

REGULAR MEETING, WARRENSBURG TOWN BOARD, APRIL 8, 2009

The regular meeting of the Warrensburg Town Board was held on Wednesday, April 8, 2009 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

PRESENT:	Supervisor	Kevin Geraghty
	Councilman	John Alexander
	Councilman	Joseph Barlow
	Councilman	Austin Markey

ABSENT:	Councilman	Dean Ackley
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OTHERS PRESENT: Donna A. Combs, Town Clerk; Charles Corlew, Deputy Highway Superintendent; Richard Galusha, Sewer Superintendent; Robert Hafner, Town Attorney and numerous Town residents.

RESOLUTION #76-09

MOVE TO SCHEDULED PUBLIC HEARING

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was: ADOPTED – VOTE – AYES 4 NAYS 0

RESOLVED, that this meeting be interrupted to hold a public hearing advertised and scheduled for this evening at 7:00 p.m.

PUBLIC HEARING – RESTORE NY COMMUNITIES INITIATIVE GRANT PROPOSAL FOR FORMER BROWN BUILDING

Public Hearing was called to order at 7:00 p.m.

A legal notice was printed on April 1st, April 2nd and April 3rd, 2009 in the Glens Falls Post Star, with a copy of said notice posted on the Town Hall bulletin board on March 31st. The content of the legal notice was read into the record.

Supervisor Geraghty opened discussion turning the floor over to Jim Thatcher, Planner for Avalon Associates.

Jim Thatcher, Avalon Associates – spoke regarding the Restore NY Communities Initiative Grant Proposal for the former Brown Shoe Store Building located at 3861 Main Street. Mr. Thatcher explained the grant proposal the town is seeking is a state funded program that is focused on reconstructing the redevelopment of underutilized properties and with this building the intent is to create a 7,000 square foot residential and commercial building with second floor apartments and four separate store fronts. Mr. Thatcher explained the reason the town is involved is a part of this legislation requires a municipal applicant, the developer or owner of the property cannot apply for these funds directly to the State, the town will act as a pass through and provide the funds to the owner of the building, provided the town is awarded the grant. Mr. Thatcher said the

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town funds will go to the town who will reimburse the developer for expenses occurred in rehabbing the building. Mr. Thatcher said the town will not have any ownership stake in the project; the state is not looking for public entities to own these buildings.

Robin Richards-Szabo-asked if there was a cap on the municipal borrowing.

Mr. Thatcher explained the amounts cities and towns with populations under 40,000 people can ask the program for up to three and a half million in a project. Mr. Thatcher explained this is the project the town has chosen, he believed the budget for this application, this grant, is in the \$250,000.00 range, this is what the owner of the building has identified as his gap, where he has come to a stand still in the project, which is where he has come to be a candidate for the program.

The public hearing was left open to allow the Board to move onto other business.

RESOLUTION #77-09

MINUTES

On motion of Councilman Alexander, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

RESOLVED, to accept the minutes as presented.

REPORTS OF TOWN OFFICIALS

Reports were received and placed on file from the following Town Officials: Town Clerk; Supervisor, Assessor, Justice, Dog Control Officer, and Enforcement Officer.

TOWN COMMITTEE REPORTS

The following town committees gave reports: Highway, Historian, Museum, Parks and Recreation, Sewer and Water.

TOWN PROPERTIES AND BUILDINGS

Supervisor Geraghty opened discussion reporting the town has received a Beautification Award from the Beautification Committee for the work the Town did on the Fred Flynn Veterans Memorial Park. Supervisor Geraghty said he would like to thank the Town Employees and everyone who pitched in, the Schools' Act for Youth Program who helped plant the flowers. Supervisor Geraghty told Councilman Alexander and Mrs. Alexander thank you and said they had helped plant over 800 tulips.

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COMMUNICATIONS:

- a) A letter from NYS DOT telling the Town of Warrensburg and the Town of Bolton that the bridge carrying County Route 11 (Bolton Landing-Riverbank Road) over I-87 at Exit 24 will be closed to traffic from April 6, 2009 to Memorial Day Weekend.
- b) A letter from NYS DEC informing the Town they have issued a Restricted Burn Permit for the burning of brush at the Landfill until October 1, 2009.
- c) A letter from Senator Little in response to a letter from Supervisor Geraghty concerning the Lake George Park Commission's Draft Stream Corridor Management Regulations stating Senator Little contacted the LGPC in writing to express her opposition to the proposed Stream Corridor Management Regulations.

DISCUSSION – RESTORE NEW YORK GRANT

Supervisor Geraghty called for further comments on the Restore New York Grant.

Councilman Alexander asked if there are any declarations, liens or something like that against the property which would say the owner cannot sell the property if the grant funds are approved, anything long term the owner would have to sign.

Mr. Thatcher said there generally nothing required by Empire State Development Corporation, the Town Board, by getting the funds in for the property owner can decide what form it takes, whether by a grant with stipulations or a loan, perhaps something could be structured for some type of a payback and the town could securitize that arrangement through the Towns' agreement. Mr. Thatcher re-iterated the town is receiving the grant funds for the benefit of that project so the Town Board has some flexibility in any structure the Town Board feels when awarding the funds.

No one else wished to comment.

RESOLUTION #78-09

CLOSE RESTORE NY ROUND 3 FUNDING PUBLIC HEARING

On motion of Councilman Barlow, seconded by Councilman Markey, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED to close this public hearing and return to the regular meeting. Time 7:19 p.m.

DISCUSSION – PROPOSED LOCAL LAW

Proposed amendments for the Transient Merchant portion of Chapter 141 of the Code of the Town of Warrensburg were explained. The Code will be amended by deleting Section 141-21 (C) in its entirety and re-lettering each succeeding paragraph of Section 141-21.

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RESOLUTION #79-09

A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR PROPOSED LOCAL LAW #1 OF 2009.

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED, to hold a public hearing on Wednesday, April 22, 2009 at 4:00 p.m. at the Albert Emerson Town Hall for proposed Local Law #1 of 2009, amending Chapter 141, Transient Merchant by deleting Section 141-21 (C) in its entirety and re-lettering, and authorizing the Town Clerk to advertise this public hearing in the Post Star.

RESOLUTION #80-09

A RESOLUTION TO AUTHORIZE AND SUPPORT AN APPLICATION FOR RESTORE NY ROUND 3 FUNDING

On motion of Councilman Alexander, seconded by Councilman Barlow, the attached resolution was ADOPTED – VOTE – AYES 4 NAYS 0

RESOLUTION #81-09

A RESOLUTION SCHEDULING SPRING CLEAN UP DAYS FOR THE HIGHWAY DEPARTMENT

On motion of Councilman Markey, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED; the Town of Warrensburg Highway Department will be doing spring clean up days from April 20th, 2009 through April 24th, 2009 and again on May 11th 2009 through May 15th, 2009.

RESOLUTION #82-09

WAIVING TRANSIENT MERCHANT FEES

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED, to waive the transient merchant licensing fees of \$100.00 each for Overflow Week (Bike Week) for Richards Library and High Peaks Hospice.

DISCUSSION – INTERMUNICIPAL AGREEMENT FOR VOTING MACHINES

Supervisor Geraghty opened discussion explaining this is an inter-municipal agreement with Warren County which allows the town to bill the County for the handling of the Voting Machines until the new ones come in.

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Councilman Markey voiced the concern that Councilman Ackley had spoken of, why the School does not store the machines for the County. Supervisor Geraghty said this will be a County function once the new machines come in; this is just during the interim period.

RESOLUTION #83-09

AUTHORIZE AMENDMENT AGREEMENT BETWEEN THE TOWN AND WARREN COUNTY REGARDING VOTING MACHINES

On motion of Councilman Markey, seconded by Councilman Alexander, the attached resolution was ADOPTED – VOTE – AYES 4 NAYS 0

DISCUSSION – WASTEWATER TREATMENT

Supervisor Geraghty opened discussion asking Attorney Hafner to explain the proposal for the improvement of wastewater treatment disinfection.

Attorney Hafner explained there are two projects at the Wastewater Plant, the disinfection project which is a requirement by the State that you have to do some type of disinfection and then the second one, dealing with capacity issues because the Town wishes to provide more capacity to expand the system, the town is adding a lagoon. Attorney Hafner explained both of these are projects for which the town is seeking funding from the State and a State agency involved in these type of projects is EFC; with all of the funds coming from the federal government a lot of letters are being seen like the ones received here where EFC is sending out a checklist to the town asking for specific things so they can process at EFC. Attorney Hafner said one of the things EFC needs is a bond resolution and before you can consider a bond resolution the town has to go through a process: you have to have a map and a plan, you have to set a public hearing on the maps and plans and you have to do SEQRA. Attorney Hafner said the town finished SEQRA on the disinfection on the 31st of March, the Town determined it was a type II, it is done, the State required the Town to do it. Attorney Hafner explained on the lagoon project, which is the other project, the town determined it was an unlisted action, the Engineer will be sending out notices to the other agencies the town wants to be lead agent, the town must wait thirty days so the town will not be able to state SEQRA until the next regular meeting on the 13th of May, then you can have the public hearing on the same date, following the public hearing the Town can make the determination the project is in the best public interest, and, the Town can authorize the project and then do the Bond Resolution.

Attorney Hafner told the Town Board for the UV Hearing, the Town will hold a public hearing, determine it is in the public interest and authorize the project and then do a Bond Resolution.

Attorney Hafner explained about what a Bond Resolution does telling the Town Board it is called the Statutory and Constitutional Rules to authorize the maximum amount that the Town could ever spend on this project, if the project ever comes in more than these

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numbers the Town would have to do this again, do this process for the extra in funds. Attorney Hafner told the Board there is not a requirement for the issuance of bonds, what it does is it accepts the maximum amount that can be issued and authorizes the Chief Fiscal Officer of the Town, which is the Town Supervisor, to determine whether it is appropriate to issue at a later date and how much is appropriate. Attorney Hafner said in both of these situations, the understanding is the town is hoping to receive grant funding from the State and if the project come in under budget, that also would be less, it is not that you are automatically in debt for these amounts and the Supervisor will keep the Board informed as time goes on.

Supervisor Geraghty explained to the public the ultimate goal is the Town is required by the State to treat the disinfectant from the sewer plant that currently runs into the Schroom River which runs into the Hudson River. Supervisor Geraghty said the State passed a mandate in 2006 where another treatment has to be done and the town has elected to use Ultraviolet light to treat the disinfectant, it is his feeling and the feeling of the Board this project should be fully paid for by New York State because it is their mandate and this project costs approximately \$633,000.00, the town is on the list for some of the federal stimulus money, it is the Supervisor's intent not to move forward if the State does not fund the town at one hundred percent. Supervisor Geraghty said the town is trying to add another lagoon to the wastewater treatment system, the town is almost at maximum capacity now with the number of users that the town has on system and the town has received requests recently for more people to come into the district so the second part of this is the \$575,000.00 to build another lagoon at the Wastewater Treatment Plant; the town is looking for federal stimulus money for that too and both of these projects scored high enough on the State lists to allow the town to move forward with these applications.

Councilman Markey inquired about the first project, for the ultra violet light project's cost of \$644,400.

Attorney Hafner said he wished to explain this in two parts and said that number includes the cost of maintenance and things during the first ten years, the capital cost that is being considered by the Town is actually \$511,150.00 and when the Town Board sees the bond resolution that is the amount that would be bonded; the other amount the Supervisor included in that number is the cost over the first ten years; the engineer wanted the town to know up front that this is going to be the increased expenses that is expected during the first ten years of operation.

Supervisor Geraghty said it was his thought the actual projected operational cost per year is around \$13,000.00 and that included electricity, replacement bulbs, and labor hours.

RESOLUTION #84-09 SETTING PUBLIC HEARING FOR WASTEWATER IMPROVEMENT OF TREATMENT DISINFECTION

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On motion of Councilman Markey, seconded by Councilman Alexander, the attached resolution was ADOPTED – VOTE – AYES 4 NAYS 0

RESOLUTION #85-09

RESOLUTION SETTING A PUBLIC HEARING CONCERNING PROPOSED EXPANSION OF THE WASTEWATER TREATMENT PLANT

On motion of Councilman Barlow, seconded by Councilman Alexander, the attached resolution was ADOPTED – VOTE – AYES 4 NAYS 0

RESOLUTION #86-09

AUTHORIZING CHAMBER OF COMMERCE TO USE TOWN PROPERTIES FOR WLGS

On motion of Councilman Markey, seconded by Councilman Barlow, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED, to allow the Warrensburg Chamber of Commerce to use the Town Hall property at 3797 Main Street, the Senior Citizen Property at 3847 Main Street and the Health Center Parking Lot for the Worlds Largest Garage Sale to be held on Saturday and Sunday, October 3, 2009 and October 4, 2009.

RESOLUTION #87-09

AUTHORIZING CHAMBER OF COMMERCE TO USE TOWN PROPERTIES FOR ARTS AND CRAFT FESTIVAL

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE- AYES 4 NAYS 0

IT IS RESOLVED, to allow the Warrensburg Chamber of Commerce to use the Town Hall property at 3797 Main Street and the Senior Citizen Property at 3847 Main Street for their annual Arts and Craft Festival to be held on July 11th and July 12th, 2009.

RESOLUTION #88-09

AUTHORIZE PURCHASE OF SURVEY MONKEY

On motion of Councilman Barlow, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED, to purchase a one year subscription, with the annual SSL charge for the Comprehensive Planning Committee to use for their online survey for a total cost of \$670.00, this cost includes the membership fee of \$300.00 for a one year subscription.

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PUBLIC ANNOUNCEMENTS

Supervisor Geraghty announced he has received notice from Warren-Washington Counties Healthy Heart Program, the town is receiving two radar type signs for speed limits around the schools. The Town will meet with Amy Langworthy on the 22nd of April so they can post the flashing speed limit sign, one on Elm Street and the other one will be placed either on Library Avenue or on the Schroon River Road to help slow traffic down.

Supervisor Geraghty said the town is still working on receiving Safe Routes to School funding for school zone lights.

RESOLUTION #89-09

PAY BILLS

On motion of Councilman Markey, seconded by Councilman Alexander, the following resolution was ADOPTED – VOTE – AYES 4 NAYS 0

IT IS RESOLVED that the bills be paid in the following amounts:

General Fund	\$26,850.91
Sewer Fund	\$ 3,657.94
Water Fund	\$17,767.87
Highway Fund	\$13,101.38
Lighting Fund	\$ 5,437.12

PRIVILEGE OF THE FLOOR

Charles “Chuck” Bederian – asked how many units a new lagoon will give the town, will it be 1000 homes or 1000 apartments or 500, 100 and what is that cost factor relating to the sewer tax and expenses.

Supervisor Geraghty said there is a preliminary report on that.

Attorney Hafner explained the cost factor would be determined by the number of grants the town could acquire.

Supervisor Geraghty said if the town gets this project funded in full, other than the O&M is shouldn't raise the sewer rates at all; the other thing that has to be considered is if the town gets the other lagoon and puts more users on then it kind of neutralizes the cost of the lagoon. Supervisor Geraghty asked Mr. Bederian to stop in his office and see him and review the map and plan.

Discussion ensued on the user fees and what increase there might be.

Terry Hanchett – spoke of concerns with people speeding on Ridge Avenue.

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Supervisor Geraghty asked Mr. Hanchett if he has contacted the Sheriff. Mr. Hanchett said he has and there have been patrols present. Supervisor Geraghty told Mr. Hanchett he would check with the Sheriff.

Councilman Markey said if the Town is going to be checking with the Sheriff, he has received three complaints this week of youth, adolescents coming out of the Echo Lake area which is supposed to be shut off, Councilman Markey asked if the Sheriff's office could patrol that area.

Discussion ensued on areas that have been recommended for additional patrol.

On motion of Councilman Markey, seconded by Councilman Alexander, the meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk