

REGULAR MEETING, WARRENSBURG TOWN BOARD, FEBRUARY 10, 2010

The regular meeting of the Warrensburg Town Board was held on Wednesday, February 10, 2010 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

PRESENT:	Supervisor	Kevin Geraghty
	Councilman	John Alexander
	Councilman	Bryan Rounds
	Councilman	Austin Markey
	Councilman	Dean Ackley

OTHERS PRESENT: Donna A. Combs, Town Clerk; Ed Pennock, Highway Superintendent; Richard Galusha, Sewer Superintendent; Chris Belden, Zoning Officer; Mark Schachner, Town Attorney; Sandra Parisi, Historian; Steve Parisi, Historical Society President; and numerous Town residents.

**RESOLUTION #52-10
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.

REPORTS OF TOWN OFFICIALS

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

TOWN COMMITTEE REPORTS

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

PRIVILEGE OF THE FLOOR-REQUEST FOR HYDRO DAM

Maynard Baker told the Town Board he would like to see the Town Board apply for two dams on the river to gather power and told the Town Board not to become discouraged with time restraints. Mr. Baker also voiced support for Stewart's new proposed building site.

COMMUNICATIONS:

The following items of communications were received from Francis E. Taylor, G. John Potter, Warrensburgh Historical Society, Richards Library, and Teresa Whalen about the relocation of the Stewarts Store.

PRIVILEGE OF THE FLOOR –Council for Prevention of Alcohol and Substance Abuse

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Jennifer Holden, Council for the Prevention of Alcohol and Substance Abuse for Warren and Washington Counties gave a brief presentation of the operating structure of her program. Supervisor Geraghty will arrange for Ms. Holden to have a meeting with the Senior Citizens group in Warrensburg and some of the other organizations.

**RESOLUTION #53-10
SEWER BILL AMENDMENT**

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

IT IS RESOLVED, upon investigation and recommendation of the Zoning Officer the following sewer bill is amended as follows:

#211.9-4-7, owned by William Combios and Irene Philippou from \$320.00 to \$640.00 a year.

#211.13-1-34B, owned by Town of Warrensburg from \$320.00 to \$5.00 a year.

**RESOLUTION #54-10
WATER BILL AMENDMENT**

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

IT IS RESOLVED, upon investigation and recommendation of the Zoning Officer the following Water bill is amended as follows:

#211.9-4-7, owned by William Combios and Irene Philippou from \$102.00 to \$204.00 a year.

**RESOLUTION #55-10
CONGRATULATIONS TO OSCARS**

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

**RESOLUTION #56-10
AMEND SILVER STAR CONTRACT**

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

IT IS RESOLVED, to add an addendum to the contract with Shawn Holman d/b/a Silver Saw Logging to extend their logging contract on the water shed properties to June 30th, 2010.

DISCUSSION – WARRENSBURG YOUTH FOOTBALL PROPOSAL FOR NEW FIELD

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Supervisor Geraghty opened discussion explaining the Warrensburg Youth Football has made a proposal to install a new football field at the Recreation field to accommodate the expanding Youth Football program. Supervisor Geraghty told the Town Board a meeting is needed to work with the Youth Football Board of Directors to work out the details.

Councilman Markey asked that Rick Galusha be there.

It was determined to hold a workshop on March 1st at 4:00 p.m. to talk about the expansion of the football program at the Rec.

DISCUSSION – HICKORY HILL ROAD

Supervisor Geraghty opened discussion explaining Mr. Edward Brown was in to see him and is requesting that the Town Board ask New York State Department of Transportation to post signs on or near the intersection of Hickory Hill Road to warn cars to slow down at the intersection. Supervisor Geraghty said the Town Board can request DOT do a traffic study.

RESOLUTION #57-10

REQUEST TRAFFIC STUDY

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

IT IS RESOLVED, to request NYS DOT to do a traffic study to consider posting signs on or near the intersection of Hickory Hill Road and Route 418.

DISCUSSION – REFER ZONE CHANGE PETITION FOR TAX MAP #211.13-1-39

Mark Schachner, Town Attorney, told the Town Board it was his belief the Town Board has received a petition for re-zoning for a portion of a parcel of property, this is the Town Boards first opportunity to formally accept and review that petition and that what the Town Board should do is review the petition and make sure it is complete for the purpose of review. Mr. Schachner told the Town Board they were not legally obligated to review any request for re-zoning but they certainly could do so should they wish to, then there is a process and the process is set clearly in the Town's Code. Mr. Schachner reviewed the process with the Town Board and said he had two questions on the petition and told the Town Board if they felt the petition was complete they would refer it to the Town's Planning Board for its advisory recommendation and that is not a binding decision by the Town's Planning Board, this is on the re-zoning not the construction of Stewarts. Mr. Schachner told the Town Board they also need to refer it to the Warren County Planning Board, they can if they feel it is appropriately ready, schedule a public hearing and then the Town Clerk has some notice requirements about the Public Hearing. Mr. Schachner told the Town Board to remember that this is a two part action but for the Town Board it is just the re-zoning, if the re-zoning is accomplished and if the applicants proceed then there would also be site plan review by the Town's planning of the Stewarts.

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John Lapper, HHHN representative – told the Town Board he knew Stewarts was a great contributor to the community, this is an important project to HHHN, they would like to sell the site and re-invest a significant portion of the proceeds back to the Warrensburg Health Center. Mr. Lapper spoke about the vacant portion of the zone and the zoning classifications the property currently has, as well as Stewart's plans for the property and the building plans. Mr. Lapper told the Town Board that Tom Lewis, the developer for Stewarts was present tonight.

Mark Schachner, Town Attorney said part of the application is the environmental assessment form, the Town Board or the Planning Board or both, depending on how the town decides, will have to review in order to fulfill the Town's responsibilities under the New York State Quality Review Act, known as SEQRA. Mr. Schachner told the Town Board that both of his questions were on the Environmental Assessment form and asked if the Town Board wished him to ask those questions now.

Mr. Schachner asked a question about item 8 and about a sentence in item 8 which discusses the two zones, and, said this had confused him. Mr. Lapper and Mr. Lewis both said that item 8 was incorrect and Mr. Schachner suggested to them they make a correction to item 8 then, that it be changed. Mr. Schachner also asked about item 10, suggesting for clarification that Warrensburg Planning Board be added to that item.

Supervisor Geraghty said he believed this would be referred to the Warrensburg Planning Board and the Warren County Planning Board. Supervisor Geraghty said he wished to schedule a meeting for March 11th, a Thursday night, just to discuss this issue, it was his thought that would accommodate both the applicant and the public, a public hearing which would be held on March 11, 2010 at 7:00 p.m.

Discussion ensued on the date for the hearing. Councilman Markey re-confirmed the process for the procedure, saying the Planning Board will meet on February 11th; they will be able to make a recommendation following that meeting. Discussion ensued on the meeting dates for the different Boards involved.

RESOLUTION #58-10

SCHEDULE PUBLIC HEARING FOR ZONING MAP CHANGE

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

IT IS RESOLVED, to hold a public hearing for a proposed zone change on March 11, 2010 at 7:00 p.m., and the Town Clerk is authorized to advertise the public hearing in the legal section of the designated newspapers.

PRIVILEGE OF THE FLOOR – PUBLIC CONCERN

Eileen Frasier, Main Street – said it was her understanding this had to go before the County before it went to the Town Planning. Mr. Schachner said that was not true and

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explained the process to Ms. Frasier. Mr. Schachner told Ms. Frasier if Stewarts were to make application for site plan review that would have to go the County Planning Board and that would have to go to the County before the Town Planning Board but that would be the second part of this, if it gets that far, there is not a legal requirement that it go to the County Planning Board prior to the Town's Planning Board advisory recommendation on the re-zoning request.

Chris Belden, Zoning Officer-asked the Town Board to schedule a different room for the ZBA meeting scheduled on the 11th of March.

Mr. Schachner told the applicant they needed to circle either amendment of zoning map or amendment of zoning ordinance. Mr. Schachner told the Town Board they would need to make a decision on the SEQRA review entire project if this comes to past, both the Town Board and the Planning Board would ultimately have jurisdiction over the entire project, they need to decide if they are going to do what is called SEQRA coordinated review which means one of the two boards will conduct SEQRA review over the entire proposal which is the re-zoning and the Stewarts, that is not required, they can do what is called non or uncoordinated SEQRA review which means the Town Board would do the SEQRA review of potential environmental impact of the rezoning step and if the rezoning is approved and an applicant makes application for a Stewarts Shop or anything else subject to Site Plan Review, the Planning Board would then do SEQRA review for what ever was applied for.

Discussion ensued on what dates what procedure would be done. It was determined the Town Boards portion could be done on the 11th of March, 2010.

RESOLUTION #59-10

REFERRAL OF PETITION FOR ZONE CHANGE REQUEST

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

IT IS RESOLVED, to refer the petition for a zoning map change to the Warrensburg Planning Board and the Warren County Planning Board for an advisory recommendation.

RESOLUTION #60-10

GRANT PERMISSION FOR ATTENDANCE AT LOCAL GOVERNMENT DAY CONFERENCE

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

IT IS RESOLVED, that the Supervisor and the Code Enforcement Officer are given permission to attend the Annual Adirondack Park Local Government Day Conference in Lake Placid on March 23 and March 24, 2010.

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RESOLUTION #61-10

SET WORKSHOP MEETING DATE

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

IT IS RESOLVED, to hold a workshop meeting with Upstate Insurance Company on Monday, February 22, 2010 at 4:30 p.m. to answer questions about town insurance coverage.

DISCUSSION – INSURANCE MEETING

Councilman Markey opened discussion saying the Town has just contracted with a new insurance agency, and they have questions concerning insurance for the Little League and questions concerning limits for the vehicles the town has as well as personal property; he will ask Mr. Monthany be here for the Little League and the insurance carrier.

Supervisor Geraghty said that meeting will be February 22 at 4:30 p.m.

RESOLUTION #62-10

AWARD OCCUPANCY TAX GRANT REQUEST FOR \$350.00

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

IT IS RESOLVED to award \$350.00 for an Occupancy grant request from the Warrensburg Bed and Breakfast group for the annual hosting of www.Warrensburgbb.com website by Mannix Marketing Inc.

RESOLUTION #63-10

PAY BILLS

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

IT IS RESOLVED, to pay the bills as outlined on Abstract #2-10.

PRIVILEGE OF THE FLOOR – PUBLIC CONCERNS

Robert Greene – addressed the Town Board about a project for Hydro Plants.

Eileen Frasier – spoke to the Town Board regarding a petition that is being circulated in opposition to the Stewarts Store project and the proposed Zoning Map amendment. Ms. Frasier urged the Town Board to take their time with their decisions and told the Town Board the petition opposing this project bears over 300 signatures.

Tina Sackman – told the Town Board she has helped with the petition, that Hudson Headwaters tore down the beautiful historic house and there are six gas

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stations within a mile now; the Town should protect the future of Warrensburg and look at the bigger picture of what they could put there instead of another gas station.

Claire Bates – complimented Steve Parisi on the program that was put on at the Museum on Sunday and said she hoped they do it again.

Teresa Whalen – spoke to the Town Board about a Community Garden, and, asked the Board to help find a town property for a site to place it this year, and, to get the Town involved, too. Ms. Whalen also spoke to the Board about the Senior Center which will be the Beautification Committees project for this year and said they will be working with the Chamber of Commerce and the Master gardeners will be helping with the project as well, for the landscape design. Ms. Whalen told the town board one of the members brought the outside of the building to their attention and suggested they could paint areas or whatever is needed. Supervisor Geraghty told Ms. Whalen the Town would try to get some help, maybe through employment and training, they are one of the few projects that still have federal stimulus dollars and the town will try to get some more of the kids hired this summer, that might be a project they could put them into.

Bryan Rounds said he wished to say something for the folks who had come in about the Stewarts project, he knew they were looking at blank faces up there and thinking they are not going to be involved in the discussion; they have hoops they have to jump through and they are going to follow that procedure. Councilman Rounds told the residents that also was buying the folks some time because he knew they were out there collecting signatures and that is the way a democratic society works. Councilman Rounds told the residents they might want to consider garnering some support for a collection drive while they were getting their signatures because they are all familiar with what is going on with the old location and the snafu there, the possibility of buying the Potters Diner, which everybody seems in agreement that it is the best way to go. Councilman Rounds told the residents that they as a town board could not get involved with any of the negotiations, it would be wrong but the residents present could put pressure on the owners and try to broker that deal, put pressure in the right places and they would find out how to do that. Councilman Rounds said the second thing is if the Health Center wants to sell this piece of property, it's a nice piece of property, he has never heard what the sale price is proposed to be but he would think if they had 300 signatures and a \$300,000.00 sale price, that's a thousand bucks a piece, you could even count him in and they could make it the community garden.

Eileen Frasier told Councilman Rounds that was not appropriate to say. Councilman Rounds said he was trying to offer solutions and Ms. Frasier told him again she did not think it was appropriate, as a town official, to be making light of people going out and trying to do petitions. Councilman Rounds said he was not making light he was trying to offer solutions, they are putting pressure on the town board to try and slow-----Ms. Frasier told Councilman Rounds that was his job. Councilman Rounds said what they

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had to look at is the front lot is full blown commercial and can be anything, they are in a situation where they do not want Stewarts to buy it and they could cram their store on the whole front portion and the town would end up with basically what they have down street, ideally he would like to see them work out a deal with the owners of Potters Diner and pressure applied at the right places would be a win - win for everybody.

Sandra Parisi, Town Historian- asked Teresa Whalen if there was anything in the SEQRA having to do with the Historic designation.

Ms. Whalen said she was not sure about SEQRA but as far as they know that particular area is designated as being on the National Historic Registrar, something DOT did prior to Beautification's work to put the entire hamlet on the National Registrar, something DOT did prior to the road construction of 1995 and with that came a measure of protection, but, was not effective when the Health Center bought the Cunningham House and tore it down, but if the project needs any sort of town permitting or licensing, which this will, then it will be a huge issue.

Mrs. Parisi said she was concerned with the SEQRA and what they would have to go through.

Mark Schachner, Town Attorney said impact on Historic resources is definitely for an agency, in this case the Town Board, to consider when conducting SEQRA review, there is a very specific threshold, if this is an action occurring, if there is contiguous property that is listed on the National Historic Register, the Town would be doing a slightly different type of SEQRA review. Mr. Schachner said the applicant seems to feel there is not sufficient.....Teresa Whalen explained there was. Mr. Schachner said if this is in or contiguous to an area that is listed on the National Historic Register then the Town will need a longer full environmental assessment form from the applicant instead of the short environmental assessment form because this would be treated as what is called a SEQRA type I action, if that is true, then the town must by law have what is called coordinated review meaning instead of having both the town board and the planning board separately conduct SEQRA review, one agency called the lead agency must be designated between those two to conduct the SEQRA review; the board designated to be lead agency is done by Town Board resolution

Supervisor Geraghty asked Mr. Schachner to follow up on that for the Town Board.

**RESOLUTION #64-10
EXECUTIVE SESSION**

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

IT IS RESOLVED, that this Board move into executive session to discuss items concerning pending litigation. Time 7:50 p.m.

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RESOLUTION #65-10

CLOSE EXECUTIVE SESSION

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

RESOLVED, that the executive session be closed and that this Board return to the regular meeting. Time 8:00 p.m.

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

Respectfully submitted,

Donna A. Combs, Town Clerk