

## **SPECIAL MEETING, WARRENSBURG TOWN BOARD, JULY 30, 2008**

A special meeting of the Warrensburg Town Board was held on Thursday, July 30, 2008 at 4:00 p.m. at the Albert Emerson Town Hall with the following members present:

**PRESENT:**

Supervisor	Kevin B. Geraghty
Councilman	John Alexander
Councilman	Joseph Barlow
Councilman	Dean Ackley
Councilman	Austin Markey

**Others present:** Donna A. Combs, Town Clerk; Robert Hafner, Town Attorney; Edward Pennock, Highway Superintendent; Richard Galusha, Water and Sewer Superintendent and numerous town residents.

### **DISCUSSION – QUALIFIED ABANDONMENT OF OLD SPRING ROAD**

Supervisor Geraghty opened discussion explaining this is the property the Town had been working on for over a year, it was a private road, Old Spring Road, when research was done it was found the County of Warren still owned the road; it had never been turned over to the Town. The Town is asking for a qualified abandonment which allows the landowners with easement access to continue to use the road which means the property owners can't close the road.

Councilman Markey asked if there was only one landowner on that road.

Supervisor Geraghty said no, there are four plus Mr. Grace's woodlot, the big concern about doing the qualified abandonment was to allow Mr. Grace to still access his property.

Councilman Markey asked if Mr. Grace had been notified and is happy with what the town is doing with the qualified abandonment.

Supervisor Geraghty told Mr. Markey yes, and said the town will still have to have a public hearing.

Attorney Hafner explained the next step will be a public hearing and every owner will be notified; the public hearing will be held here, the paperwork will be delivered by the County Attorney who will work with the County Superintendent of Highways, who will then work with the Town Board to schedule a public hearing; he will notify all of the property owners.

### **RESOLUTION #145-08**

**A RESOLUTION GIVING CONSENT OF THE TOWN BOARD TO QUALIFIED ABANDONMENT OF A PORTION OF POTASH MOUNTAIN-HARRINGTON HILL ROAD KNOWN AS OLD SPRING ROAD AND AUTHORIZING KEVIN B. GERAGHTY AS TOWN SUPERVISOR TO SIGN THE DOCUMENT.**

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On motion of Councilman Markey, seconded by Councilman Barlow the attached resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**PRIVILEGE OF THE FLOOR – CONCERN ON OLD SPRING ROAD**

Robert Grace, Harrington Hill Road – questioned the legality of the use of Potash Mountain-Harrington Hill Road known as Old Spring Road. Mr. Grace told the Town Board they saw this same situation come up in Chestertown on a qualified abandonment and someone questioned it. Mr. Grace said this is not an apportionment of Potash Mountain Road, it is a portion of old Harrington Hill Road, Mr. Grace said it would help if he has trouble, the fact is it is the original Harrington Hill Road and when you say it is a portion of Potash Mountain- Harrington Hill Road you are really saying the same thing, he wondered if he was making himself clear.

Councilman Ackley replied this was throwing him off too because Potash Mountain Road is on the Luzerne side and that is quite a ways away.

Attorney Hafner explained it is all one continuous road except it is Harrington Hill on the Warrensburg side but the County Attorney did note it.

Supervisor Geraghty explained the legal description.

Councilman Ackley said he did understand what Mr. Grace was saying and asked what had happened to the third road which has always been included in there- the Viele Pond Road has always been Harrington Hill-Viele Pond Road. Councilman Ackley said he did not know if this stuff mattered or not.

Attorney Hafner explained that the Viele Pond Road was a separate part of this process, this is the qualified abandonment that the Town said to the County that they would take back ownership of this road if the County would do all the legal process and pay for all the legal expenses, and it is qualifiedly abandoned. Attorney Hafner said the reason why the Town wanted to be qualified abandoned-----Supervisor Geraghty explained to Attorney Hafner they knew all of that, they had been working on this for a year now and the question was did they change the name to Harrington Hill or do they have to have Potash in there.

Attorney Hafner said to leave it the way it is to stay consistent, it is all one road.

**RESOLUTION #146-08**

**RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT BETWEEN NYS DOT AND THE TOWN OF WARRENSBURG FOR SIDEWALK CONSTRUCTION IN CONJUNCTION WITH THE SFY 2008/2009 LEGISLATIVE INITIATIVE IN THE TOTAL AMOUNT OF \$20,000.00**

On motion of Councilman Alexander, seconded by Councilman Barlow, the attached resolution was ADOPTED – VOTE – AYES 5 NAYS 0

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**RESOLUTION #147-08**

**SET YOUTH SUMMER REC PROGRAM BUS DRIVER RATES**

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, that the rates for the Summer Youth Program bus drivers will be as follows: \$75.00 for ½ day trip, \$126.00 for a 6 hour day trip and \$150.00 for an 8 hour day trip.

**DISCUSSION – ZONING AND ASSESSOR ADMINISTRATOR INTERVIEWS**

Supervisor Geraghty asked the Town Board if they all wanted to be present for the applicant interviews for the Zoning Officer and the Assessor and explained Open Meeting Law process to them.

Discussion ensued on the dates the Town Board members will be gone on vacation.

**RESOLUTION #148-08**

**SCHEDULE INTERVIEW MEETING**

On motion of Councilman Markey, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, to hold a special meeting on August 12, 2008 at 5:00 p.m. to interview applicants for the positions of Assessor and Zoning Officer.

**RESOLUTION #149-08**

**2008 BUDGET TRANSFERS**

On motion of Councilman Barlow and Councilman Markey, seconded by Councilman Alexander and Councilman Ackley, the attached resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**DISCUSSION – ECHO LAKE LAND ISSUE**

Supervisor Geraghty opened discussion telling the Town Board he would like permission to speak to the land owner initially before the Town Attorney becomes involved in an encroachment issue.

Councilman Ackley asked if the land had been surveyed and said he did not know the outcome and asked what the outcome was.

Supervisor Geraghty said it looked like the property has been encroached on quite a bit.

The Town Board agreed to allow the Supervisor to attempt to solve this.

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### **DISCUSSION – INDUSTRIAL PARK**

Supervisor Geraghty opened discussion telling the Town Board they had received the email he sent out when he received the phone call; that is the only thing he has heard since the last Town Board meeting.

Councilman Markey said he wished to have everyone else know, Bunting called him and he notified the Supervisor of the phone call he received from Bunting that they have met with builders, they are progressing on the closing of their current property and working aggressively to move up here. Councilman Markey said Mr. Bunting told him he would call him to sit in on the next phase with him so he can give a report back to the Town Board.

Councilman Alexander asked Councilman Markey if he had any idea when the meeting would occur.

Councilman Markey said they called him last week and they were waiting to hear back from the builder.

Councilman Barlow said all they have right now is a contract to purchase their property, that can go on for months.

It was determined to wait until the August Town Board meeting to make a decision on how to handle this. Councilman Markey will contact Mr. Bunting and report back to the Town Board at the August 13th meeting.

### **DISCUSSION – ECHO LAKE BEACH ISSUES**

Councilman Ackley opened discussion telling the Town Board the same issue he is concerned with has been going on for the last five to six years and it continues to go, large groups that continue to reserve the pavilion and take over the whole beach area, the citizens of Warrensburg are not able to use it. Councilman Ackley said one of the first things he would like to try is to limit reserving the pavilion to a once a week per group, not a whole week. Councilman Ackley said his fear is if they limit it to one day a week other people in the same family will continue to reserve it under different names for the week, so they would have the same people for the whole week, if that does not work than we can restrict it to residents only and allow the residents to bring guests in with them.

Supervisor Geraghty said we would also want it to be to carry in and carry out for garbage.

Councilman Ackley replied he thought that should apply to all of our Parks, people are bringing garbage in off the street and putting it in the town garbage barrels, the County

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has the policy of carry it in, carry it out with garbage and he would like to see that policy for the Town parks.

Councilman Markey said they currently have to go and see Sherryl to reserve the pavilion; maybe the town should require them to fill out a form that states on it their responsibilities towards garbage, garbage in, garbage out.

Richard Galusha said he agreed with Councilman Ackley, it should be for the town residents. Mr. Galusha said it is not fair to the town residents not to be able to use it for a week; if they are going to have a party there some member in your party should be a town resident.

Councilman Ackley said right now there are groups that come from New York City who are staying in Lake George who come here; they may stop at some of our stores and local gas stations so he really does not want to exclude them if he does not have to but he does believe it is not going to work any other way.

Councilman Barlow said it may come to that if the towns' people cannot get in there because people from New York City staying in Lake George wish to have a party up here.

Councilman Ackley said it made no difference to him, either way.

Councilman Barlow said it made no difference to him either but on behalf of the town residents who pay our taxes and maintain it, he does think it should be limited to residents of the Town of Warrensburg.

### **RESOLUTION #150-08**

### **RESTRICT USE OF ECHO LAKE BEACH PAVILION**

On motion of Councilman Barlow, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, to set a permit policy to restrict the Pavilion located at Echo Lake Beach to use only by the Town of Warrensburg residents, who may be accompanied by out of town guests and to have a garbage in-garbage carry out policy, with a responsible person in charge of obtaining the permit.

### **FURTHER DISCUSSION – ECHO LAKE PAVILION POLICY**

Town Clerk Combs suggested there is some policy regarding the Town Parks already in the Code. Attorney Hafner told the Town Board if there is policy already in place in the Town Code then they would have to make the changes by changing the town code.

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Councilman Barlow said there is stuff in our Code on the Beach. Councilman Ackley said there is a section in the Code with policy on the Beach. Town Clerk Combs said it is all part of the Parks Code.

Attorney Hafner said he would have to confirm that, he will look at it and then prepare a local law for the next board meeting, then they can set a public hearing after looking at it. Attorney Hafner said that is the proper procedure for local laws.

### **RESOLUTION #151-08**

#### **UPDATE THE CODE**

On motion of Councilman Ackley, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

**IT IS RESOLVED**, to update the Beach section of the Code.

#### **DISCUSSION –BOND RESOLUTION**

Attorney Hafner explained the Bond Resolution for the new sweeper has been prepared and published and he had discussed with the Town Clerk when the estoppels period ends and it looks like the documents will be here shortly before the Town Clerk gets back on the 18<sup>th</sup> of August, he would like to pick the date for the document.

Supervisor Geraghty said that worked for him.

#### **DISCUSSION – ASSESSOR CLERK VACANCY**

Councilman Ackley opened discussion explaining he had been checking with Warren County and it appears there is a vacancy as an Assessor Clerk. Councilman Ackley asked what happened to Katie.

Supervisor Geraghty said the Warren County Civil Service said it has to be made a Civil Service position, we have asked her to take the test.

Councilman Ackley asked why we couldn't have a promotional exam.

Supervisor Geraghty suggested to Councilman Ackley he should call Civil Service and find out what can be done because we have already called there a couple of times. Supervisor Geraghty said to call Rich Kelly, if Councilman Ackley should find out something different, he can get back to him, then.

Councilman Ackley asked Supervisor Geraghty if he had already had conversations with Rich.

Supervisor Geraghty told Councilman Ackley he had Sherryl call Civil Service when they saw that; sometimes it takes them a year or two to catch up with people, and, they

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finally caught up and said the job she is doing has to be civil service. Supervisor Geraghty said there is a test, an exam, but if you look at the amount of money, he would doubt they are going to get a lot of people. Supervisor Geraghty told Councilman Ackley if he wanted to try to do something else he should call Rich Kelly.

Councilman Ackley said he had seen promotional exams before. Councilman Markey said that was mentioned to him by someone, also.

Supervisor Geraghty said he had let Sherryl handle it so he did not know.

Councilman Ackley asked how many other people in the building are going to be civil service; if Patty was going to be.

Councilman Markey asked about the other people in the building; if this is coming up now with the Assessor's Clerk. Councilman Markey asked Rick Galusha if he was civil service and said they changed Rick's title because he did not want to take the test for civil service. Councilman Markey said if the town is changing the title for one person, why not for Katie. Councilman Markey said Katie works here full time and has for four and a half years and makes minimum wage, he wanted to make sure her job is protected.

Councilman Barlow asked if Katie had ever taken any training and Supervisor Geraghty said no. Councilman Barlow said they had asked her to do that.

Councilman Ackley asked if she has done a bad job.

Councilman Barlow said he was not sure what Councilman Ackley's point was.

Councilman Ackley said he had never heard a bad complaint.

Supervisor Geraghty told the Board if they were going to go into job performance of an individual they needed to go into executive session.

Councilman Ackley said he just did not think it was fair to put her through all of this when she had dedicated herself to service for four and a half years and then put her through an exam, even though he was sure she could pass it. Councilman Ackley said he did not think it was fair to her to open it up to the County and he would prefer to see at least a promotional exam.

Supervisor Geraghty said he was not familiar with promotional exams.

Discussion ensued on civil service promotional exams with the Town Attorney.

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On motion of Councilman Barlow, seconded by Councilman Alexander, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Donna A. Combs, RMC/CMC