

REGULAR MEETING, WARRENSBURG TOWN BOARD, JULY 14, 2010

The regular meeting of the Warrensburg Town Board was held on Wednesday, July 14, 2010 at the Albert Emerson Town Hall at 6:45 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; Sandra Parisi, Historian; Steve Parisi, Warrensburg Museum; and numerous Town residents.

RESOLUTION #128-10

MOVE TO SCHEDULED PUBLIC HEARING

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

IT IS RESOLVED, that this meeting be interrupted to hold a public hearing advertised and scheduled for this evening at 6:45 p.m.

PUBLIC HEARING – LOCAL LAW #2, 2010-Registered Sex Offender Occupancy Licenses.

Public Hearing was called to order at 6:45 P.M.

Following distribution of the proposed Local Law to the Town Board members in June of 2010, a legal notice was printed on June 30, 2010 in the Glens Falls Post Star, with a copy of said notice posted on the Town Hall bulletin board on June 30, 2010. The contents of that legal notice were read into the record.

Lynn Smith, Allynns Butterfly Inn- told the Town Board she was concerned about this and asked how it was going to be monitored, who would be monitoring the hotel, and if there was a license fee involved.

Councilman Ackley told Mrs. Smith they have to register with the Sheriff's Department.

Supervisor Geraghty explained the Town Code Enforcement Officer would be monitoring.

Councilman Ackley explained the process for monitoring sex offenders with the County.

Councilman Alexander explained the registration process a sex offender must do each time they move.

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Councilman Markey explained the license fee process involved with this proposed local law, the number of sex offenders in the County and the level the sex offender is at.

Supervisor Geraghty told Mrs. Smith there are currently 22 sex offenders residing in the Town of Warrensburg, and, the Code Enforcement Officer will be doing the monitoring.

Mrs. Smith told the Town Board she is trying to attract tourism to this town and this is not going to attract tourism if we have hotels that are housing level two and three sex offenders.

Councilman Markey discussed with Mrs. Smith the incident with the registered sex offender living on Hudson Street and told her the Town had been advised at that time to not become involved by the Town's attorneys, and, said after that incident that will never happen again in this community again, as long as this bill passes.

Supervisor Geraghty explained the point system for the hotels and the limits that are in the local law, and, the fee schedule for the permit.

Councilman Ackley said he would like to see the license fee put into a special account for victims of sex offenders. Supervisor Geraghty explained it is not set up in the law.

Peter Haggerty, 3816 Main Street – submitted comments in writing regarding his opinion of the proposed local law and spoke to the Town Board why there is a need for the law and why it has come about now, what the legal ramifications are, if the law allows for the housing of private residences who are harboring family members who are sex offenders.

Supervisor Geraghty explained this is a domino effect within the County and said the citizens in the County had spoken out about these people being housed in their towns, the day after these laws passed in other towns in the County they started appearing in the Town of Warrensburg, there are now twenty two living in Warrensburg. Supervisor Geraghty said he believed there is a need for this law, he would not want to be sitting there as part of this government body and all of a sudden have our town have an influx of these folks, even though they made a mistake, it is not the Town's fault they made a mistake and the Town has to do something to protect the residents, mostly the kids, of the community, that is why they are doing it.

Councilman Markey explained if someone has a son or daughter who is an offender, they still have to register when ever they move, the Town is a tourist community, a drive through community; the Town wants to keep better track of what is coming into our community and we can do this with this point system.

Councilman Ackley told Mr. Haggerty it concerned him that these people do not have ties to this community, they come in, stay a month, leave, someone else comes in, he sees

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it constantly, some of these guys walking down the street and he has no idea who they are.

Peggy Knowles, James Street – asked if the person at a hotel who is taking a reservation has to disclose they have sex offenders they are lodging when a reservation is made by phone or internet.

Supervisor Geraghty explained this proposed local law does not contain anything to deal with that.

No one else wished to comment

RESOLUTION #129-10 CLOSE PUBLIC HEARING

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

IT IS RESOLVED, to close the public hearing at 7:00 p.m. and to return to the regular meeting.

RESOLUTION #130-10 MINUTES

On motion of Councilman Alexander, seconded by Councilman Rounds, 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: Highway, Lighting, Museum, Historian, Parks and Recreation, Sewer, Water, Town Insurance and Youth.

COMMUNICATIONS:

- 1) A thank you from the American Legion Post 446 for the Flag and help the Town Employees gave to dedication of the Flag Pole in memory of John Cooper and to the Highway Department for putting up the flags along Main Street.
- 2) Thank you from Steve Nolan, Athletic Director at the High School, for the use of the recreation field during the school year.

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RESOLUTION#131-10

ADOPT LOCAL LAW #2, 2010 ADDING A NEW CHAPTER 125 TO THE CODE ENTITLED HOTEL AND MOTELS, REGISTERED SEX OFFENDER OCCUPANCY LICENSES.

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

Supervisor Geraghty	Aye
Councilman Alexander	Aye
Councilman Rounds	Aye
Councilman Markey	Aye
Councilman Ackley	Aye

DISCUSSION – LOCAL LAW #2 OF 2010

Councilman Alexander opened discussion on the local law explaining he wished to have research done on disclosure of the harboring of sex offenders when a reservation is made at an establishment either by phone or by internet.

Supervisor Geraghty said he would like to see tourist accommodation as an additional definition, define our Zoning Enforcement Officer and under the terms of the license it should be added that the license cannot be altered in any manner.

DISCUSSION – ROCKY RIDGE ENTRANCES

Supervisor Geraghty opened discussion explaining no one from the Fire Department could be present tonight, he has talked to Chris to have the lot numbers taken down and then the Town can leave the addresses the way they are.

DISCUSSION – GEESE AND DUCKS AT FRED FLYNN PARK

Supervisor Geraghty opened discussion telling the Town Board there are problems with the geese and ducks at the Fred Flynn Park, they are making messes. Supervisor Geraghty told the Board the Town will be putting up “do not feed” signs, in the packets is information from DEC on what to do and he is open to suggestions, you cannot currently walk around the park without stepping in droppings.

Councilman Alexander explained that generations of geese return to the same area year after year, there is only one way to take care of it and it is radical.

Someone from the public suggested a paint ball gun, someone else suggested a net.

Supervisor Geraghty said the Town will be addressing that problem.

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DISCUSSION – AUTHORIZE LETTER TO SUPREME COURT ON BOARD AND PAPER SITE FORECLOSURE

Supervisor Geraghty opened discussion explaining this is the last item the town has to do before taking ownership of the Board and Paper property, the site has been found to be clean by DEC, the Town currently has temporary ownership and now needs to follow through and send this affidavit and letter to Supreme Court asking for ownership of the property and getting the taxes lowered. Supervisor Geraghty told the Town Board this would probably take three months to six months to go through the Court system.

RESOLUTION #132-10

AUTHORIZE TOWN ATTORNEY TO SEND A LETTER TO THE SUPREME COURT ON THE BOARD AND PAPER SITE FORECLOSURE

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

IT IS RESOLVED, to authorize the Town Attorney to send a letter to the Supreme Court on the foreclosure proceeding against Warrensburg Board and Paper Corporation for the completion of the Brownfield Project.

DISCUSSION – NAME JIMMY’S PEAK

Supervisor Geraghty opened discussion explaining he had taken the request to name the one peak that has been never been named on the Three Sisters Jimmy’s Peak to Steve Parisi, Warrensburg Historical Society and to the Town Historian and asked their opinions.

RESOLUTION #133-10

DECISION TO APPROVE NAME

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

IT IS RESOLVED, to approve the name of Jimmy’s Peak for the un-named mountain in the Three Sisters and to send this recommendation to the U.S. Board on Geographic Names as requested by Susan M. Jennings.

DISCUSSION – EFFLUENT DISINFECTION PROJECT FOR WASTEWATER TREATMENT PLANT

Supervisor Geraghty opened discussion introducing Eric Johnson and said that Mr. Johnson would be briefly explaining why the Town needs to pass a resolution and move ahead with the Wastewater Treatment Plant-Effluent Disinfection project.

Eric Johnson, Chazen Companies – spoke to the Town Board starting with a brief history which began in 2006 when the DEC gave a mandate to the Town to add effluent disinfection to the wastewater treatment plant, it has been three years in the making of

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making various applications trying to secure grant dollars, the best funding package the town is going to get at this point is a 0% interest loan from EFC for this project, it is about a \$520,000 project, the Town is actually within the time frame and DEC is on their back to get the project moving forward. Mr. Johnson told the Town Board it is his recommendation to move forward and to do this job, relatively soon, the next date that would need to be in service would be Spring of 2011, if they bid the job in the next couple of months that would get it ready for next Spring and get back in the good graces with DEC.

Councilman Ackley responded that he has problems with mandates and DEC; he was not on the Board when the Sewer Plant went in but Kevin was, it was supposed to have been a state of the art Sewer Plant, the State told the Town how they wanted it and the Town did it that way, now it is changing. Councilman Ackley said he thought they were going to get some money for this project.

Councilman Markey said they had passed resolutions to seek out this if and only if they got State or Federal funding.

Supervisor Geraghty told the Town Board they had passed a resolution in April of 2009 to allow for the bond funding, because they had to move ahead with this because the Town would not be getting grant funding, and asked Mr. Johnson to explain that to the Town Board.

Mr. Johnson told the Town Board the target service charge is how grant funding is determined; the Town's sewer user rates are somewhere in the \$320.00 range so since the rates are less than what they are calling target service charge it makes the town ineligible for grant dollars so getting the 0% loan at this time is a pretty good deal, Chazen also has an application into the Water Quality Improvements Program through DEC, they are hopeful but not sure. On the back side DEC is giving the Town pressure because they want to see this job get done.

Councilman Ackley said he wished to have DEC come here to a public hearing and explain to the taxpayers. Councilman Markey suggested a workshop, but, then agreed it should be a public hearing. Councilman Ackley asked what happens five years from now when they spend this \$500,000.00. Councilman Markey said the taxpayers of Warrensburg ultimately are paying for this; if they are paying for it they should be able to decide. Councilman Ackley said a year from now DEC could come along and say this is not good enough for them. Councilman Markey said he knows how it is to deal with a State Agency, they cannot even put a budget together, and fifteen to twenty years ago they were hearing how the Town was one of the last ones to close that landfill, we were given a time limit, we surpassed that time limit and three months after the Town surpassed that time limit they said by the way we found some money. Councilman Markey said he did not want to proceed until they had the chance to sit down with DEC.

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Councilman Alexander said he had sat with Eric and Kevin and DEC the other day, there is a small glimmer of hope that there maybe money but once again it is another unfunded mandate that the State is going to pass down to the locals, we are not the only municipality the State is breathing down their neck.

Councilman Ackley said we should be the first one to stand up and say you explain to us.

Councilman Markey told the Town Board this was not the first time the Town of Warrensburg held the State accountable, were we have surpassed and gone beyond the limits of what they had requested.

Supervisor Geraghty told the Board if they wanted DEC to come they would arrange a meeting, and, said he has been writing back and forth, they are trying to work with NYSERTA to see if they can try and get some money to help with the project; he does not want to go under consent order and have the Town fined on a daily basis, if the Board wants to schedule a workshop.....Councilman Markey said he wished to have a public hearing, not a workshop.

Discussion ensued on the difference in rates to finance and the number of units and cost to cover the debt service.

**RESOLUTION #134-10
SCHEDULE PUBLIC HEARING**

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

IT IS RESOLVED to schedule a public hearing for Wednesday, August 11th at 7:00 p.m.

**RESOLUTION #135-10
AWARD OCCUPANCY TAX REQUESTS**

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

IT IS RESOLVED, to award the following Occupancy Tax requests:

Warrensburg Historical Society	\$1080.50
Warrensburg Bed &Breakfast Group	\$ 200.00
North Country Ministries	\$1700.00
Warrensburg Chamber of Commerce	\$1948.00

DISCUSSION – PUBLIC HEARING FOR SEWER MAP PLAN AND REVIEW

Supervisor Geraghty opened discussion explaining he wished to delay the scheduling of this public hearing until next month because the Town does not have the map, plan or report ready and the Town Attorney will need to review this.

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RESOLUTION #136-10

TABLE REQUEST FOR SEWER DISTRICT PUBLIC HEARING/RESCHEDULE

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

IT IS RESOLVED, to table the request for a public hearing to be held and to schedule a new public hearing for August 11, 2010 at 7:15 p.m., provided the Town has received the map, plan and report for the proposed sewer district expansion for Thompson Street, Third Avenue, Fourth Avenue and Raymond Lane.

RESOLUTION #137-10

GRANT PERMISSION TO PROVIDE LANDFILL INFORMATION FOR LANDFILL PROJECT FOR METHANE GAS COLLECTION

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

IT IS RESOLVED, to grant permission to the Town Supervisor to provide Landfill information to Green Energy partners to look at the feasibility of a Green Energy Project at the Landfill, collecting Methane Gas.

DISCUSSION – NOTIFICATION TO START SIDEWALK PROJECT

Supervisor Geraghty told the Town Board he has received notification from State Department of Transportation that the Town can start the Sidewalk Reconstruction Project; the targeted areas are Oak Street and the balance of Library Avenue.

RESOLUTION #138-10

DECLARE EQUIPMENT SURPLUS

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

IT IS RESOLVED, to declare a gas air compressor and a brush hog from the Parks and Recreation Department as Surplus Equipment and place it in the fire company auction.

RESOLUTION #139-10

AUTHORIZE INTERMUNICIPAL AGREEMENT WITH WARREN COUNTY FOR THE 2008 LOCAL WATER FRONT GRANT

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

DISCUSSION –FEMA MONIES

Supervisor Geraghty opened discussion explaining to the Town Board that during the wash out in the Spring, Warren County applied for FEMA money, back in 2005 they applied for a lot of FEMA money for the washout on Exit 24, the County was shut out

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because of Hurricane Katrina, this time when we had the wash outs the County applied and has been awarded \$400,000.00 through FEMA. Supervisor Geraghty said through the efforts of Ed Pennock the Town is part of this grant, we did approximately \$53,000.00 worth of work on Viele Pond and although this does not mean we are going to get \$53,000.00 we are going to get something for this, he and Ed will be attending a meeting Monday, Kudos to Ed for putting this together and the Town is part of this.

Councilman Rounds thanked Ed and his men for the swale work they did on Alden Avenue. Councilman Rounds told Mr. Pennock there is a small hole developing in front of Rita Ackley's house. Mr. Pennock told the Councilman it has already been taken care of.

RESOLUTION #140-10 BUDGET TRANSFERS

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

IT IS RESOLVED, to do the following budget transfers:

From A1999.400 Contingency to A1420.400 Attorney in the amount of \$5000.00

From A1999.400 Contingency to A6412.400 Occupancy Tax in the amount of \$5000.00.

RESOLUTION #141-10 PAY WARRANT

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

IT IS RESOLVED, to pay the bills as outlined on Abstract 7-2010 for the month of July, 2010.

PUBLIC COMMENT

Lynn Smith – asked when the local law will go into affect.

Claire Bates – told the Town Board she could relate to the geese problem because she spent the month of April chasing the geese out of her back yard, and, she does not want them back.

Teresa Whalen - told the Town thank you for installing electric at the gazebo. Ms. Whalen also spoke to the Town Board regarding when the scraping, painting, and repair of the porch at the Senior Citizens Building would occur.

Supervisor Geraghty explained to Ms. Whalen that in light of the recent hiccup with the town's financial schedule, the nice to have projects won't be done this summer until the Town Board determines where they are with the funding for the Town, which will

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include the Master Plan. Supervisor Geraghty told Ms. Whalen all Department Heads have been told not to spend any money until the Town Board finds out what is going to happen with the pending lawsuit.

Kathy Ferullo- told the Town Board during the Planning Board meetings she has been attending there has been a lot of concern there are not enough crossing guards for the school in the afternoon. Mrs. Ferullo suggested the Town and School advertise for volunteers and said she would be the first to volunteer in the morning.

On motion of Councilman Markey, seconded by Councilman Ackley, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk