

SPECIAL MEETING, WARRENSBURG TOWN BOARD, JUNE 8, 2009

A special meeting of the Warrensburg Town Board was held on Monday, June 8, 2009 at 4:00 p.m. at the Albert Emerson Town Hall with the following members present:

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

Others present: Donna A. Combs, Town Clerk; Richard Galusha, Water/Sewer; Edward Pennock, Highway Superintendent; Robert Hafner, Attorney for the Town and numerous Town Residents.

DISCUSSION – TRANSIENT MERCHANT CODE

Supervisor Geraghty opened discussion saying the only concern he had was it seemed there was more garbage being piled on the curb in certain areas, they went and spoke to the proper parties and it became less but then over the weekend, with the influx of visitors the town had and a one person crew collecting the garbage was not enough. Supervisor Geraghty said the town did take in over \$5000.00 dollars in permits, and, the town should discuss the garbage situation, the other issue is a fee increase and parking.

Matt Securo, Code Enforcement Officer, said there were absolutely no issues with any of the vendors.

Councilman Markey asked if there were problems with garbage at the Post Office today.

Matt explained there was one box, but nothing major.

Discussion ensued on the size this year versus last year of the number of vendors and visitors.

Councilman Markey asked Richard Galusha if Town Employees were picking up garbage today. Mr. Galusha said yes, they picked up garbage in the barrels. Councilman Markey told Mr. Galusha the Chamber of Commerce pays for their own garbage removal for garage sale, the Town works out the rate with them and if private individuals who are renting out these properties and leasing these properties to these people then the merchants themselves is responsible for the garbage or it is the landowner who is collecting the money that is responsible for this garbage, not the Town of Warrensburg, or we should be monitoring areas where they do have piles of garbage, like Potters Diner, pick up the garbage and then go after who ever had that permit for that particular spot and charge it to them next year if they want to come back or charge the landowner for it.

Councilman Ackley said one of the Churches' had a lot of garbage but had no vendors, which is a problem, it is not their responsibility.

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Councilman Markey expressed pleasure in the size of the vendors and the number of visitors but said the town has to address the issue of the garbage. Councilman Markey quoted the Town Code under Transient Merchant where it says disposal of trash and garbage is the responsibility of the applicant or the landowner, owner of the land; it is not the Town.

Supervisor Geraghty told Councilman Markey he had a tenacity to agree with him to a certain extent; the reason for putting the barrels out was to stop people from putting dumping it on the ground, we have done that now, last year it was not all that much, it is growing and in order to keep the town looking decent you put the barrels out, but there again, are we approaching a mini garage sale thing and do we have to say to the folks, you pick the barrels up along the street, we may be approaching that.

Councilman Barlow said his vendor did leave him a bag there, he knew it was going to be there and before he could get to it to take it to the dump this morning, Joe had picked it up. Councilman Barlow told Mr. Zibro at least his vendors did not put their garbage in Mr. Zibro's dumpster like they have other years. Mr. Zibro told Councilman Barlow it was fine, if they put it there it was not on the street.

Councilman Ackley told the Board there was ways the Town could help; the Town could supply barrels to the vendors and have them keep them next to their vending areas instead of on the sidewalks.

Councilman Alexander said the town board has allowed this thing to take off, they could have stopped it by saying no more selling like other towns who do not want this have done, it has grown, they went and checked the place out and put some trash cans out on the sidewalks. Councilman Alexander said he felt the town almost has to do that, to keep our town clean, if we do not want vendors garbage brought out, like, during Garage Sale it all comes out of peoples houses and gets out of hand. Councilman Alexander said he feels this can get controlled with the Town raising the permit fee and putting on one more additional man that week, this is what we need to do if we want commerce, this week brings a lot of money to this town. Councilman Alexander said it is a long week, it is a lot of noise and racket but you cannot deny the commerce, the amount of money it brings to the Town, it is going to get bigger. Councilman Alexander said he thinks we have to do something about the garbage but he does think the Town is going in the right direction, if the bigger vendor people can handle their own people, and they are working on that, do not take your garbage out front, those barrels are for the bikers where they are buying food, if we raise the fees and collect garbage it is just part of doing business for the Town. Councilman Alexander said if you wish to welcome this thing to town, you have to pick up some garbage.

Councilman Ackley told Councilman Alexander that worried him, raising the fees, that is what Lake George is doing. Councilman Alexander said Queensbury charges \$500.00 a day to discourage this.

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Discussion ensued on the garbage, and, the fees, the possibility of selling dump stickers to these vendors.

Councilman Barlow told the Board both vendors who were on his property said the town should increase the permits, at least to \$125.00 and with the number of permits, that would give the town a good boost.

Donald Bagwell told the Town Board both he and Ed(Zibro) had on site dumpsters, his vendors know they are not to take their personal garbage to the front barrels, he personally fished some stuff out and took it to the back. Mr. Bagwell said the vendors that he is aware of would not be opposed to a \$25.00 or \$30.00 increase per year, if the town handles the public's garbage; one of the problems is there is a multitude of public garbage. Mr. Bagwell said he had talked to Kevin a couple of years ago and requested the town put out garbage barrels as a courtesy, that is the kind of garbage they have to deal with. Mr. Bagwell said he does not want the garbage to be in front of the Post Office, or on the sidewalk, he interprets the law as being on site, the vendors contain their own garbage, after that it is the public's garbage and the town has supplied those garbage cans as a courtesy and they would be more inclined to pay you \$30.00 a year extra and the town maintain the public garbage, one pick up a day through the town is fine in the beginning of the week, Wednesday, Thursday, Friday, Saturday the town would have to do two a day, and, one man could not pickup one of those barrels.

Councilman Markey said the Town does not have a garbage service here, we don't have a garbage truck, we have a guy in a pickup truck, if this is getting bigger and bigger, we are going to have to.....Councilman Markey told Mr. Bagwell he advertises Warrensburg Bike Week and asked if he collects a fee from his vendors. Mr. Bagwell said no, he does it for the community. Councilman Markey asked Mr. Bagwell if the vendors pay for their sites. Mr. Bagwell said they pay the individual landowners, that is why transient merchant laws, in his case, like Robbie Griffin and Mr.Maltbie collect it separate, in his case; Mr. Maltbie collects \$200.00 to cover the outhouses and the garbage, the dumpsters. Councilman Markey told Mr. Bagwell the landowners are telling the vendors they are collecting a certain amount of money from them to cover the outhouses and the garbage and then, not necessarily taking care of the garbage. Mr. Bagwell told Councilman Markey that is what Transient Law is. Councilman Markey told Mr. Bagwell he had the Transient Merchant Law right there and it says the landowner and or the vendor take care of their own garbage. Councilman Markey said that if the Town wished to get in the garbage business, then lets buy a garbage truck and let's send them around. Councilman Markey said he did not wish to get in the garbage business; if the Code reads it is either the vendor or the landowner, he feels it is the vendor and the landowners responsibility, obviously this morning, when everything is cleaned up there is still stuff out there, then we will clean it up on a small basis. Councilman Markey told Mr. Bagwell this is not like the Chamber of Commerce's Worlds Largest Garage Sale where they hire out and spend five or six grand, just for

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garbage fees, this is not to that point yet, but, they hire two or three guys and two or three dump trucks working all night long to clean this up.

Mr. Bagwell asked about Jack Toney's, Lucky Star and all of their garbage coming up and down the street. Councilman Markey told Mr. Bagwell the Code said right in it the landowner is responsible for the garbage. Mr. Bagwell asked how the town was going to get each vendor manager to handle the public's garbage, how do you know where the garbage is coming from. Councilman Markey told Mr. Bagwell if the garbage is on your property you maintain the garbage, he does not care where it came from. Mr. Bagwell said exactly, on my property.

Discussion ensued on the placement of the town's garbage cans. Councilman Ackley said by placing cans on the edge of the sidewalk, it invites you to dispose of it there.

Mr. Bagwell told Councilman Ackley there are a multitude of garbage cans on his, on Mr. Malbie's property, in the interior and his people take great pride everyday in picking up garbage, Lucky Star is out side at 11:00 to 12:00 at night picking up cigarette butts and everything else. Mr. Bagwell said he, himself, wants this to be a clean town, what the issue is, as a courtesy, is the Town-we are dealing with the public and will maintain our garbage on site.

Edward Zibro-told the Town Board he would be willing to pay for the barrels in front of his site, when the guys come through. Mr. Zibro said he has a dumpster on the site, and, barrels and every vendor takes their garbage back to it.

Councilman Ackley said the problem they are talking about is the street garbage. Mr. Zibro said he would not mind maintaining those barrels. Councilman Ackley told Mr. Zibro if you put the barrels out on the street, you are inviting people to throw their garbage there, if they were back on the property owners property, and, the town will supply the barrels, this would get it off the street, most of them are going to go back into the property area and throw the garbage out.

Mr. Bagwell said one of the reason they had the courtesy barrels put out was because he was going back and forth picking up all of the garbage because he did not want to see it on the streets.

Tape inaudible-everyone speaking at once.

Discussion ensued on the garbage cans that are set out on Canada Street in Lake George and the differences between the two municipalities' work forces.

Councilman Alexander said they do this in Lake George because if they did not they would have garbage every where; we decided to do this for one week once a year as a courtesy because we do not want garbage all over.

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Councilman Markey said he did not have a problem with putting the courtesy barrels out on the properties, even five barrels at QVN and five at the Post Office and five at Alexanders, put keep them on their own personal property. Councilman Markey said that it says in the Code to let the landowners ---- do we want these people to come back if they are not going to take care of the garbage that is there.

Councilman Ackley said it is hard to change what is in the town code.

Supervisor Geraghty asked what if the town provided the barrels and they had a lot attendant who would pick it up and put it in their dumpsters.

Councilman Markey said if the landowners are collecting money from these vendors for supposedly taking care of garbage then you guys take care of garbage and we will provide you with the courtesy barrels and then when we come through on Monday morning, like we did today, and we find a pile here or there, we are going to clean it up and go back to those areas and tell them we had an extra fifteen bags of garbage at QVN or an extra ten bags of garbage at Alexanders, please monitor your vendors.

Councilman Alexander responded that first of all, they never had a barrel in front of Alexanders', he does not want a barrel, he does not have any food vendors, he has vendors that put training wheels on motorcycles.

Supervisor Geraghty asked Mr. Bagwell and Mr. Zibro if they could live with the town putting the barrels outMr. Zibro said he would rather live with that than to have the fee go up, he lost people this year because of the economy.

Discussion ensued with several people speaking at once.

Mr. Bagwell told the Town Board this discussion should not be going on with the money that the taxpayers made on Main Street, the Town Board should be willingly putting the garbage cans out there and willingly doing internal adjustment, if they need to put two men on to deal with the garbage; this is not garage sale, it is not a major event, if we want to keep a clean town then the town is going to have to put garbage cans out. Mr. Bagwell told the Town Board he is not responsible for Potters garbage or anybody down the street, he is not responsible for Ed and Ed is not responsible for the public's garbage.

Councilman Ackley said it is their responsibility to pick it up, not the towns' responsibility. Mr. Bagwell said on their site, but, what we are talking about is keeping our community clean. Councilman Ackley said we have our enforcement guy right here and that is against one of our code's, to have garbage all over the place, it is very simple, and, if that is a problem it is his job to take care of it. Mr. Bagwell told Councilman Ackley he would not find that problem on his property or on Ed's property, it is an internal issue between Rick's Department and the man power, if there is garbage, deal with it.

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Councilman Markey told Mr. Bagwell he did not think so, he is collecting vendor fees because someone is selling lots, you are saying you need to increase your lot fees for portal-potties and garbage.

Mr. Bagwell said the two of them are following this law, to the key.

Mr. Zibro told the Town Board anyone who registers vendors should instruct the vendor as to where the garbage goes when they come in and who is responsible for it, he had one guy who left him two barrels of garbage, filled his pickup, this year when he came in he told him garbage had to go in the dumpster, he will collect fifty to one hundred bucks a person for lot clean up if they do not clean their lot up.

Councilman Markey said that is how to take care of the problem, he rents his lots and he takes care of next year.

Councilman Ackley said the vendors can be directed to the landfill and they can buy stickers.

Mr. Bagwell told the Town Board the vendors are not the problem, we are talking about Main Street garbage, that is what we are talking about and it has nothing to do with vendors.

Richard Galusha asked Mr. Bagwell if he came up and bought a hamburger from one of his vendors, the garbage, the wrappers that he gets from that place are being considered that is his garbage and the vendors should not have to have those cans for him to throw his stuff away.

Mr. Bagwell told Mr. Galusha he has five cans at QVC, they are right there and he has them in the hospitality area.

Tape inaudible everyone talking.

Supervisor Geraghty said it was his thought they have reached a solution, the people who lease out the property will pick up the bags from the courtesy barrels and put them in their garbage, courtesy barrels will be on the inside of the sidewalks; next year we will let anyone who leases out property know it is their responsibility; we will try to do this and see how it works.

Councilman Markey advised the private property merchant individuals to monitor themselves, if they had a bad time with a vendor or garbage this year then correct it.

Supervisor Geraghty asked the Town Board if they wished to do an increase on the Transient Merchant license fee.

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Mr. Bagwell told the Town Board they were reverting back to what they did three years ago with the garbage, they have already had the internal garbage cans, they were already maintaining it and the public was dumping their garbage on the side of the street, so, we are reverting back to what we had three years ago.

Councilman Markey asked Town Clerk Combs if she had problems with issuing these licenses this time.

Town Clerk Combs said no, there are no problems with these vendors; the license fee is \$100.00 for two weeks and every day after that is \$20.00.

Discussion ensued with the Town Clerk on the time length of the permits, the cost and time period of an IPP permit versus the Transient Merchant permit. Town Clerk Combs said all her office does is issue a piece of paper, seal it and send them on their way, with the Transient Merchants; they are not a major local event so the paper work involved is much simpler.

Discussion ensued on a fee increase with comments being offered from Mr. Bagwell and Mr. Zibro. Mr. Bagwell told the Town Board the fees and time period do not just cover the Bike Week event, they are for any Transient Merchant vendor who wants to come to the Town. Mr. Zibro pointed out a few years ago it was \$20.00.

RESOLUTION #117-09

INCREASE TRANSIENT MERCHANT FEE

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

IT IS RESOLVED, to increase the Transient Merchant fee on the Town Clerks fee schedule to \$125.00 for a day permit and \$20.00 a day for each day after for an individuals permit.

DISCUSSION – TRANSIENT MERCHANT PERMIT

Discussion continued on the increase of the Transient Merchant Fee increase. It was determined the Town has expenses during the actual tour period to justify the increase.

Mr. Richard Galusha told the Town Board he had a problem with the vendors in front of his liquor store on Main Street who was located on Rich Fruda's property. Mr. Galusha said the guy put a tent up on Fruda's property, backed a tractor trailer in the front of the Liquor Store on Main Street and leaves it there. Mr. Galusha told the Town Board he feels the Town should have a limit on the length of time these vendors can park on the street. Mr. Galusha said he did resolve the problem with this vendor, they gave him permission to park behind his store for nothing, but Mr. Galusha does not feel that is right to the other people.

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Discussion ensued on a vendor who was blocking Raymond Lane, and, the Sheriff being called. Supervisor Geraghty said if the vehicle is parked over the fog line we can have the vehicle moved, as far as blocking the stores on the Main Street, the Town does not have any local code that applies for blocking the stores on the Main Street by parking in front of them.

Councilman Ackley asked what the Town should do with the motorcycles that do the same thing.

Supervisor Geraghty said he would like to have the town check with some of the other communities who have craft fairs and events, how they deal with the vendor parking, because he does not think they allow the trailers to park on the streets. Supervisor Geraghty asked Matt Securo, the Code Enforcement Officer to be contact the other towns to see how they deal with this.

DISCUSSION – WATER CODE

Supervisor Geraghty opened discussion telling the Town Board the Water Code has not been addressed in quite a while, there are some issues that he had with short taps and long taps, he has spoken with the Water Superintendent, as well as the plastic pipe issue that Bill Oehler wished to speak with the Board about.

Supervisor Geraghty explained the issue with the short tap and the long tap, how the lines are either on the right side of the street or the left side of the street, if the pipe runs in front of your property then you are responsible from your property in but if the pipe is on the other side of the road the property owner is held accountable to go under the road. Supervisor Geraghty told the Town Board this is something that has been on the books since the fifties if not earlier than that, the reason why they did that, he was told was because of the galvanized pipe. Supervisor Geraghty said issues have been brought to the Town Board a couple of times about the fairness of it and he would like to hear the feeling of the Town Board, should there be an adjustment.

Councilman Markey discussed water lines running in front of homes versus across the street, and, his opinion on it. Councilman Markey told the Town Board he feels sorry for people who live across the street from where the line is; the Town has the equipment to do it, there is money in the budget and as one of the things he has said before- the town has a lot of equipment for water breaks and we do not have a lot of water breaks, we have the equipment so lets use it, lets provide that service to our tax payers.

Councilman Barlow said that way everyone would be paying a short tap.

Mr. Richard Galusha advised the Board about the money they have in the water budget, the expenses per year for pumping and suggested the Board have the Town Supervisor do a check on the funds. Mr. Galusha told the Town Board he did not tap himself on the

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back but it is amazing the Water Department does not run further in the red than they do; the Supervisor could vouch for that.

Discussion ensued on the number of water breaks and what ever reason the Town Water would be digging up the road, whether short taps or long. Councilman Markey asked Mr. Galusha if he has a record of the number of water breaks the town has in one year. Mr. Galusha told the Councilman he does keep a record, he did not have it right with him. Councilman Markey asked for a rough estimate.

Supervisor Geraghty told Councilman Markey the Town Water has probably taken care of six to eight in the last two years, Mr. Galusha would know how many individual ones. Mr. Galusha responded that is the number of the ones the Town charged; Supervisor Geraghty said that was correct, the Town did six to eight and we know we had some the individual plumbers have taken care of. Supervisor Geraghty said he was not aware of how many were under the road and asked the Highway Superintendent if he knew how many times the road was dug up for water breaks. Highway Superintendent Pennock said one or two.

Councilman Markey told the Town Board that was the point he was trying to make, there is enough money in the budget to keep hundreds of thousands of dollars of equipment when we have one or two breaks a year; would it be easier to get rid of any equipment we have in that department and hire out an independent contractor to fix the two or three breaks we have a year.

Mr. Galusha told Councilman Markey while he was talking about that, the equipment also is used to work on Fire Hydrants and on main lines, he is asking about service, if he wishes to run into main lines then you can probably count in the last year thirty main lines that run into hydrants they have had to dig up and repair, they also use that equipment for lots of different jobs. Councilman Markey told Mr. Galusha they were talking about additional work; he is talking about additional money in the budget, what are we going to incur in money in the budget.

Supervisor Geraghty said it was two different things being talked about, the item he wanted to be discussed is does the town board wish to eliminate the long tap, do we want to take from the person's curb spot, do we want to make a code change.

Councilman Ackley asked Mr. Galusha if a person is responsible if the tap is on the other side of the road, do they have to have someone dig the road up and do they have to have someone replace the pipe underneath. Mr. Galusha said that is the way the law reads, the property home owner is responsible to the water main. Councilman Ackley asked how many times this year and how many last year, could he guess. Councilman Markey told Mr. Galusha they could not talk about a particular subject if they don't have the accurate numbers on what they are talking about.

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Discussion ensued on the different type of pipe that have been allowed, the responsibility of the town accepting the pipe under the road, what happens in twenty years when the lines break.

Supervisor Geraghty said his interpretation is if the property owner's water line is on one side of the road and it is determined by the town it is broken under the road, the property owner is going to pay for the pipe. Supervisor Geraghty said he thought the cost was the digging up the road, and asked how costly the laying of the pipe from the curb stand across the road is; he said he was talking about digging the road up and not charging the homeowner to dig the road up, the materials would still be the homeowners to pay for.

Mr. Galusha advised the Highway Superintendent be consulted regarding the expense of digging into a road.

Discussion ensued on a frozen galvanized pipe on River Street, and being fair to the homeowners who are going to think they are going to be paying from the curb stand in front of their home into their home.

Supervisor Geraghty questioned if the town should stop the practice of making the homeowner pay for underneath the road.

Mr. Galusha asked if the town was willing to accept the cost to the town.

Discussion ensued on senior citizen income, costs incurred by frozen water lines and contractor costs, water district funds, and, being fair to the consumers.

Councilman Markey said the town should provide the service of digging up the line, because the town has the equipment, and it is a minimal occurrence.

Supervisor Geraghty said now that issue had been addressed; the town will be responsible for going under the road if the pipe is.....are they now going to address the code to say who is going to pay for the material, the material being the pipe, or should the homeowner be responsible and is the town going to make sure they follow our code, and, should the code be changed to read all copper. Supervisor Geraghty asked whose responsibility the cost of the pipe under the road should be, and, said the major expense of this would be the excavation work.

Discussion ensued with Rita Ackley and a discrepancy she had with a long tap. Mrs. Ackley said the town should dig the road up, they own the road. Mrs. Ackley said the town paid for the pipe to go onto the property owner's side, now, they want you to pay for digging up the road that is the towns' road.

Councilman Markey asked if the town wished to leave the responsibility of cutting up a road to a contractor, to make sure it is replaced right.

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Discussion ensued on the Highway Superintendents responsibility with this.

Mr. Galusha told the Town Board it was his recommendation the town stay consistent with the other towns.

Supervisor Geraghty said he feels the town is penalizing people for living on one side of the road or the other, he feels the town should be responsible if the pipe goes under the road but he does think the homeowner should be responsible for the material to go under the road; the town should change the Code to copper.

Discussion ensued on what the procedure will be for a new service when the water main is on the other side of the road, will the town bring it to the new homeowner's side of the road.

Mr. Galusha told the Town Board the Town of Queensbury does a long and a short tap and they pay so much if it is on their side, and, the town accepts the pipe, if you live on the other side of the road, you pay so much more, they accept it in under the road, they come back and repair.

Councilman Markey said if you are putting in new construction it is one of the fees you expect to pay, it is the expense of being a new homeowner.

Discussion on the financial situation of the water department.

Supervisor Geraghty said he is trying to straighten out what they feel is an inequity, between the pipe running under the road to the curb and from the curb stand into the home, the repairs made to that line. Supervisor Geraghty told the Town Board that was what he was addressing right now, the repairs made to that line, not new installation, and he does feel there is a difference between repairs made to the line and new installation, there is a big difference; between a new installation and repairs.

Councilman Markey asked if there is a fee schedule for broken lines and said there should be a fee schedule with the details stated.

Supervisor Geraghty said what the water tries to do now is to charge them current rate for labor and for time and materials. The Supervisor told the Town Board he has a chart he uses when they send out bills for parts, for instance a curb stand is \$13.00 and everyone gets charged the \$13.00, then they build in the time and materials, he feels they have not hurt the water district customers, since he has been here, a plan and fee schedule have been developed, it is no where near other towns rates.

Robert Hafner, Town Attorney- asked the Town Board to clarify the changes to the Code and if it would be the changes only for repairs to an existing line, it is not for new installation, we will change to the copper pipe, the town will attend to the digging across

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a road, the property owner will pay for materials with frozen pipes. Attorney Hafner asked the Board if copper pipe would be required for new construction now.

Supervisor Geraghty told Attorney Hafner yes, the Code needs to change to copper; there is a need to get away from galvanized.

Discussion ensued regarding what permit requirements will be for new construction.

Supervisor Geraghty told Attorney Hafner new construction will be left as it is right now in the Code.

William Oehler – told the Town Board he is the owner of a subdivision on Lake Avenue, he wishes to use plastic pipe, he has had discussion with Mr. Galusha, it is a town decision.

Discussion ensued on the plastic pipe.

Councilman Markey asked Mr. Galusha if he has checked with other builders and Towns involved in the use of plastic pipe.

Mr. Galusha said most of the towns stay with the copper until they get to the main valve.

Supervisor Geraghty said he did not think people allow the mains to be plastic pipe.

Discussion ensued on Lake George allowing plastic pipe and Bolton does not.

Supervisor Geraghty asked Mr. Oehler when he needed an answer by.

Attorney Hafner suggested the Town might wish to talk to the town's engineer.

Discussion ensued on mixing plastic and other pipe materials together, and, if Lake George is using it, why can't Warrensburg.

Supervisor Geraghty asked Mr. Galusha to check with Mr. Hutchins (town engineer).

Mr. Galusha said Mr. Hutchins had told him he would not mix them. Supervisor Geraghty asked Mr. Galusha to just find that out, to check with Lake George if they are using the plastic pipe.

Supervisor Geraghty told Mr. Oehler that the Town would have an answer for him by Wednesday.

Councilman Markey asked that something in writing be obtained from Mr. Hutchins because if Hutchins is engineering particular things for Mr. Oehler and telling him to use

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plastic and he is telling Rick he would not mix them, we need to get something in writing from him or something saying there is no problem mixing them, or whatever it is.

Councilman Markey asked Mr. Galusha to contact the Village of Lake George about the pros and cons of plastic and to bring it back to the Town.

Supervisor Geraghty asked the Board if they wished to change the Code to allow using plastic pipe from the Main into the home.

Mr. Galusha told the Board he did not object to plastic pipe being used from the curb stand into the home.

Attorney Hafner will add this to the proposed local law.

Councilman Ackley spoke about inconsistency to the current Water Code and said both he and the Supervisor's belief is the Code Enforcement Officer should be the one enforcing the Town Code; the Water Department should not solely enforce the Water Code. Councilman Ackley told Attorney Hafner it did not make sense to him and he did not think it made sense to Attorney Hafner, either.

Attorney Hafner told Councilman Ackley it could be what ever the Town Board wanted; the Town Board very clearly in their Water Code defines the Water Department as the Water Department being responsible. Councilman Ackley responded they could make it that he was responsible, they could do that too, but it would not be a great idea.

Supervisor Geraghty said he felt the issue with Code Enforcement would be on the weekend, the town has water people working weekends but the town does not have a code enforcer on weekends, if there was an issue on weekends we would have to seek out the code enforcer to do certain things. Supervisor Geraghty said during the week, when the code enforcer is available is one thing.

Councilman Ackley said when the Town's Code Enforcement Officer took the job he knew he might have to work weekends, if he does have to work weekends he can compensate his time in the office, and, he did not feel that is a real big deal, if there is a problem he could be called in.

Discussion ensued on the parts of the Water Code the Code Enforcement Officer would be enforcing and what parts the Water Department might still enforce.

Supervisor Geraghty said he did not like the jail time, it needed to go.

Attorney Hafner told the Town Board the Town Code is not inconsistent about who enforces it, the Town Code gives that clearly to the Water Department; when to turn off, when to turn on, how to deal with drought conditions, if people are not paying their bills.

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Supervisor Geraghty said that is them, that is their job, he was only talking about the drought condition.

Councilman Markey said these guys are determining whether there is a drought condition or not and saying, okay there is drought, you can't use sprinklers and notifying Matt and Matt covers it, if there is a water turn on, turn off it is Donna, if they are paying their water bills or not it is Donna. Councilman Ackley said if a customer calls up and wants the water shut off, yes it is definitely the water department, if there is a violation, Rick says guys, we need to enforce the no sprinkler water ban and the guys say okay, not a problem, Matt should make everybody aware that this is what is going to happen. Councilman Ackley said those guys have plenty of work to do, as does Rick and he does not need to be chasing sprinklers. Councilman Ackley told Mr. Galusha all he knew was his guys run around town enforcing sprinklers, he sends Wayne out there to check the town and look for sprinklers, he sees it, he knows it and it is not his job, he might have some of this but sprinklers -----.

Councilman Markey said if there is a drought condition and these guys are saying there is not enough water, he does not care if there is a water meter or not, if he is paying for water per gallon, then he is going to run it when he wants to run it, if he is paying so many cents a gallon in a drought condition.

Councilman Ackley said the reason they had a ban on water is they didn't want them to use it.

Supervisor Geraghty told the Town Board they were getting off track and asked who they wished to have address the sprinkler ban, the water department or the Code Enforcement.

Councilman Ackley said he believed the Code Enforcement should enforce the codes in the book, and, he believes if there is a water problem it becomes the Water Department's, if someone's pipe breaks they can shut it off but when it is in our Code Book and we pay a Code Enforcement officer, he should take care of it.

Councilman Markey asked what happens if there is a violation and it is Rick's Water Department that is aware of the violation after 4:30 when Matt leaves or on a weekend.

Supervisor Geraghty said here is what he would like to see: if they see a house, to avoid the issue of shutting somebody's water off, the Town is going to make door tags that say you are in violation of the Town Code, the Water Department will hang them on somebody's door and then log it in, the Code Enforcement Officer will deal with it, if it is after hour's and Rick's guys tag it, they will log it and then give it to Matt the next day. Supervisor Geraghty said this is what he would like to do, hang a door tag that says you are in violation, date it, time it, log it and Matt will pay them a visit the next day and he will deal with it.

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Councilman Ackley responded that is what we need to do in this Code. Supervisor Geraghty said correct, just within the Sprinkler part of the Code.

Discussion ensued on if you could say sprinkler and emergency only in the Code.

Councilman Markey told the Town Board they could not say sprinkler and emergency only, from what Rick is telling them they need to not run their sprinklers from 7:00 p.m. to 9:00 p.m., that is the way the Code reads, so if you are in violation or running it before or after those times, you are in violation, so is it in violation during emergency conditions or just in violation.

Attorney Hafner told the Town Board they have the 7:00 to 9:00.

Town Clerk Combs said there is also a variance allowance in place, everybody in Town knows there is a variance allowance for sprinkler use, however, some people thought their variance was good from last year so they did not re-file the paperwork, the Code states it is a straight year round thing, if you want to run a sprinkler in December you can only run it from 7:00 to 9:00 p.m.

Supervisor Geraghty said that is something the Town Board will address in the future, when they start to monitor and have the meters up and running; they are specifically talking right now about sprinkling, sprinkler Code issues within the Water Department that they want the Water Department to pick up the phone and call the office, Matt will be sent out, if the person is not home we are going to have door tags and hang them on the door and he is going to log them and follow up the next day; if it happens on a weekend they will ask Rick's crew to do the same thing, they are going to know he is in Chestertown and not around, so there is going to be sprinklers, he is trained at being nice and warm and fuzzy, if they do it again he will be up there with a big wrench in his hand and he will shut them off. Councilman Ackley said that should end that. Supervisor Geraghty said that should end that.

Attorney Hafner questioned what changes the Town Board wants for the Code right now, emergency and sprinklers?

Mr. Galusha asked the Town Board if they realized they were opening a big can of worms, what happens if the Town has a well go down, the Water goes by and the public knows the Water Department can't shut the faucet off, they do not respond to the door, he has to call Matt, who might get there today or tomorrow or next week, but, that sprinkler is still running.

Supervisor Geraghty told Mr. Galusha they could knock on the door and leave the door tag. Supervisor Geraghty told Mr. Galusha to let him tell him how they are going to handle these situations, if they have a well go down, they are going to call the Sheriff's Department and tell them to call, to dial everybody within the Water District on their

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automatic dialing system and tell them we have a water emergency and to please not use any water. Supervisor Geraghty asked the Town Attorney to address how an emergency would work, if the town would have to give the water customers discretion to not use the water.

Attorney Hafner said he would think in an emergency situation it would be useful for the Water Department to be able to do this, they would have to be able to do this.

Councilman Ackley replied he had just said it a while ago, if someone's water line breaks in their basement we are not going to tell Matt, you have to call Rick and he will go and shut the water off, that is an emergency.

Mr. Galusha asked the Board if they had gone over the rate sheet Wayne Reed had given them. Supervisor Geraghty said not yet, they haven't done any of that stuff. Mr. Galusha said this is all to do with that. Supervisor Geraghty said they would address that in the future, right now they are in phase one. Supervisor Geraghty told the Town Board he had some information he would give to them to take home and research.

Supervisor Geraghty said right now he wanted to get through the ambiguities in the Code.

Attorney Hafner said he would put something together and send a memo.

Supervisor Geraghty said he had wanted to get through the main issues they were trying to accomplish, the short tap which he did think they have addressed, the plastic pipe, which they have not addressed one hundred percent but they are getting closer, and, the Code Enforcement of the Code.

Attorney Hafner told the Town Board it sounded like what the concern was when we are in drought condition the Town wants to have the Code Enforcement Officer instead of the Water Department.

Supervisor Geraghty said there is a concern if somebody sees a sprinkler running on somebody's property and going on somebody's property and shutting the thing off; perhaps we should not have done that but he thinks a door tag for notification and we log it in and a follow up phone call should suffice.

Mr. Galusha told the Supervisor he agreed with him one hundred percent but they have to have something in there to limit the usage of sprinkling.

Several Town Board members responded 7 to 9, Rick.

Councilman Ackley said there should be something in the Code that addresses variances because right now they cannot give a variance, the Code says only sprinkling 7 to 9 but it does not say any where you can have a variance.

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Discussion ensued on what the Code states.

Attorney Hafner recommended it be added to Article II.

Supervisor Geraghty said we have been notifying the Town Clerks Office and the Water Department, that is how we have been doing it.

Attorney Hafner will add the variance allowance to the Code.

Supervisor Geraghty asked the public if they wished to add anything to the Code, they are not addressing the fees right now or other things but did anyone have anything they wished to add.

Discussion ensued on the jail time, the fines and the warning time, payment for late services, Sections B&C under 204.5 being repetitious. It was determined to remove all of §204.5, C.

Supervisor Geraghty asked if any of the public present wished to address the Board. Supervisor Geraghty told the Town Board they need to address the rates before September; Councilman Markey was present for the exiting interview with the auditors, he told the Town Board the auditors were very concerned with the Town's water and sewer budgets running in such close proximity in what is received for revenue versus what is paid for expenditures. Councilman Markey said water service is the cheapest commodity the Town can provide, but, the Town has to be able to pay its bills, we have to collect to pay our bills and have enough in reserve to cover repairs and upgrades. Councilman Markey said it is something they need to address.

Richard Galusha asked the Town Board to please look at the electric rate sheet from Wayne Reed and they will see why he is so concerned, in the summer time the Water electric bills go from the \$300.00 a day for pumping they are in the winter to \$600.00 a day in the summer, if they un-limit it so a sprinkler can be run anytime.

Councilman Markey told Mr. Galusha if this is addressed the way the Supervisor is talking about, if they start hanging tags and doing our procedure the way the Code reads and when Matt is not here let you guys hang the notices, tag them, let them know they have violated and address it that way he does not feel they will have a problem.

Discussion ensued on different sprinkling scenarios that could occur with violations.

Supervisor Geraghty assured Mr. Galusha the Town Board would get this under control.

Discussion ensued on people running their own wells in the town to water their lawns, and, the fact the Water Department cannot go on their property to test the sprinkler to see

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if it is town water or well water, and, a suggestion to allow a fee for an irrigation permit for people who wish to sprinkle, to let them run.

Supervisor Geraghty said he was not sure if it was a monetary thing or volume, if it is a monetary cost he would not mind paying extra to sprinkle, it maybe a volume thing.

Mr. Galusha cautioned the Board about the pumps running 20 hours again.

Discussion ensued on the cost to run the pumps, and the Town rehabbing the cost of the town's rates, and, the matter of having enough water.

On motion of Councilman Markey, seconded by Councilman Barlow, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk