

## **REGULAR MEETING, WARRENSBURG TOWN BOARD, MAY 13, 2009**

The regular meeting of the Warrensburg Town Board was held on Wednesday, May 13, 2009 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

<b>PRESENT:</b>	Supervisor	Kevin Geraghty
	Councilman	John Alexander
	Councilman	Joseph Barlow
	Councilman	Austin Markey
	Councilman	Dean Ackley

**OTHERS PRESENT:** Donna A. Combs, Town Clerk; Edward Pennock, Highway Superintendent; Richard Galusha, Sewer Superintendent; Sandra Parsi, Town Historian; Robert Hafner, Town Attorney and numerous Town residents.

### **PUBLIC HEARING – EXPANSION OF THE WARRENSBURG SEWER DISTRICT WASTEWATER TREATMENT PLANT**

Public Hearing was called to order at 7:00 P.M.

A legal notice was printed on May 3, 2009 in the Glens Falls Post Star, with a copy of said legal notice posted on the Town Hall bulletin board. The contents of that legal notice were read into the record.

Maynard Baker, Schroon River Road – said when he was Supervisor the Town put in a state of the art sewer system, two lagoons thirty percent over the capacity; Mr. Baker told the Town Board the reason the Town is running out of room with the lagoons now is because the Town has not cleaned them. Mr. Baker said once the lagoons are cleaned out the town will be right back where it was fifteen years ago with the capacity, Mr. Baker said there is no reason to spend this kind of money, if the Town is going to have a resolution on this he would request the town hold off on the resolution until January 1<sup>st</sup> of next year.

Linda Bassarab, Burdick Avenue – said she was also involved at the time the original sewer was put in. Mrs. Bassarab said it was a very long time the town was dumping raw sewage into the river, and, if the current system is not working correctly now, it needs to be maintained to ensure continued growth in the community. Mrs. Bassarab said to maintain the cleanliness of the river that the town has worked so hard to do, she supports this proposal to seek the funds to add an extra lagoon.

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

### **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.

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### **TOWN COMMITTEE REPORTS**

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

### **COMMUNICATIONS:**

- 1) A letter was received from Governor Paterson about Federal Stimulus Funding in response to a letter sent to him from Supervisor Geraghty.

### **RETURN TO PUBLIC HEARING**

Donald Bagwell, Petteys Road – asked the Town Board if they recalled the numbers discussed regarding cleaning the lagoon in previous conversations.

Supervisor Geraghty told Mr. Bagwell he did know our lagoons have approximately 24 inches of sluggish, normally a lagoon has from 12 to 18 inches, the town has been looking into cleaning the lagoons, the towns' engineer has said this will not increase the capacity, it may help a little bit. Supervisor Geraghty explained the reason the Town needs a third lagoon is because a lot of users, out of district, have been added on to the system, the town wants to explore the possibility of adding 50 to 90 more users on, the town approached this the right way by checking to see if it has the capacity to do this, we do not have the capacity to add anymore users unless we add a third lagoon so that is why the town is taking this approach. Supervisor Geraghty said this will be done with federal stimulus money if the town is successful.

Councilman Markey – asked Richard Galusha, Sewer Superintendent if the Town was being lax in not having a weekly or monthly clean out schedule for the lagoons. Councilman Markey said people pay \$300.00 a year for sewer rent, a part of that is for O&M, operation and maintenance.

Mr. Galusha explained to Councilman Markey there is no way to clean the lagoons, the maintenance is on the blowers, changing the oil and stuff like that.

Councilman Ackley asked what happened to the lagoons when they reach full capacity.

Mr. Galusha explained they will have to be pumped out, right now in normal operations they figure between 12 and 18 inches of sludge is going to be maintained at the bottom of these lagoons at all times.

Councilman Ackley asked if the town had a third lagoon if one could be shut down and cleaned out.

Mr. Galusha said no, all of the water would still have to be pumped out, its pumped into a trailer, the water is pushed out and the solids held in. Mr. Galusha said this system we have works very similar to a septic system.

