

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 12, 2009

A regular meeting of the Warrensburg Town Board was held on Wednesday, August 12, 2009 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

PRESENT:

Councilman	John Alexander
Councilman	Joseph Barlow
Councilman	Dean Ackley
Councilman	Austin Markey

ABSENT:

Supervisor	Kevin B. Geraghty
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OTHERS PRESENT: Kathy Rounds, Deputy Town Clerk; Edward Pennock, Highway Superintendent; Richard Galusha, Water Superintendent; Sandra Parisi, Historian; Steve Parisi, Historical Society, and numerous other town residents.

RESOLUTION #136-09

APPROVE MINUTES

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

RESOLVED, to approve the minutes as presented.

REPORTS OF TOWN OFFICIALS

Reports were received and read from the following Town Officials: Town Clerk, Assessor, Justice, Dog Control Officer and Enforcement Officer.

COMMITTEE REPORTS

Committee reports were given from the following: Highway, Historian/Museum, and Parks and Recreation.

DISCUSSION – PARKS

Councilman Ackley opened discussion asking what the status was of the flower garden at the Beach, and, said the mowing needs to be done more than what has been done.

Mr. Galusha told Councilman Ackley he only had so many guys and asked if the Town wished to hire more guys.

Councilman Ackley told Mr. Galusha eight or nine years ago the Town had volunteers, some of whom were not even Warrensburg residents, fix the beach following years of neglect. Councilman Ackley said the Beach has been here and been operated for at least fifty years, people put their hearts and souls into this thing and now, the last four years it has gone back to the way it was and he is not happy about that. Councilman Ackley said he was asking for one thing to be done this year and he wanted it done this year and that was it. Councilman Ackley told the rest of the town board he did not know their feelings about this.

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Councilman Markey said he too, had been to the Beach; he had someone from the Saratoga area ask where they could canoe or kayak, they went in by the Murray's and Echo Lake, they said the beach was packed but the grass was very high and it looked unkept. Councilman Markey stated if the Town can take a guy who is mowing the parks and have him concentrate more on the Beach area, people are coming in more from out of town, that area needs to be concentrated on in June, July and August.

Councilman Ackley asked Mr. Galusha to give him some kind of a time frame on when he would be able to have someone at the Beach.

Discussion ensued on a possible schedule for mowing and gardening to be done at the Beach.

**RESOLUTION #137-09
WATER BILL ROLL AMENDMENT**

On motion of Councilman Alexander, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 3 NAYS 0 ABSENT 1 ABSTENTION 1 (Councilman Markey abstained from voting).

IT IS RESOLVED, on recommendation of the Code Enforcement Officer to make the following amendment to the water bill roll:

Marcia Morey, tax map #211.17-5-9, 111 River Street from \$204.00 to \$102.00

**RESOLUTION #138-09
SEWER BILL ROLL AMENDMENT**

On motion of Councilman Alexander, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 3 NAYS 0 ABSENT 1 ABSTENTION 1 (Councilman Markey abstained from voting).

IT IS RESOLVED, on recommendation of the Code Enforcement Officer to make the following amendment to the sewer bill roll:

Marcia Morey, #211.17-5-9, 111 River Street from \$640.00 to \$320.00

**RESOLUTION #139-09
AUTHORIZE GRANT APPLICATION FROM HISTORICAL PRESERVATION
AND PLANNING PROGRAM**

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

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DISCUSSION – GRANT APPLICATION FOR BAND STAND

Councilman Alexander opened discussion telling the Town Board they have all noticed this is the pillar of our community, the center of our town, is starting to show its age, these kind of things are not maintenance free, a seventy five percent grant would help to take care of it.

RESOLUTION #140-09

AUTHORIZE TOWN CLERK TO ADVERTIZE FOR BIDS

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

IT IS RESOLVED, the Town Clerk is authorized to advertise for bids for playground equipment, shredded rubber surfacing and curbing, picnic tables and benches in the Glens Falls Post Star and setting a bid opening date for September 9, 2009.

DISCUSSION – EQUIPMENT BIDS

Councilman Alexander opened discussion telling the town board the Comprehensive Board has had discussion that perhaps the Elementary School might wish to join forces with the town for the equipment.

Councilman Markey told the Town Board he had made mention to Amy Langworthy because they are working on their project, too. Councilman Markey suggested correspondence be sent from the Town Board letting them know the Town Board will be opening bids on September 9th and ask if they would like to send a correspondence also.

Councilman Alexander said he would be happy to do that, to contact Amy.

Councilman Barlow asked if the Town Board wished to send a letter, Councilman Markey responded we should send a letter from the Town Board to Amy Langworthy at the school and let her know we are doing bids and bid openings on September 9th.

Councilman Alexander stated it could not hurt to buy more equipment for less dollars, perhaps.

Councilman Barlow told the Deputy Town Clerk he would get together with her on Monday when he got back to town to do the letter, he and John Alexander.

DISCUSSION -TOWN INSURANCE

Councilman Barlow opened discussion telling the Town Board he had met with Jack Bieniek from Cool Insurance regarding some recommendations for the Town's Insurance; those recommendations have been placed in the Town Board's packets. Councilman Barlow told the Town Board he went back to Jack with some questions because it was discovered there are Deputy Tax Collectors who were not covered by the excess limit and only one Bookkeeper covered by the excess. Councilman Barlow said to

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include both Deputy Tax Collectors and the other Bookkeeper would have a total cost of \$475.00 and there is recommendation to increase the excess limit on the Supervisor position up to \$100,000.00, an additional \$150.00 making a total of \$625.00. Councilman Barlow told the Town Board that would be his recommendation that the Town Board make those changes and not the changes outlined in a July 23, 2009 letter.

Councilman Ackley questioned if these people have current coverage. Councilman Barlow explained everyone in the town has coverage up to \$100,000.00. Councilman Barlow told the Town Board the renewal date or anniversary date is February 2nd.

Councilman Markey said he felt it was a good idea to do the increases now, the town discussed renewal last year and talked about bidding out, they accepted Cool Agency last year carte blank.

Councilman Barlow said the insurance had been bid the year before that. Councilman Markey stated the Town Board is bidding out playground equipment, they are bidding out trucks, they are talking about \$43,000.00 with insurance, he has talked to a couple of insurance agents recently, one as early as today, he has talked to the school district; in the school district they saved \$12,000.00, they do not bid it out every year, however, with this estimate it will raise our insurance \$600.00. Councilman Markey told the Town Board the County has been looking at eliminating jobs and the Town has been looking at eliminating jobs, \$12,000.00 is somebody's job. Councilman Markey said this was talked about last year but there were time restraints to put a package together to go to bid, he would like to make a motion to put together bid specs for the insurance and advertise for bids and see what kind of money we might save.

Discussion ensued. Councilman Barlow said the consensus has been to bid it out every three years, the town has saved over \$20,000.00 the first year.

RESOLUTION #141-09

RESOLUTION TO BID PROPERTY AND CASUALTY INSURANCE

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

IT IS RESOLVED, to prepare specifications and bid the Property and Casualty Insurance this year for coverage for 2010 renewal date, and, to accept the current changes/increases to the excess coverage for Supervisor, Deputy Tax Collectors and the 2nd Bookkeeper.

DISCUSSION – COURT AUDIT

Councilman Markey opened discussion on the draft resolution presented to the Town Board for passage which stated the Town Board had audited the books of all Departments, including the Justice Office when the Town Board did their annual audit and stating he and Councilman Barlow did an audit for the Justice Department concerning the audit of all of their books and their records, and, found they were

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satisfactory. Councilman Markey read the resolution into the record, and, then told the Town Board there were some recommendations within the audit he and Councilman Barlow did which needs to be looked into and he spoke to Kevin (Supervisor Geraghty) about the situations. Councilman Markey said one situation in particular was where the Judges have requested having an officer present here as compared to what we currently have, the Town Court had a situation recently where they needed an officer here, some kind of authority. Councilman Markey told the Town Board they should look it over security wise and when Kevin comes back make a resolution from the Town Board on how they should make some changes.

Councilman Barlow said they have discussed this and contacting the State of New York and there are some people the Town could hire to give us that extra measure of security, Kevin is aware, and that overture has already been made to Bud (Sheriff York).

It was suggested the recommendations be discussed at the September Town Board meeting.

Councilman Ackley reminded Councilman Markey they had a problem with this resolution, Councilman Markey said in the resolution it says the entire Town Board, the entire Town Board did not review those, if the resolution could say the committee instead.

Councilman Barlow asked Deputy Town Clerk Rounds to make the changes to the proposed resolution.

RESOLUTION #142-09 REVIEW OF COURT JUSTICE RECORDS

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

RESOLUTION GRANTING PERMISSION TO THE THURMAN CONNECTION SNOWMOBILE CLUB TO CROSS TOWN PROPERTY

On motion of Councilman Ackley, seconded by Councilman Markey, the following resolution was **WITHDRAWN**.

DISCUSSION – REQUEST FOR TRAIL USE AGREEMENT BY SNOWMOBILE CLUB

Councilman Markey opened discussion asking Richard Galusha if the property the Snowmobile Club is looking for permission to cross, watershed property that is located between Route 418 and Alden Avenue is gated.

Councilman Ackley said he could not make out the map that was sent.

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Mr. Galusha told the Councilmen nothing was gated there. Councilman Markey said they must have used it last year. Councilman Ackley said they came out on Eddie Woods Road, they came out on private property last year, some of this might have been Water Shed property.

Mr. Galusha told Councilman Ackley it was his understanding that from Alden Avenue you go across the Reservoir and you go to the top of that ridge and the town's plow truck makes the swing right there, so if they are coming out the other side of John's house, he does not have a problem and there is no gate there.

Councilman Barlow asked if the Town has a certificate of insurance on them.

Discussion ensued on where the property is located.

Councilman Barlow asked to table any action until Richard Galusha could identify the actual location.

Councilman Ackley will contact Doug Needham, the President of the Snowmobile Club to discuss the location.

DISCUSSION – AIR CONDITIONING FOR COURT ROOM

Councilman Alexander opened discussion telling the Town Board he attended a Court hearing last Wednesday for over three hours on a trial or hearing that went on close to five hours and he wished to give a hat off to the sitting Judge, the Court Officer, the Court Clerks, every body involved, they represented Warrensburg very well but the Court asked the court room doors in the hallway be closed to keep witnesses from intermingling but with the doors closed it became stifling in the court room, Councilman Alexander said there has been discussion on security here, there was a court officer here and with the doors open you could feel the air conditioner from the hallway. Councilman Alexander said he would like to make a resolution to look for some kind of an air conditioner, high efficiency outdoor type of thing, he and Rick had discussed it and apparently a few years ago it was discussed for the whole building.

Councilman Markey told the Town Board he did make calls after Steve's request for the unit for the Museum, we can get a 25,000 BTU unit for \$500.00, this is something the Building Department should look into.

Councilman Alexander said the motion he wished to make was to have Rick look into pricing.

Rick Galusha told the Board he wished to clarify, he would call an air conditioner man to come up and give suggestions.

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Councilman Markey told Rick he felt the Town has the man power to look at doing it themselves.

Mr. Galusha said they would be dealing with a brick wall. Councilman Markey told Mr. Galusha to have Walt take a look at it, he has done everything for the Town in the past.

Mr. Galusha told the Town Board it might be less costly in the long run to look at the unit type where the condenser is on the outside, it might be cheaper to have someone come and look at it and include the three rooms.

Councilman Alexander said he was at the Corinth Town Hall today and he noticed they have one of the longer types of units, he had the Clerk turn it on for him and it cooled the place down and was very quiet.

Discussion ensued on the Court Room and window units.

RESOLUTION #143-09

OBTAIN INFORMATION TO PUT OUTDOOR AIR CONDITIONER IN COURT ROOM

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

IT IS RESOLVED, to have Mr. Galusha obtain information for the installation of air conditioning for the Town Court Room.

RESOLUTION #144-09

PAY BILLS

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

IT IS RESOLVED, to pay the bills as outlined on Abstract #8-09.

PRIVILEGE OF THE FLOOR-KATHLEEN FERULLO

Kathy Ferullo-State Route 9- told the Town Board she has an ongoing problem that the Town Board could have put an end to four years ago and the Town Board did nothing, it would not have gotten to this point if the Town Board had taken care of it but instead she feels the Board has dismissed her, she has been harassed, the person is vindictive and has malice intent, the Town Board could have done something about it immediately when she came before them four years ago, she has seen different members of the Board take care of problems when it was some body else but they have come to the Board, told them how they were being abused, the Board did nothing and it is still going on, to this day. Mrs. Ferullo told the Board she wanted to know what the Board can do for her, she is not getting any relief.

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Councilman Barlow asked who was harassing. Mrs. Ferullo said her neighbor is harassing. Councilman Barlow asked Mrs. Ferullo if he could say something and told her the Town had received a call from one of her neighbors up there who is complaining about the shooting. Mrs. Ferullo asked what day it was, Councilman Barlow said he did not remember, Mrs. Ferullo asked if it was recently and the Councilman said yes. Mrs. Ferullo said she was not here about the shooting, she would be interested in hearing about that but she was here about something else. Mrs. Ferullo said she wanted to put a for sale sign in front of her property so it could be sold and she was turned into New York State because she was on the NY State right of way on Route 9, not anyone else who has a for sale sign or displays their advertisement for their business, she was turned in because she had her for sale sign; she had to remove it. Mrs. Ferullo told the Town Board she knows if this Board had addressed her issue four years ago when she had to jump through all kinds of hoops because of complaints from people who live around her and the Planning Board put her through, this would not be going on now, she cannot even put her place up for sale and advertise it.

Councilman Ackley asked Mrs. Ferullo what she had asked of the Town Board four years ago.

Mrs. Ferullo told Councilman Ackley she came here and was here about the shooting and said her neighbors were complaining and she had told them she had the New York State Police come, the EnCon Police and at that time Larry Cleveland was still in office and he said he would do what ever the Sheriff's Office said, she had several other people whom she invited to her property and said this is where she was going to shoot and asked if they saw anything wrong with where she was going to shoot and was told absolutely not, every one agreed. Mrs. Ferullo told the Town Board Kevin said he would not want her to be shooting in his back yard, she was not shooting in his backyard, she was shooting in her back yard and she did not really care what he wants, she was saying she was trying to do something and she was doing it legally, the way she was allowed to do it, she invited every Department from New York State to Warren County to come and visit it.

Councilman Ackley told Mrs. Ferullo right now she has the shooting range. Mrs. Ferullo said no, she did not, it was not a shooting range, she was trying to do a test firing and she is not doing that. Councilman Ackley asked if that had been approved and Mrs. Ferullo said it had been approved by the Board, after four years, three and a half years. Councilman Ackley told Mrs. Ferullo he was sorry it had taken so long. Mrs. Ferullo told him his being sorry, with all due respect, she felt he knew what was going on and he could have jumped in a long time ago. Councilman Ackley told Mrs. Ferullo he thought he did, she responded to him he had come after the fact, the shooting she does is with her own personal fire arms.

Councilman Ackley told Mrs. Ferullo they had talked many times about this, and, he does know that part of the thing has been resolved, now he was trying to figure out what she is asking the Town Board to do.

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Mrs. Ferullo said she was asking why they didn't do something four years ago, now she cannot even put a for sale sign out. Councilman Ackley asked if she meant to her neighbors; Mrs. Ferullo responded she was asking when she came before them four years ago, and she told them her neighbors would not leave her alone, they were complaining because of this, the Town Board could have done something, when she requested from Kevin when someone was complaining about her they could have had them put it in writing and then send it to the police and let them do something about it.

Councilman Ackley told Mrs. Ferullo he was not here four years ago.

Councilman Alexander told Mrs. Ferullo he remembered the Town Board sitting with her one afternoon for an hour and a half listening to her concerns. Mrs. Ferullo said but nobody did anything and Councilman Alexander asked her what they were supposed to have done, saying she got her test fire range. Mrs. Ferullo said no she did not get a test fire range, that was four years. Councilman Alexander asked if what she was asking about now, the for sales signs was a State of New York Route 9 issue.

Mrs. Ferullo said yes, but the point is

Discussion continued between Mrs. Ferullo, Mr. Ferullo and the Town Board about the requests Mrs. Ferullo had asked them to do and about the Town Board not responding to any of them, or enforcing any of it or telling "her" or Bagwell to knock it off or to have them put their complaints in writing, and, about who should be doing enforcing.

Councilman Alexander told Mrs. Ferullo the process worked, she now has a test firing range and is enjoying a blockade type feature where they are not firing any distance at all now, he remembered when she was in here before she was shooting rounds into a neighbor's property. Discussion ensued on where the Ferullo's were firing, and, the fact it has been four years and the hoops she has had to jump through for the Ferullo's, and, her feelings the Town Board does not care what goes on with her.

Mrs. Ferullo told the Town Board if they had listened and if they had required the complaints be put in writing she would not be singled out now about her for sale sign.

Councilman Ackley asked Mrs. Ferullo who contacted her from the State about the signs and she told him a very nice guy, Tim Davis, and then she spoke to Frank, after.

Councilman Markey asked Mrs. Ferullo if they told her what she could do. Mrs. Ferullo said he told her she had to take them down and when she asked about everyone else's he responded oh well, because "she" told the State "she" was almost rear ended when some people were looking at the sign. Mrs. Ferullo asked how the State would know it was her sign.

Councilman Ackley asked Mrs. Ferullo if she put her sign on the other side of the right of way and told her he had a point to make, the State does not ask for a permit and would

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have nothing to say if her sign was not in their right of way. Councilman Ackley told her the town might ask for a permit.

Discussion ensued on where the sign would have to be placed to be viewed, and, where Mrs. Ferullo would like to place her signs. Mrs. Ferullo told the Town Board that was not the point, her point was the Town Board was not there for them when they wanted them to help them when they were being harassed unfairly and unjustly, but the Town Board dropped the ball.

Councilman Barlow said he wished to make one comment, there is a notice in the water bills that have been mailed that says the Town of Warrensburg is conducting a survey on the water and refers them to the Town's web site, and, there are copies of the water survey in the hallway for people who do not have computer access.

On motion of Councilman Ackley, seconded by Councilman Markey, the meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk