservation easement and generally titled to a homeowners' association (HOA), or other form of ownership (such as municipal) prior to the sale of any lots or dwelling units in the PUD. If an HOA option is selected, then membership shall be mandatory for each property owner within the subdivision, and successive owners, with voting of one vote per lot or units and the developer's control of common amenities, therefore, assign to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the HOA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly-held amenities. Each property owner must be required to pay their proportionate share of the HOA's costs and the HOA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The HOA must have the ability to adjust the assessment to meet changing needs.
- (11) Development phasing. The development of a PUD may be proposed and approved in phases. A phasing plan shall be submitted to the Planning Board as part of the large-scale PUD application documents. The Planning Board shall have the authority to approve, with or without modifications and/or conditions, or deny the phasing plan based on the following standards:
  - (a) Each phase, when completed, must be able to fully function on its own, or in conjunction with prior phases, without dependence on subsequent phases.
  - (b) The infrastructure, as installed, shall be sufficient to accommodate each planned phase of development.
  - (c) Each phase shall have an appropriate ratio of the various uses proposed for the development.
- (12) Construction schedule. The applicant shall propose, and the Planning Board shall review and approve, a construction schedule for the development of an approved PUD. Generally, commencement of development of the large-scale PUD, or the first phase if a phased large-scale PUD approved, shall commence within three years of the date that the final site plan of the PUD is approved. However, it is recognized that depending on the scale and complexity of the development, consideration may be made with respect to the reasonable time necessary for the applicant to obtain construction financing, insurance and bonds, executing construction contracts, and other such aspects involved in a development project. Thus, the Planning Board may modify the time-period allowed for commencement of construction depending on the circumstances of each PUD.

G. Procedure. The following provides further detail for each step in the PUD process outlined



above:

- (1) Preapplication conference. Prior to the official submission of the application for a Planned Unit Development District, the landowner, or the landowner's agent, may meet with the Planning Board to discuss the proposed scope and nature of the contemplated development. While this is not required, it is strongly encouraged.
- (2) Sketch plan process. An application for a PUD approval starts with the submission and review of a sketch plan as set forth below. The applicant shall meet with the Town Board to discuss the proposed project and to reach an understanding on basic requirements prior to detailed design investment. If the Town Board determines the proposal does not merit further review because it does not meet the objectives of this chapter, then no further action on the application shall be taken. The Town Board may require the applicant to meet with staff or consultants to facilitate the submission of a complete and suitable application. Sketch plan submissions shall include the following:
  - (a) A conceptual plan showing the parcel or parcels to be included in the PUD.
  - (b) The location of the various uses and their areas.
  - (c) Approximate location of significant natural and man-made features of land, such as waterways, wetlands, streets, easements and buildings.
  - (d) Proposed layout of structures, roads, utilities and other features.
  - (e) Current owners of parcel(s) to be included in PUD.
  - (f) A written narrative or statement of what is proposed and the merits of such proposal. Said statement to be of sufficient detail and scope to provide a well-developed concept of the PUD and must include, at a minimum, the following:
    - [1] Total number of acres proposed for the PUD.
    - [2] Type of uses proposed and ratio of mixed uses.
    - [3] Number of residential and commercial units.
    - [4] Preliminary density calculations (dwelling units per acre).
    - [5] An explanation of how the developer's particular mix of land uses meets existing community needs and goals.
    - [6] A summary of the operation and ownership arrangements during development and post-development phases.
    - [7] A summary of the infrastructure needed and/or available with respect to transportation, roads, water, and sewer, electric and telecommunications.
    - [8] A general description of the provisions of other community facilities, such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.

- [9] Recreational facilities and/or amenities that will be included in the PUD plan.
  - [10] General description of architectural, planning, and environmental design standards to be proposed as part of the PUD plan.
- (3) Sketch plan conference. The Town Board shall schedule a joint Town Board/Planning Board conference with the applicant within 45 days of the sketch plan submission. The applicant shall make a presentation at this joint Town Board/Planning Board conference describing the PUD proposal. The intent is to provide both the Town Board and the Planning Board with sufficient information on the proposal for each Board to decide whether the proposal has merit as a PUD and whether to allow the applicant to proceed to the next stage of review.
  - (4) Planning Board action on sketch plan. The Town Board shall provide their opinion to the Planning Board, in writing, within 45 days. The Planning Board shall have 62 days from the date of the conference in which to make the preliminary determination as to whether the applicant may move on to next stage of the application process and submit a formal request for a PUD. The Planning Board may provide the applicant with direction regarding the content, design, allowed uses, ratio of mixed uses, project size and scope that the Board deems appropriate for the formal application stage. Although said preliminary determination will not commit the Town Board to any specific course of action on the PUD to be requested, the sketch plan process is intended to advise the applicant as to what may be generally acceptable, or not acceptable to the Board so that the applicant has an understanding of what is expected in the next stage of review. Such preliminary determination should establish issues that must be addressed in PUD design, define acceptable uses, specify the supporting documentation required for submission, and specification of all involved agencies. If it is determined the sketch plan proposal does not have merit for further review as a PUD, the applicant may submit a revised proposal for another sketch plan conference but may not submit a formal PUD application.
  - (5) Preliminary plan submission. The applicant shall submit 10 copies of the preliminary plan and application to the Planning Board at least four weeks prior to the meeting of the Board at which the application is to be heard. Each preliminary plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New York and shall bear the signature, seal, license number and telephone number of the said professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor. Each submission shall include a preliminary plan drawn at a scale of not less than one inch equals 100 feet and the following additional information:
    - (a) Certification that the applicant is the owner of the land or an authorized agent, or that the owner has given consent under an option agreement.
    - (b) Certificate from the Town Tax Collector that all taxes and assessment have been paid to date.
    - (c) A key map showing the entire tract and its relation to the surrounding areas.

- (d) Title block including the name of development, applicant contact information, identity of a landowner, written and graphic scales and the dates of preparation and revisions.
- (e) North arrow.
- (f) Approval signature block for Planning Board and Town Board.
- (g) Land area to the nearest tenth of an acre and computation of disturbed area.
- (h) The names and lot and block numbers of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax roll.
- (i) Existing section, block and lot numbers of the lots to be subdivided or developed.
- (j) Zoning district affecting the tract and within 200 feet thereof, including district names and requirements, and a comparison to the application.
- (k) Land use plan specifying residential land areas and indicating the acreage, density and the type of dwelling units proposed; nonresidential land areas indicating the acreage, square footage, and specific type of uses proposed; conceptual footprints of all proposed buildings with typical dimensions; approximate and maximum height of all proposed buildings; locations of parking areas and the estimated number of parking spaces; and general calculations of impervious surface coverings.
- (l) Housing plan indicating the number and type of housing units, as well as the form of ownership and any deed restrictions, as necessary, to be provided.
- (m) Open space and recreation plan indicating the general location of land areas to be devoted to open space, conservation, and recreational purposes, including a general description of the improvements proposed to be made thereon and a plan for the operation and maintenance of said land areas.
- (n) Environmental inventory including a general description of the waterways, wetlands, wildlife habitat, upland vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental resources of the site, both during construction and thereafter.
- (o) Traffic circulation plan showing the general location and types of transportation facilities, indicating all existing and proposed collector and local streets, and all proposed improvements to existing roads. The traffic circulation plan shall include daily and peak hour traffic volume projections, an assessment of the traffic impacts of the proposed development on the highway network and estimated levels of services before and after development, with or without traffic improvements.
- (p) Pedestrian circulation plan showing the general location and types of facilities for pedestrian access throughout the PUD, including both sidewalks and trails.
- (q) Utility plan indicating the general location of existing and proposed sewer and



water lines, pump stations, water supply wells, sewage treatment plants and proposed methods for handling solid waste disposal. Additionally, tract connections to electric, gas, cable, and telephone facilities shall be generally indicated and a plan for the operations and maintenance of the proposed utilities shall be submitted.

- (r) Stormwater management plan indicating the proposed method of controlling surface water runoff, including design calculations for drainage improvements and proposed soil erosion and sediment control measures, both during construction and thereafter.
  - (s) Community facilities plan indicating the scope and type of supporting community facilities to be provided.
  - (t) Proposed phasing plan indicating areas to be developed in each phase and the priority of each. The eventual development of each phase should be related to the land use plan, the traffic circulation plan, the stormwater management plan and the utility plan to ensure the phasing plan is workable. It should also demonstrate a reasonable balance of the different components of the PUD exists at each phase of the project.
  - (u) SEQR, Part I of the New York State Environmental Assessment Form (Long Form), or a draft environmental impact statement.
  - (v) Draft PUD District amendment to the Town of Liberty Zoning Law to accommodate the proposed PUD project.
- (6) Action by the Town of Liberty on the preliminary plan. The Planning Board shall review the application for the preliminary plan for the purpose of determining, within 62 days of its submission, whether said application is complete.
- (a) If said application is found to contain all of the information required, the Planning Board shall certify said application is complete and direct the application to the Town of Liberty Town Board with recommendations to approve, disapprove or conditionally approve the proposed PUD District.
  - (b) If said application is found to lack some of the information required above, the Planning Board shall cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application. Should the Planning Board conclude the missing information is not applicable to the subject application and/or are not necessary to make an informed decision on the application, it may waive such requirements as a prerequisite for completeness only, and certify the application is complete, notwithstanding the missing items.
  - (c) If waivers of checklist items have been specifically requested by the applicant in the application, the Planning Board shall act on the request for waivers within 62 days of application submission or requested extension from the applicant. If the waivers are granted, the application is complete as long as all other requirements for submission have been satisfied. If the waivers are denied, the application is incomplete until missing information is submitted. An applicant who has been

notified that its application is incomplete may request waiver of one or more of the submission requirements. Said request shall be the subject of a resubmitted application and will be treated as a new submission.

- (d) Should the Planning Board fail to act within 62 days of the date of the submission of the application, said application shall be deemed complete.
  - (e) The Planning Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may direct that revisions be made in the application documents. The modifications shall be considered as reasonably necessary in order for the Planning Board to make an informed decision as to whether the requirements of approval of the application have been met. This is provided that the application shall not be deemed incomplete for lack of any additional information or revisions. Promptly after certification of completeness, the application documents shall be distributed by the Planning Board to the Town Board for approval of PUD district formation.
- (7) Amendment of zoning law to create PUD District.
- (a) The Town Board shall, in its discretion, in accordance with the requirements of the New York State Town Law, amend its Zoning Law to create the proposed PUD District, provided that it has first issued a finding of the following facts and conclusions:
    - [1] That departures by the proposed development from zoning regulations, otherwise applicable to the subject property, conform to the zoning provisions outlined above;
    - [2] That the proposals for maintenance and conservation of the common space are reliable, and the amount, location and purpose of the common open space are adequate;
    - [3] That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual gratification are adequate;
    - [4] That the proposed PUD will not have an unreasonably adverse impact upon the area in which it is proposed to be established; and
    - [5] In the case of a proposed PUD, which contemplated construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
  - (b) Should the Town Board fail to make such findings and hold a public hearing on the proposed PUD District within 62 days of application submission to the Town Board, the application for PUD District creation shall be presumed to be denied and no further action shall be taken.

- (8) Site plan and subdivision approval. Following Town Board enactment of the proposed PUD District, the applicant shall prepare a final site/subdivision plan including all of the information required under § 130-13 of Chapter 130, Subdivision of land, of the Code of the Town of Liberty, and submit it to the Planning Board for final review and approval. The submission shall include a final timetable, with specific dates for completion of different aspects of the projects to be used as a guide for the Code Enforcement Officer to administer periodic review. When more than 12 months have elapsed between the creation of the PUD and the date of the submission of the site plan and where the Planning Board finds conditions affecting the plan have changed significantly in the interim, the Planning Board may recommend to the Town Board the PUD District designation be rescinded. The Planning Board may disapprove a site/subdivision plan if it varies substantially from the preliminary project plan upon which the creation of the PUD District was based. **[Amended 11-6-2006 by L.L. No. 10-2006]**

#### H. Periodic review.

- (1) The Town Code Enforcement Officer shall review the progress of the project and compare it to the timetable approved by the Planning Board as part of the site approval process according to the following timetable:
  - (a) Large-scale PUD (LSPUD): every four years.
  - (b) Small-scale PUD (SSPUD): every two years.
- (2) If the Code Enforcement Officer finds the project has met the development timetable, a letter shall be sent to the Planning Board stating such. If the Code Enforcement Officer finds the project has not met the development timetable, then he must notify the Planning Board, in writing, within 30 days. Upon receiving the notification from the Code Enforcement Officer, the Planning Board must schedule, within 62 days, a hearing to review the timetable and project progress with the developer. The Planning Board may:
  - (a) Do nothing and require another review in one year;
  - (b) Find compelling reasons why the project has fallen behind schedule and vote to approve a revised site/subdivision plan with an amended timetable; or
  - (c) Find the project is behind schedule because conditions have sufficiently changed since the creation of the PUD and recommend the Town Board revoke or modify the PUD classification. The recommendation must be made in writing and describe, in detail, the reasons for such a recommendation.
- (3) Upon receiving notification from the Planning Board about a PUD project that has fallen behind schedule, the Town Board may amend the Zoning Law to revoke or extend the PUD District, as provided by Town Law.

#### I. Performance guarantee, inspection fees, maintenance bond. The developer shall provide for all performance guarantees, inspection fees and maintenance bonds as described in § 130-13 of Chapter 130, Subdivision of Land, of the Code of the Town of Liberty. **[Amended**



Town of Liberty, NY

§ 147-23

§ 147-23

**11-6-2006 by L.L. No. 10-2006 ]**

**§ 130-13. Major subdivisions.**

The following procedures and requirements shall apply to major subdivisions.

- A. Application requirements. Any person proposing to create a major subdivision shall submit, along with plats required in § 170-13B, D and F, five copies of an application for major subdivision approval. This application shall set forth:
- (1) The name, address and telephone number of the property owner of record or his or her agent. If an agent shall be involved, authorization from the owner(s) shall be provided.
  - (2) The name or number of the road where the proposed subdivision is to be located.
  - (3) The name, address and telephone number of the surveyor or engineer preparing the subdivision plat.
  - (4) The type of water supply proposed.
  - (5) The type of sewer system proposed.
  - (6) The name and address of each adjoining property owner.
  - (7) Fees as per the schedule adopted by the Town Board, paid with the application to the Planning Board Secretary.
  - (8) A copy of the most recent deed to the subject property.
- B. Sketch plans for major subdivisions. Ten copies of a sketch plan shall be submitted to the Planning Board of a scale sufficient to show the entire tract on one sheet. The sketch plan should show or include the following:
- (1) The map shall show the name of the municipality, name of the owner or record, North point, scale and date.
  - (2) The name of the owners of all adjoining properties as disclosed by the most recent tax rolls.
  - (3) A location map depicting the premises upon the United States Geological Survey quadrangle map(s).
  - (4) The location of that portion of a tract which is to be subdivided in relation to the entire tract.
  - (5) All streets or roads, streams, water mains, sanitary sewers, electric, power lines and telephone lines within 500 feet of the subdivision.
  - (6) The types and bounds of all soil types on the site.
  - (7) All existing structures and wooded areas within the area to be subdivided.
  - (8) The tentative layout of the remainder of the tract or other contiguous property owned by the subdivider.

- C. Preliminary plat requirements for major subdivisions. Ten copies of the preliminary plat shall be required for all proposed major subdivisions. The preliminary plat shall be submitted to the Planning Board Secretary at least 10 days prior to the meeting at which the plat will be initially reviewed. The preliminary plat shall meet the following requirements and contain the following information:
- (1) The plat shall be clearly marked "preliminary plat."
  - (2) The preliminary plat shall be clearly and legibly drawn by a licensed land surveyor to the County Clerk's requirements.
  - (3) The proposed name of the subdivision. The name shall not duplicate in spelling or pronunciation any recorded subdivision within the Town of Liberty.
  - (4) The location by Town, County and state. The plat should also include tax map numbers for the subject parcel and adjoining parcels.
  - (5) The boundaries of the total tract and acreage contained within it.
  - (6) The preliminary plat shall depict the proposed subdivision as part of the contiguous holdings of the subdivider, including all lots taken from the original parcel over the previous five years.
  - (7) The names of the owners of adjoining properties and lines showing where property lines of adjoining properties intersect the subject parcel.
  - (8) All applicable zoning data.
  - (9) The proposed lot layout, with a numbering of the lots.
  - (10) The approximate dimensions and acreage of each lot.
  - (11) The existing contours at intervals of not more than 20 feet. (United States Geological Survey maps may suffice for the basis of this item.) The Planning Board reserves the right to request greater detail when necessary due to the scope or nature of the development.
  - (12) The location and extent of undevelopable areas, including rights-of-way for streets, utility easements, existing buildings and all existing or proposed open space areas or parks.
  - (13) The approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power, telephone lines and all other similar items either above or below ground, with direction of flow and pressure, if applicable.
  - (14) The proposed layout of streets, including rights-of-way width and proposed names. Street names shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of design materials, including profiles, cross sections and preliminary designs for bridges and culverts.
  - (15) All drainage easements marked as such.



- (16) Approximate final grades in areas where cuts or fills are to be made.
- (17) Building setback lines.
- (18) Any lots designated for uses other than residential shall be indicated.
- (19) The parcels to be dedicated to the public or reserved for public use or to be reserved for use by residents of the subdivision shall be shown and marked as such.
- (20) Except as to lots to be serviced by a public or community sewer system, location and results of percolation tests and deep pit tests for each lot five acres in size or smaller shall be set forth. The Planning Board may require percolation tests and deep pit tests for lots larger than five acres.
- (21) The location of New York State-designated wetlands.
- (22) The location of any designated flood hazard areas.
- (23) An erosion and sedimentation control plan prepared by a licensed professional engineer in cooperation with the Sullivan County Soil and Water Conservation District, if required by the Planning Board.
- (24) A stormwater management plan prepared by a licensed professional engineer, in cooperation with the Sullivan County Soil and Water Conservation District, if required by the Planning Board.
- (25) Any other information the Planning Board may deem appropriate.

D. Approval of preliminary plats.

- (1) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (2) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- (3) The following review procedure shall apply to major subdivisions:
  - (a) Planning Board as lead agency under SEQRA; public hearing; notice; decision. Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
    - [1] Environmental impact statement not required. If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Secretary of the Planning Board; or

- [2] Environmental impact statement is required. If the Planning Board determines that an environmental impact statement is required, a public hearing on the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
- (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (c) Decision. The Planning Board shall approve with or without modification or disapprove such preliminary plat as follows:
- [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing; or
- [2] If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.
- (d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- (4) Planning Board not as lead agency under SEQRA; public hearing; notice; decision.
- (a) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold for public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Secretary of

the Planning Board.

- (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
  - (c) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
    - [1] If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on such preliminary plat.
    - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
  - (d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- (5) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Secretary of the Planning Board as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner.
  - (6) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution approving the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.
  - (7) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- E. Requirements for guaranty of improvements.
- (1) Methods to be followed. After approval of the preliminary plat, the subdivider, in a manner consistent with § 277 of the New York State Town Law, shall provide for the installation of required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Prior to requesting final plat



approval, the subdivider must:

- (a) Install all the required improvements; or
  - (b) File with the Town of Liberty a performance guaranty to ensure installation and construction of all required improvements.
- (2) Performance bond or other security.
- (a) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements as above provided, prior to requesting final plat approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or a Town department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the Town by the owner.
  - (b) Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, as provided in § 276, Subdivision 7(b) of the New York State Town Law, approval of the plat may be granted upon the installation of the required improvements or in the furnishing of security covering the costs of such improvements in the section of the plat to be so approved. The owner shall not be permitted to begin construction of buildings in any other section until the required improvements have been installed in such section or a security covering the cost of such improvements has been provided and a plat relating to such section has been filed in the office of the County Clerk.
  - (c) Form of security. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form and manner of execution and the Town Engineer as to sufficiency, and shall be limited to:
    - [1] A performance bond issued by a bonding or surety company authorized to do business in this state;
    - [2] The deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state;
    - [3] An irrevocable letter of credit from a bank located and authorized to do business in this state;
    - [4] Obligations of the United States of America; or
    - [5] Any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.
  - (d) Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board, but in no case for a longer term than three years; provided, however, that the term of such performance bond

or security agreement may be extended by the Planning Board with consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security or that the required improvements have been installed as contemplated to an extent to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the reduced amount will cover the full cost of the amended list of improvements required by the Planning Board.

- (e) Default of security agreement. In the event that any required improvements have not been installed within the term of such security agreement, the Town Board may thereupon declare said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security as are commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
- (3) Maintenance bond. Where improvements are being dedicated to the Town, the subdivider shall submit a maintenance bond or other approved security to guarantee maintenance and repair of those improvements for 12 months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board, and may be waived or altered by the Town Board on the advice of the Town Engineer.
- F. Final plat requirements for major subdivision. The final plat shall be drawn on Mylar. The plat shall be prepared on one or more sheets of a uniform size and scale. Final plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this section. The final plat submission shall include, in addition to the information required for the preliminary plat submission, the following:
  - (1) The exact locations, widths and names of all streets within the subdivision.
  - (2) Complete curve data for all curves shown on the plat.
  - (3) Exact descriptions of all easements being provided for services or utilities in the subdivision and any limitations placed on the use of such easements.
  - (4) Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision or for any public use, with the purpose indicated thereon.
  - (5) Building setback lines, shown graphically, with dimensions.
  - (6) A final version of all covenants and restrictions, if any, the developer intends to impose in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
  - (7) The total tract boundary lines of the area being subdivided, with accurate distances to

hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify as to the accuracy of the survey, the drawn plat and the placement of the monuments.

- (8) Satisfactory evidence that all improvements have either been installed and approved, or that a performance guaranty has been submitted to and approved by the Town Board.
- (9) Complete final construction plans and profiles of installed or proposed public or community sanitary sewage disposal systems, with grades and pipe sizes.
- (10) Complete final construction plans of installed or proposed public water or community supply systems, showing pipe sizes and locations of valves and fire hydrants, if any.
- (11) Complete final construction plans and profiles of installed or proposed storm drainage systems, with grades and pipe sizes.
- (12) Evidence of actual agreements made with utility companies or agencies for supplying each lot in the subdivision with electric power and telephone service.
- (13) A key map, for the purpose of locating the site to be subdivided, at a scale of not smaller than 2,000 feet to one inch, showing the relation of the property to all streets, roads and municipal boundaries existing within 4,000 feet of the subdivision. United States Geological Survey quadrangle maps shall be the base for such a key map.
- (14) Approval blocks for the signature of the Chairman or other duly authorized member of the Town Planning Board shall appear on the first sheet of all set of plats, including the Mylars.
- (15) A statement that erosion and sedimentation control plan and stormwater management plan, if required by the Planning Board, have been prepared and were approved by the Town Engineer.

G. Approval of final plats.

- (1) Submission of final plats. Final plats shall conform to the definition provided by this section. Plats may require further review under SEQRA.
- (2) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with the approved preliminary plat, the Planning Board shall by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Secretary of the Planning Board.
- (3) Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with the approved preliminary plat, the following shall apply:
  - (a) Planning Board as lead agency under SEQRA; public hearing; notice; decision.



- [1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
  - [a] Environmental impact statement not required. If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat shall be held within 62 days after the receipt of a complete final plat by the Secretary of the Planning Board; or
  - [b] Environmental impact statement required. If the Planning Board determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
- [2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- [3] Decision. The Planning Board shall make its decision on the final plat as follows:
  - [a] Environmental impact statement is not required. If the Planning Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or
  - [b] Environmental impact statement is required. If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public

hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat.

- [4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- (b) Planning Board not as lead agency under SEQRA; public hearing; notice; decision.
- [1] Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Secretary of the Planning Board.
  - [2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
  - [3] Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after the close of the public hearing on such final plat as follows:
    - [a] If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.
    - [b] If an environmental impact statement is required, the Planning Board shall make its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
  - [4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

#### H. Approval and certification of final plats.

- (1) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary of the Planning Board as having been granted conditional or final approval and a copy

of such resolution and plat shall be filed in such Secretary's office. A copy of the resolution shall be mailed to the owner. In case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed with the Town Clerk.

- (2) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be developed in two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to ensure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
  - (3) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signatures if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- I. Default approval of preliminary or final plat. The time periods prescribed herein within which a Planning Board must take action on a preliminary plat or a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event that the Planning Board fails to take action on a preliminary plat or a final plat within the time prescribed therefore after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such preliminary or final plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.
  - J. Filing of final plat; expiration of approval.
    - (1) The owner shall file in the office of the County Clerk such approved final plat or a section of such plat within 62 days from the date of final approval or such approval shall expire. The following shall constitute final approval:
      - (a) The signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or
      - (b) The approval by such Board of the development of a plat or plats already filed in the office of the County Clerk of the County in which such plat or plats are located if such plats are entirely or partially undeveloped; or



- (c) The certificate of the Town Clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided.
- (2) In the event that the owner shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk in each Town in which any portion of the land described in the plat is situated. Such section shall encompass at least 10% of the total number of lots contained in the approved plat, and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of § 265-2, Subdivision 2, of the New York State Town Law.