

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: FEBRUARY 16, 2021  
6:45 P.M. PUBLIC HEARING  
7:00 P.M. REGULAR MEETING  
\*\*\*ONLINE VIA ZOOM\*\*\*

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**PUBLIC HEARING via ZOOM:** At the public hearing regarding the Introductory Local Law No. 1 of 2021 entitled "adding paragraph D to Section 139-8 of the Code of Town of Liberty", held on February 16, 2021 at 6:45 p.m., the following were present:

**PRESENT:**

Supervisor Frank DeMayo                      in person  
Councilperson Dean Farrand                  in person  
Councilperson Brian McPhillips              ZOOM

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher    ZOOM

**ABSENT:**

Councilperson Vincent McPhillips  
Councilperson Maurice Gerry  
Town Attorney Ken Klein

**ALSO PRESENT:**

Finance Director Earl Bertsch	Cora Edwards
Finance Director Cheryl Gerow	Mike Edwards
Confidential Secretary Nick Rusin in person	Nancy Levine
Water & Sewer Forman Stacey Yaun	Bill Liblick
Matt Shortall	Abraham Rutner

At the Public Hearing regarding Introductory Local Law No. 1 of 2021 entitled "Adding Paragraph D to Section 139-8 to the Code of the Town of Liberty" the Supervisor explained the local law.

No one wished to speak and no written correspondence was received.

**MOTION TO CLOSE PUBLIC HEARING REGARDING INTRODUCTORY LOCAL LAW 1 OF 2021 ENTITLED "ADDING PARAGRAPH D TO SECTION 139-8 TO THE CODE OF THE TOWN OF LIBERTY"**

The Town Board of the Town of Liberty does hereby make a motion to close the Public Hearing of regarding the Introductory Local Law No. 1 of 2021 entitled "adding paragraph D to Section 139-8 of the Code of Town of Liberty".

Motion:            Councilperson Dean Farrand

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Seconded: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

**REGULAR MEETING:** *Meeting for the Town of Liberty held via ZOOM*

At the Regular Meeting of the Town Board of the Town of Liberty held on February 16, 2021 at 7:00 p.m., the following were present:

**PRESENT:**

Supervisor Frank DeMayo in person  
Councilperson Dean Farrand in person  
Councilperson Brian McPhillips ZOOM

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher ZOOM

**ABSENT:**

Councilperson Vincent McPhillips  
Councilperson Maurice Gerry  
Town Attorney Ken Klein

**ALSO PRESENT:**

Finance Director Earl Bertsch	Cora Edwards
Finance Director Cheryl Gerow	Mike Edwards
Confidential Secretary Nick Rusin in person	Nancy Levine
Water & Sewer Forman Stacey Yaun	Bill Liblick
Matt Shortall	Abraham Rutner

**PLEDGE OF ALLEGIANCE**

**CORRESPONDENCE**

**Incoming Correspondence**

1. Correspondence received from Water & Sewer Head Stacey Yaun regarding plans for seven (7) houses at Loomis Village.
2. Correspondence received from Water & Sewer Head Stacey Yaun regarding plans for four (4) houses on Jade Lane in Swan Lake.

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3. Copy of the 2021 Monthly Insurance rates from the Finance Office.
4. Correspondence received from Leisure Lake Estate Condominiums regarding the repaving of Kelly Bridge Road.
5. Correspondence from Town Engineer Dave Ohman regarding the Hardship Eligibility Extension for the Swan Lake Wastewater Treatment Plant.

***ACCEPTANCE OF INCOMING CORRESPONDENCE***

The Town Board of the Town of Liberty does hereby accept the Incoming Correspondence as listed above.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

***Outgoing Correspondence***

1. Correspondence sent by Supervisor DeMayo to Lynn Dowe, Planning Board Chairman regarding the proposed Planned Unit Development at the Sullivan County Golf Club.
2. Copy of correspondence sent by the Finance Office to David A Carlen regarding the Golden Park Apartments PILOT agreement with the Town.
3. Correspondence sent to Highway Superintendent Timothy Pellam regarding the repaving of Kelly Bridge Road.
4. Correspondence sent by Supervisor DeMayo in response to Congregation Iched Anash sewer main.
5. Correspondence to Fran Kurpil regarding COVID vaccines.

***ACCEPTANCE OF OUTGOING CORRESPONDENCE***

The Town Board of the Town of Liberty does hereby accept the Outgoing Correspondence as listed above.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
3 AYES Carried  
2 ABSENT

***APPROVAL OF AUDITS***

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

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1. February, 2021 Abstract
  - Claims #109 to #257 totaling \$593,806.58
2. January, 2021 Post Audit
  - Claims #90 to #108 totaling \$243,997.72
3. January, 2021 General Ledger Abstract
  - Claims #1 to #26 totaling \$1,268,813.16

Motion: Councilperson Dean Farrand  
Seconded: Supervisor Frank DeMayo  
3 AYES Carried  
2 ABSENT

***APPROVAL OF MINUTES***

The Town Board of the Town of Liberty does hereby approve of the minutes as submitted

1. Department Head Mtg. 1/16/21
2. Regular Monthly Mtg. 2/01/21
3. Joint Mtg. 2/02/21

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
3 AYES Carried  
2 ABSENT

***ACCEPTANCE OF MONTHLY REPORTS***

The Town Board of the Town of Liberty does hereby accept the Monthly Reports as follows:

1. Town Clerk's Monthly Report 1/2021
2. Revenue & Expense Report 1/2021
3. Supervisor's Report 1/2021

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
3 AYES Carried  
2 ABSENT

***NEW BUSINESS***

***APPROVAL OF SEQRA FOR THE WSS WATER DISTRICT PHASE 10 IMPROVEMENTS PROJECT***

The Town Board of the Town of Liberty does authorize the submittal of a grant request to the Office for Community Renewal Small Cities (CFA Application #104348) for Program Year 2020 funds in the amount not to exceed \$1 Million for the WSS Water District Phase 10 water main replacement and water supply improvements within the WSS Water District.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
3 AYES Carried  
2 ABSENT

***APPROVAL OF BID FROM ITC LEVERAGING TECHNOLOGY FOR THE REPLACEMENT OF TELEPHONE EQUIPMENT AND INSTALLATION AT TOWN HALL, PARKS & REC., HIGHWAY & WATER & SEWER IN THE AMOUNT OF \$17,259.00.***

The Town Board of the Town of Liberty does hereby approve the bid submitted by ITC Leveraging Technology, for the replacement of telephone equipment and installation at Town Hall, Parks & Rec, Highway and W & S, in the amount of \$17,259.00.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

***DIRECT TOWN ATTORNEY KEN KLEIN TO PREPARE CAPITAL RESERVE FUND RESOLUTION FOR THE PURCHASE AND INSTALLATION OF THE TELEPHONE SYSTEM IN AN AMOUNT NOT TO EXCEED \$28,000.***

The Town Board of the Town of Liberty does hereby direct Town Attorney Ken Klein to prepare Capital Reserve Fund Resolution for the purchase and installation of a telephone system not to exceed \$28,000.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

***APPROVAL OF CODE UPDATE***

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The Town Board of the Town of Liberty does hereby approve the estimate given by General Code to update the Town Code for an amount not to exceed \$5,800.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

### **DISCUSSION**

1. Kelly Bridge Road – Waiting for further update from Highway Dept. Copy of Section 284 of the Highway Law to be sent to Board members.
2. Swan Lake Wastewater Treatment Plant Improvements - Discussion item next meeting
3. Wellsite – Waiting for information from Town Attorney.

### **OLD BUSINESS**

1. Parksville revival – More ideas coming in, waiting for paperwork from the State.
2. 3428/3430 Rt. 52 Condemnation – Building coming down 2/22/2021.
3. Water & Sewer Department structure – Executive Session
4. Park & Recreation Director – Next meeting
5. Fines and Fees – Keep on agenda
6. Swan Lake WWTP Improvements (SEQR litigation) – Executive Session
7. Swan Lake Parking – Next meeting
8. Park & Recreation summer camp and pool – Next meeting

### **PUBLIC COMMENT**

Questions may be emailed to the Supervisor at [supervisordemayo@townofliberty.org](mailto:supervisordemayo@townofliberty.org)

### **PUBLIC COMMENT**

**Cora Edwards** I have three comments that I want to be put in the public record please. The first one has to do with the point that Dean raised regarding an intermediate plan. On August 31<sup>st</sup> when we had the public comment period at Hanofee Park, I had made a very specific question about asking why couldn't we phase in the improvements at the sewage plant and so I'm hoping that one of the questions that can be asked to Delaware Engineering this week are "what are the costs to get the current plant functioning". It was my understanding that with whatever new plant you had planned it wouldn't go online until 2023 anyway. Whatever size it

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would end up being. And I had also submitted and maybe Nancy had done as well, the article from Orange County when they did their sewer expansion. They said it would take six months to one year to do their impact study. So that would be the question for Delaware Engineering is “How long does an impact study for the one you’ve got in mind, how long would that impact study take?”. And the third point, I think there’s been a bit of confusion and it’s certainly been an enlightening process for me, is that the EFC has a rolling deadline. That 0% interest loan, in other words every year the loan program comes up. But there has to be a plan for that amount. So it’s not that you ask for \$20 million and use less. My understanding is that it doesn’t work that way. That you put in an amount and the plan has to match the amount. So those are my three public comments and I hope that they get entered into the public record and I hope that they do get addressed. Thank you.

**Abraham Rutner** About the Kelly Bridge Road. I didn’t understand exactly what the response from the Highway Superintendent was. Try to if you can clear it up exactly what he said.

**Supervisor DeMayo:** Yeah, I can Abe. The Highway Department fills out what’s called a 284 form every year and that lists the proposed projects for the year that they would accomplish under the CHIPS Fund. Is it just CHIPS or just in General. It’s both. Whatever they might have in capital improvement funds plus CHIPS funding. So it’s a listing of all the projects that come before the Town Board for approval. So it’s not done yet. I mean I get it because they don’t know what they’re going to get in funding yet. That’s where we’re at.

**Abraham Rutner:** But my question is, since Kelly Bridge Road was supposed to be done last year and they said they ran out of money from the CHIPS money, will it be a priority for this year?

**Supervisor DeMayo** That’s what we’re looking for and I don’t have an answer yet from the Highway Superintendent, but we had made our pitch, you guys made your pitch and I would hope that it would be on there. But we have to wait for that 284 form.

**Abraham Rutner** Okay so you keep me posted on that.

**Supervisor DeMayo** I absolutely will.

**Abraham Rutner** You know, Frank, it’s being used by NYSEG, it’s being used for people that go from Ferndale-Loomis Road to Briscoe Road, it’s being used for the condominiums, for all the houses over there and you know I think it’s time since it’s already in disrepair for so many years.

**Supervisor DeMayo** I certainly think the letter was helpful. The letter did go to the Highway Department as did an e-mail from me requesting what they proposed to do this year.

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**Abraham Rutner** Okay, thank you.

***NO FURTHER PUBLIC COMMENT***

***BOARD DISCUSSION***

***COUNCILPERSON DEAN FARRAND***

Two items. “The one was the Parks & Rec. The second was can we have Nick talk about where we are with the grants. I think we need to visit that and figure out where we are. Supervisor DeMayo said they would be discussed at the next work session.”

***COUNCILPERSON BRIAN McPHILLIPS***

Asked about a list of contacts he’d requested from the Supervisor earlier in the day. Nick Rusin will get them to Councilperson Brian McPhillips shortly.

***COUNCILPERSON VINCENT McPHILLIPS*** Absent

***COUNCILPERSON MAURICE GERRY*** Absent

***SUPERVISOR FRANK DEMAYO***

I don’t really have anything else for board discussion other than the COVID vaccine. I really thank the Board for giving approval for that, for the use of the Senior Center. It was really successful last Thursday. And Matt Shortall was on, I think he’s on now. He was on the phone with me this morning and we talked at length about it and how vital it is for the County and the Town residents and the seniors were really grateful that this was being done. Unfortunately, I had expected that they would be getting more vaccines, instead they’re only getting 50 this week. That doesn’t make sense to me, but you know whatever they can get, they’ll get and we’ll continue to do it. It went really well across the street. Of course we’ll have the additional challenge of a possible snow storm on Thursday, but the Village was great, they kept the front of the Senior Center cleared of snow so people could drop them off. I advised the police that they may park there and they said fine. The Village DPW and the Village Police were instrumental in helping out and the volunteers. It was a good day, so it’s going to be done again this Thursday from 9 – 12. Just so you know too, we have an insurance certificate. We’re named as additional insured from the Medicine Shoppe. It went really well. We’ll continue it for as long as need be. Hopefully they can get more vaccines. We’ll see.

We discussed in the Joint Meeting about an engineer. Agreeing to an engineer to review the plans and I got an e-mail this evening. I spoke to Glenn Smith during the week. Lynn Dowe also spoke to Glenn during the week, he was kind of non-committal and then he gave us word this



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evening through Walter Garigliano that he would be happy to review the plans. Glenn is the Planning Board's preferred engineer for review, so I would make a motion to advise the Planning Board that the Town Board is okay with Glenn Smith to be the engineer to review the plans for the Sullivan County Golf & Country Club.

Councilperson Dean Farrand: I'll second

Supervisor DeMayo: Further discussion. All in favor. 3 ayes – carried.

***GLENN SMITH RECOMMENDED BY TOWN BOARD TO REVIEW PLANS FOR SULLIVAN COUNTY GOLF & COUNTRY CLUB PROJECT***

The Town Board of the Town of Liberty does hereby recommend Glenn Smith as the engineer to review plans for the Sullivan County Golf & Country Club Project.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
3 AYES Carried  
2 ABSENT

Supervisor DeMayo I'll send a notice, Laurie will send that motion so he can have it for his next meeting and we'll advise Glenn accordingly. So just another quick note. I don't know how much we've discussed the issue that the Village has with their sewer line over by the, just under a difficult part of the Rail Trail that they have to replace. There's a little confusion because I was told if they didn't get this year's round of CDBG to be able to fund that. However it wasn't that they didn't get it was the BRICK money that they didn't qualify for which is a different funding source, but they're still going for a CDBG grant to be able to get that done and actually being turned down by the BRICK, and don't ask me what that acronym stands for, but getting turned down by that is actually helpful for the application. Because that's what CDBG looks for is getting turned down by applications, so they'll be able to add that to the application. But believe me, we're sweating it out with these CDBG grant applications because they put it on such a short timeline. But Mark is getting them in. And I think that's all.

***EXECUTIVE SESSION***

The Town Board of the Town of Liberty does hereby go into Executive Session at 7:55 p.m. to discuss the following:

1. Swan Lake Wastewater Treatment Plant Improvements Project
2. Personnel

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Motion: Councilperson Dean Farrand  
Seconded: Supervisor Frank DeMayo  
3 AYES Carried  
2 ABSENT

***OUT OF EXECUTIVE SESSION***

The Town Board does hereby come out of Executive Session at 9:00 p.m.

Motion: Councilperson Dean Farrand  
Second: Councilperson Brian McPhillips  
3 AYES Carried  
2 ABSENT

***ADJOURN***

The Town Board does hereby adjourn the meeting at 9:01 p.m.

Motion: Councilperson Dean Farrand  
Seconded: Supervisor Frank DeMayo  
3 AYES Carried  
2 ABSENT

Respectfully submitted,

Town Clerk, Laurie Dutcher