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Discussion ensued on what will happen if the town does not clean up the lagoons in time between Mr. Bagwell and Councilman Ackley and Councilman Markey.

Councilman Ackley said he did not have a problem with adding another lagoon, his question was when do we stop adding lagoons.

Mr. Galusha explained ENCON/DEC sets the capacity of the lagoons, they set the capacity for a certain number of users, that is the meaning not to exceed the capacity of the flow going into the lagoon so, if the Town Board wants to add more people onto the sewer district, they will have to add another lagoon.

Councilman Ackley said it was his thought if the Board does go along with this at some point they should shut the other lagoon down and clean it out.

Supervisor Geraghty said Dexter(sewer employee) has been looking at that, it is still cost prohibitive, the whole reason why the lagoon has to be expanded is because in 2004 and 2005 the Board expanded the Sewer District up Second, Third and Fourth Avenue, and up Raymond Lane, it was not part of the initial district, users were added on and some of the people who are on Second, Third and Fourth were never made to hook up to the system even though the other people in town were forced to pay and hook up to the system, these people sit there with the pipe running in front of their homes and are not hooked up to the system; as their systems are failing they have come to the town and asked to come into the system, we had a potential expansion of 16 users with one project that somebody wanted to expand and town, the town looked at the capacity and said before we start to encourage anymore development within the sewer district we better make sure we have capacity, that lead to the hearing tonight. Supervisor Geraghty said what we are doing makes common sense, it is the right thing to do if we are going to expand; Library Avenue is starting to have failing septic systems and those people have been here to the Board and have asked when they can get onto the Sewer system. Supervisor Geraghty said this is why we need the lagoon, and, we have had the engineers look at it.

Councilman Markey said he understood the town was expanding, we need to be progressive with the comprehensive plan, his only question was if the town is being lax in any type of maintenance the town should be doing, maybe we should have looked over the past sixteen years if we should have pumped every five or ten years.

Discussion ensued on the way the lagoons work, and, the excellent job the workers have done at the lagoon, the amount of money charged for user fee when the District was first established and how the user fees were reduced eliminating the additional monies sat aside for maintenance, and the fact that the town just increased sewer user fees last summer because the sewer was not supporting itself, and, the number of extra users that have been added since the initial system was built.

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No one else wished to comment.  
The public hearing was closed at 7:25 p.m.  
The regular meeting was reconvened.

**DISCUSSION – SEQRA NEG DEC**

Attorney Hafner explained the Town Board has done a resolution seeking lead agency status, that thirty day period has passed, the town has received part one and it is his understanding from the Engineer, when they were here they went over that. Attorney Hafner told the Town Board he would lead them through part two now.

Part two of the SEQRA was completed.

Councilman Ackley left the meeting. Time 7:36 p.m.

**RESOLUTION #100-09**

**A RESOLUTION ADOPTING A SEQRA NEGATIVE DECLARATION FOR THE PLANNED EXPANSION OF WASTEWATER TREATMENT PLANT**

On motion of Councilman Alexander, seconded by Councilman Barlow, the attached resolution was ADOPTED by role call vote:

Supervisor Geraghty	Aye
Councilman Alexander	Aye
Councilman Barlow	Aye
Councilman Markey	Aye

Councilman Ackley	Absent
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Councilman Ackley re-entered the meeting at 7:44 p.m.

**DISCUSSION – SERIAL BONDS FOR EXPANSION OF TREATMENT PLANT**

Supervisor Geraghty opened discussion telling the Town Board this is just an authorization to issue bonds if the Town Board so desires, the intent of the Town Board is to get this paid for one hundred percent through the stimulus package and if that does not happen then they will revisit this.

Attorney Hafner said this resolution only authorizes the possibility of the issuance it does not actually authorize the issuance, that is something the Town Supervisor, as Chief Fiscal Advisor would decide to do later on.

**RESOLUTION #101-09**

**RESOLUTION DETERMINING PROPOSED EXPANSION OF WASTEWATER TREATMENT PLANT TO BE IN PUBLIC INTEREST**

On motion of Councilman Barlow, seconded by Councilman Alexander, the attached resolution was ADOPTED by role call vote:

Supervisor Geraghty	Aye
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Councilman Alexander	Aye
Councilman Barlow	Aye
Councilman Markey	Aye
Councilman Ackley	Aye

**RESOLUTION #102-09**

**AUTHORIZING THE ISSUANCE OF UP TO \$750,000.00 SERIAL BONDS OF THE TOWN OF WARRENSBURG TO PAY THE COST OF EXPANSION OF THE WASTEWATER TREATMENT PLANT AND AUTHORIZING THE ISSUANCE OF UP TO \$750,000.00 BOND ANTICIPATION NOTES OF THE TOWN OF WARRENSBURG FOR THE SAME PURPOSE**

On motion of Councilman Alexander, seconded by Councilman Barlow, the attached resolution was ADOPTED by role call vote:

Supervisor Geraghty	Aye
Councilman Alexander	Aye
Councilman Barlow	Aye
Councilman Markey	Aye
Councilman Ackley	Aye

**DISCUSSION – DONATION OF LAND**

Supervisor Geraghty explained the Town had received an offer of land for a park in the Town of Lake George, the estate of Colonial Benjamin Guiles. It has been determined in the best interest of the town not to accept this offer.

**RESOLUTION #103-09**

**A RESOLUTION DECLINING OFFER OF PROPERTY**

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

**RESOLUTION #104-09**

**AWARD OCCUPANCY TAX REQUEST FROM WARRENSBURG BED AND BREAKFAST GROUP FOR \$550.00**

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

**IT IS RESOLVED**, to award the Warrensburg Bed and Breakfast Group \$550.00 for website hosting by Mannix Marketing and a link from Adirondacks .com to the website.

**RESOLUTION #105-09**

**AWARD OCCUPANCY TAX REQUEST FROM WARRENSBURGH BEAUTIFICATION COMMITTEE**

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

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**IT IS RESOLVED**, to award the Warrensburgh Beautification Committee \$2715.00, \$1645.00 of which will be used for a portal-john for the Farmers Market and \$1075.00 for a new sign for the Farmers Market.

**RESOLUTION #106-09**

**AUTHORIZE PLAQUE TO BE CLEANED**

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

**IT IS RESOLVED**, to authorize the Town Hall Building Plaque to be cleaned by LaSalle Institute.

**RESOLUTION #107-09**

**AUTHORIZE HIGHWAY SUPT TO ATTEND HIGHWAY SCHOOL**

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

**IT IS RESOLVED**, to give permission to the Highway Superintendent to attend Highway School in Ithaca June 1 to June 3, 2009.

**RESOLUTION #108-09**

**AUTHORIZE TOWN CLERK TO ATTEND TAX RECEIVER CONFERENCE**

On motion of Councilman Markey, seconded by Councilman Barlow, the following resolution was ADOPTED,

**IT IS RESOLVED** that the Town Clerk is authorized to accept a scholarship for \$225.00 from NYSATRC Conference to attend the conference to be held in Glens Falls from June 14<sup>th</sup> to June 17<sup>th</sup>, 2009.

**RESOLUTION #109-09**

**SCHEDULE WORKSHOP MEETING**

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

**IT IS RESOLVED**, to hold a workshop meeting on June 8, 2009 at 4:00 p.m. at the Town Hall to discuss water district regulations.

**RESOLUTION #110-09**

**AUTHORIZE TOWN CLERK TO PURCHASE SOFTWARE FOR CREDIT CARD PAYMENT FOR HER OFFICE**

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

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**IT IS RESOLVED**, the Town Clerk is authorized to purchase credit card payment software, E Payments, for her office for town clerk and water and sewer collections from BAS for an initial set up fee of \$390.00 a year

**RESOLUTION #111-09**

**AUTHORIZE APPLICATION FOR A GREEN GRANT PROGRAM  
SPONSORED BY EFC FOR WATER METERS AND DO SEQRA FOR NO  
IMPACT**

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

**RESOLUTION #112-09**

**RETAIN JAMES HUTCHINS FOR ENGINEERING FOR GRANT  
APPLICATION TO SEEK FUNDING FOR ANOTHER WATER SOURCE**

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

**IT IS RESOLVED**, to retain the services of James Hutchins for engineering to help acquire additional funding for another water source.

**RESOLUTION #113-09**

**AUTHORIZE THE USE OF FREDERICK FLYNN MEMORIAL PARK DURING  
BIKE WEEK FOR SERVICE**

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

**IT IS RESOLVED**, to authorize the VFW Post 4821 and the Warrensburg American Legion Post 446 to use the Frederick Flynn Memorial Park to host a KIA, Veterans Memorial on June 1<sup>st</sup>, 2009 at 2:00 p.m. and to have River Street closed from the Judd Bridge to the intersection of Ridge, Richards Avenue and River Street.

**DISCUSSION – WARREN COUNTY FISH HATCHERY**

Supervisor Geraghty opened discussion explaining the County of Warren has a 6.3 million proposed budget deficient going into the 2010 fiscal year, three different areas have been looked at by the County, they have looked at programs, contracts and potential write offs to close the budget gap. Supervisor Geraghty said one of the programs looked at was the Warren County Fish Hatchery, it is proposed it be closed next year, there are many things the County Board has unanswered yet, the land was given to the County from the State of New York with the intention they had to keep the Fish Hatchery open, the County is not sure if the land goes back to the State of New York or if the State of New York will even want the land, there are twelve employees who are part of the Parks and Rec. group housed at the Fish Hatchery, there have been no discussions held on what the County would do with the Parks and Rec. group, where they would be moved. Supervisor Geraghty said this is one of the proposals put on the table, there are other proposals for job eliminations, there are contract eliminations; there is another million

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dollars worth of contracts the County needs to look at before they go farther into the proposals but the bottom line is this is important to the Town of Warrensburg, he has checked into the amount of use it gets and it gets used almost every weekend. Supervisor Geraghty said this is a high priority for some of the down County Supervisors, it is not for the up County Supervisors and he is sure there will be give and take in every thing they do and everything is subject to negotiations, that is the way he looks at every one of these proposals. Supervisor Geraghty said he does know the Board of Supervisors is trying to avoid a 17% tax increase based on the way the budget stands right now. Supervisor Geraghty said yes, there is going to be some pain and some programs will be cut, some tough decisions will be made down the road. Supervisor Geraghty said they are looking for suggestions and there are good suggestions coming in from employees; the way he looks at is if they are starting to save money perhaps some of these programs do not have to go. Supervisor Geraghty said the way some of the down county supervisors feel is they are not going to lay off employees and feed fish, he is saying it is open for negotiation and he certainly will do what the residents of Warrensburg want him to do, his has no problem going in front of the Budget committee and opposing this. Supervisor Geraghty said he is asking the public to please email him with suggestions, as well as the County employees.

Councilman Ackley said he has done a lot of work since this proposal came out in the paper; he was amazed this would even be considered.

Councilman Ackley passed pictures out to the public of different species of fish and etc.

Discussion ensued on what outlying counties around that have fish hatcheries, and different ways the county could offset the costs of the fish hatchery.

Councilman Markey said there are a lot of ideas the Town Board will be discussing with Kevin and he can then pass them onto the Board of Supervisors.

Councilman Ackley said this is the only place he knows the tax payers own and they can go for free, there has been some discussion of a user fee, and he is not really in favor of that but if it will save the Hatchery he would be for it.

Councilman Ackley said the Town of Horicon started a petition and he has asked every one of the people on the petition if they mind paying taxes on the Fish Hatchery and they have said no, he received forty signatures within an hour in Bills Restaurant, people are concerned, they did not know about it, either. Councilman Ackley said the budget for the Fish Hatchery is \$100,000.00, a lot less than what the railroad probably is going to cost over the years.

Councilman Markey said he has been working with Councilman Ackley gathering figures and info and he had received an email from a concerned citizen he wished to read, Councilman Markey read recommendations to help keep the Fish Hatchery open.

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Councilman Markey said he had been in contact with Assemblywoman Teresa Sayward and she is very interested and she did give him a lot of good information. Councilman Markey discussed numerous ways funds could be raised to support the Fish Hatchery.

Discussion ensued on possibly contacting the Board of Supervisors and asking for Occupancy Tax to maintain the Fish Hatchery, perhaps from each Town, and on two Town of Warrensburg residents who are employed at the Fish Hatchery.

Councilman Ackley told the Town Board in 2013, when the Town has its bicentennial the Hatchery will be 99 years old.

Councilman Ackley will supply Supervisor Geraghty with information and petitions to pass on to the County. Councilman Markey asked that the town's resolution be sent to the other towns in Warren County and asking for the other towns support.

Supervisor Geraghty said he needed to clarify one thing, the other jobs, potentially are never going to leave the town, the only jobs slated to be cut was the Fish Specialist and the feeding of the Fish, to say other jobs are going to be lost to the community is a disservice to the Warren County Board of Supervisors until those items have been discussed and there is potential that the State of New York will not want that property back so the other jobs stay there. Supervisor Geraghty said he was in full support of the Fish Hatchery, but, he did want the facts stated.

### **RESOLUTION #114-09**

#### **SUPPORT TO KEEP FISH HATCHERY OPEN FROM THE WARRENSBURG TOWN BOARD**

On motion of Supervisor Geraghty, seconded by Councilman Ackley, the attached resolution was ADOPTED – VOTE – AYES 5 NAYS 0

### **RESOLUTION #115-09**

#### **MINUTES**

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

**Resolved**, to accept the minutes as presented.

### **RESOLUTION #116-09**

#### **PAY BILLS**

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

**IT IS RESOLVED**, to pay the bills as outlined on Abstract #5-09.

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### **PRIVILEGE OF THE FLOOR-PUBLIC CONCERNS**

Lynn Smith, President, Warrensburg Chamber of Commerce-told the Town Board that Peter Haggerty is the Citizen of the Year this year. Mrs. Smith said Mr. Haggerty did not wish to have a dinner in his honor, in lieu of the dinner the Chamber is giving Mr. and Mrs. Haggerty a gift certificate so they can enjoy dinner on their own and the Chamber is giving a donation to a charity of Mr. Haggerty's choice.

Steve Parisi-urged the townspeople to do the survey from the Comprehensive Planning Committee, to let the Committee know what they want for the future of the Town of Warrensburg.

Mr. Parisi also announced the Warrensburg Museum of Local Historian will open on July 11<sup>th</sup> to the public, it will have some parts under construction but it will open.

Al Smith, Warrensburg School Board member urged people to vote in the upcoming election.

### **BROWNFIELD SITES**

Supervisor Geraghty reported the Town is getting a sign off from DEC so the Town can put the two sites, if they get a clear bill of health, back on the tax roles, offer them for potential sale sites, the Town will have a public hearing to decide what they wish to do with the properties.

### **PUBLIC CONCERN-DEAD TREE**

Richard Hull reported to the Town that there is a dead tree on the Health Center's property that has been dead for years. Mr. Hull asked the Town to contact the property owner to have the tree taken care of.

### **PRIVILEGE OF THE FLOOR/TOWN WATER CODE**

Laurie and Ted Kalisz submitted a written letter of complaint regarding the Town's Water Code into the record.

Supervisor Geraghty asked the letter be entered into the record, the concerns will be addressed at the workshop meeting on water codes.

On motion of Councilman Markey, seconded by Councilman Alexander, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk

