

**REGULAR MEETING, WARRENSBURG TOWN BOARD, DECEMBER 9, 2010**

The regular meeting of the Warrensburg Town Board was held on Thursday, December 9, 2010 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

|                 |            |                |
|-----------------|------------|----------------|
| <b>PRESENT:</b> | Supervisor | Kevin Geraghty |
|                 | Councilman | John Alexander |
|                 | Councilman | Bryan Rounds   |
|                 | Councilman | Austin Markey  |

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| <b>ABSENT:</b> | Councilman | Dean Ackley |
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**OTHERS PRESENT:** Donna A. Combs, Town Clerk; Ed Pennock, Highway Superintendent; Richard Galusha, Water Superintendent; Steve Parisi, Warrensburg Museum; Lisa Nagle, Elan Planning and Design Group; Jackie Hakes, Elan Planning and Design Group; Kate Mance, Elan Planning and Design Group and numerous Town residents.

**RESOLUTION #211-10**

**MOVE TO SCHEDULED PUBLIC HEARINGS**

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

**RESOLVED**, that this meeting be interrupted to hold a Public Hearing advertised and scheduled for this evening at 7:00 p.m.

**PUBLIC HEARING – SEWER DISTRICT EXPANSION**

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

A legal notice was printed on November 17, 2010 in the legal section of the Glens Falls Post Star Newspaper, and posted on the Town Clerks Bulletin Board on November 17, 2010. A copy of that legal notice was submitted for the record.

Supervisor Geraghty opened discussion explaining the district expansions, and, the steps the town has taken for the expansion.

No one else wished to comment.

**RESOLUTION #212-10**

**CLOSE PUBLIC HEARING**

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

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**RESOLVED**, to close the public hearing and return to the regular meeting. Time 7:24 p.m.

### **PRIVILEGE OF THE FLOOR/ELAN PRESENTATION**

Lisa Nagle, Elan Planning and Design, opened the presentation to the Town Board telling them this meeting tonight is to give them an update with the vision statement, goals and recommendations as well as a future land use map which shows future focus areas of the community.

Discussion ensued. Councilman Markey asked about the benefit of the two rivers being located in the town and the possibility of harnessing that energy to make it beneficial to the tax payers and the community. Supervisor Geraghty expressed the desire to have the bicycle way expanded into our community and perhaps into Thurman and Stony Creek, Supervisor Geraghty asked the Elan Group to keep that in mind when they are discussing recreational opportunities for Warrensburg.

### **RESOLUTION #213-10**

#### **MINUTES**

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

**IT IS RESOLVED**, to accept the minutes as presented.

### **COMMUNICATIONS:**

- 1) A thank you from Trudy Egan on Hudson Street to the town for extending the Christmas decorations up Hudson Street.
- 2) A letter regarding the traffic patterns for when the Milton Avenue Bridge reopens.
- 3) A notice that the Town of Horicon passed a resolution in support of the County getting out of the Gaslight Village project.

### **RESOLUTION #214-10**

#### **EXECUTIVE SESSION FOR ASSESSMENT LITIGATION**

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

**IT IS RESOLVED**, that this Board move into an executive session to discuss items concerning litigation with the Town Assessor, Greg Klingler. Time 7:25 p.m.

**RESOLUTION #215-10**

**CLOSE EXECUTIVE SESSION**

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

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**IT IS RESOLVED**, that the executive session be closed and that this Board return to the regular meeting. Time 7:33 p.m.

**SEWER DISTRICT EXPANSION**

**SEQRA LONG FORM**

Supervisor Geraghty and the Town Board went through the Full Environmental Assessment Form, part II because the extensions are in the Historic District so this was a Type I Action under SEQRA.

**RESOLUTION #216-10**

**RESOLUTION APPROVING EXTENSION OF WARRENSBURG SEWER DISTRICT NO. 1 TO CERTAIN THIRD STREET, FOURTH STREET, THOMSON AVENUE AND NYS ROUTE 9 PROPERTIES.**

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

**RESOLUTION #217-10**

**RESOLUTION APPROVING EXTENSION OF WARRENSBURG SEWER DISTRICT NO. 1 TO LIBRARY AVENUE PROPERTIES**

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

**RESOLUTION #218-10**

**AUTHORIZING A SEWER USE AGREEMENT FOR OUT OF DISTRICT CONTRACT WITH DAVID MOYNIHAN**

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

**RESOLUTION #219-10**

**SEWER TAX AMENDMENT**

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

**RESOLVED**, to amend the Sewer Tax roll for the following sewer rent bill on recommendation of Code Enforcement Officer:

Lori and Anthony Auletta tax map #211.9-4-5 from \$640.00 a year to \$200.00 a year, debt service only effective January 1, 2011.

**RESOLUTION #220-10**

**OCCUPANCY TAX REQUESTS**

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

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**IT IS RESOLVED**, to authorize the following Occupancy Tax Requests for payment: Occupancy tax request from Warrensburg Chamber of Commerce in the amount of \$6,652.55 for annual advertising fees (\$5,000) and Garage Sale Expenses in the amount of (\$1,652.55); Occupancy tax request from the Warrensburg Beautification Committee in the amount of \$1,579.85 for expenses for the Farmer’s Market (\$729.85) and Christmas in Warrensburg (\$850.00); and Occupancy tax request from the Warrensburg Historical Society in the amount of \$144.00 for Advertising expenses.

**DISCUSSION – ENGINEER FIRM**

Supervisor Geraghty opened discussion explaining Jim Hutchins, Engineer for the Town, will be retiring soon, Delaware Operations, Inc. has purchased his business. Supervisor Geraghty told the Town Board it would be advisable to hire Delaware Operations, Inc. so the projects Mr. Hutchins has been working on for the Town can be continued.

**RESOLUTION #221-10**

**AUTHORIZE CONTRACT WITH DELAWARE OPERATIONS, INC.**

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

**IT IS RESOLVED**, to authorize the Supervisor to enter into a contract with Delaware Operations, Inc. for engineering services for the Town of Warrensburg.

**DISCUSSION – ACCEPT DEDICATION OF 250 FEET OF JENNI JILL EXTENSION**

Supervisor Geraghty opened discussion telling the Town Board this is the road that Pete Lloyd lives on, the road has been extended another 250 feet, if the Town is able to incorporate more Hamlet area down there, this is potential for more expansion and would be a good area to look.

Councilman Markey asked the Highway Superintendent if this portion that is being offered for acceptance is beyond the West property, did they pave more.

Ed Pennock, Highway Superintendent explained he has spoken to Jack and told him if he continues through there he does not want any more of the road piecemealed. Councilman Markey said that was part of his concern because they have already piecemealed it twice on that road. Mr. Pennock explained this is all part of a pre-approved subdivision. Councilman Markey asked when this section was paved.

Supervisor Geraghty explained the road had been paved back in June and that Ed was there to observe when it was done. Councilman Markey questioned about what is underneath telling the Board there has been questions about what is underneath the road with old stumps and old logs and every thing else they have cut out of there, how viable that road is. Mr. Pennock said they did dig down in there a little bit and checked it, it has item four, it has two and a half inches of binder and an inch and a half of top.

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Councilman Rounds said he knew it was in the regulations it is supposed to be a cul-de-sac. Councilman Markey said our regulations say no dead end, they say cul-de-sac and they should have done that before, instead of doing 250 feet, do one run, do a mile of it and if you are going to do a cul-de-sac bring the loop back around. Councilman Markey said the town's regulations say it has to be a cul-de-sac. Mr. Pennock explained this was pre-approved subdivision way back when. Councilman Rounds said the lot has already been sold and now he is trying to tidy it up. Councilman Markey said Mr. Toney should be made aware to next time put in a cul-de-sac or at least loop back around to the road because .....Councilman Rounds said next time tell him to call Mike Eddy and see what he had to do, he put in a big road and sold one lot. Councilman Markey said he follows the regulations. Mr. Pennock told the Town Board this was a pre-existing subdivision, it was before he got a hold of it. Councilman Markey said they had this same conversation with Wally when he was here, should they have accepted this years ago when the West property is laying as low as it is, they have had to do a lot of work there.

Supervisor Geraghty suggested the Town accept this and then send a letter stating the Town's position that this will be the last extension allowed.

Discussion ensued.

**RESOLUTION #222-10**

**ACCEPT 250 FEET OF JENNI JILL EXTENSION**

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

**DISCUSSION –LANDFILL**

Supervisor Geraghty opened discussion telling the Town Board just for clarification they needed to determine if they are closing the Landfill one day a week or two days a week.

Councilman Markey said it felt it would be cost effective, they will still get the same amount of garbage, in his discussions he has had with Wendell, Wendell feels the slowest day would be Monday and it can be clean up, painting, a lot of stuff they are not getting done because it is open seven days a week, the people who normally bring it on Monday will bring it on Tuesday; he does not feel it will hurt the community by closing the Landfill one day a week, especially if it will save tax dollars.

Town Clerk Combs asked when this will start and for a resolution to set this procedure and to allow an ad in the paper announcing the closure on Mondays.

**RESOLUTION #223-10**

**CLOSE LANDFILL ON MONDAYS**

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

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**IT IS RESOLVED**, to close the Warrensburg Landfill to the public on Mondays effective January 1<sup>st</sup>, 2011 until further notice, and further resolved, the Town Clerk is authorized to advertise in the paper.

**RESOLUTION #224-10**

**ASSIGN SEWER USER FEES FOR EXTENSION BILLINGS FOR 2011 SEWER ROLL**

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

**IT IS RESOLVED**, to assign the sewer user fees as set forth in the schedule provided by the Code Enforcement Officer to the Sewer Roll for the extension of Third, Fourth, Thomson and Raymond Lane and Library Avenue and add them to the 2011 Sewer Roll to be billed for payment on February 1, 2011.

**DISCUSSION – SPECIAL MEETINGS**

Supervisor Geraghty asked if the Town Board would schedule a meeting for Wednesday, December 29, 2010 at 4:00 p.m. to pay the end of the year bills.

The Organizational Meeting was scheduled for Monday, January 3, 2011 at 5:00 p.m.

**DISCUSSION – LEGAL FEES**

Councilman Markey opened discussion telling the Town Board he wanted to make them aware, for the record, legal fees from Miller Mannix received July \$6706.00 in litigation for the lawsuit in the Stewarts project and a bill in August for \$9450.00, combined,

September \$5655.00, October 10<sup>th</sup> for \$1376.00 with a total that he has without this current month which has another \$7000.00 from Miller Mannix, total the town has spent \$23983.50, there was a no charge from them for some of the stuff which totals 6 hours they did not charge the town for. Councilman Markey said he just wanted to make the public aware the town has spent \$24,000.00 currently on the litigation for the Stewarts project as well as the Board transferring in \$17,000.00 more. Councilman Markey said he wished to make people aware they had cut those attorneys fees down, it was five grand for a long time, then it went up to \$7500.00.

Supervisor Geraghty said the total will be around \$40,000.00 this year. Councilman Alexander said they did an exceptional job this year defending the town.

**RESOLUTION #225-10  
2010 BUDGET AMENDMENTS**

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

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**FURTHER DISCUSSION – LEGAL FEES**

Supervisor Geraghty told the Town Board the Stewarts Zoning issue and the lawsuit will probably cost the town upwards to \$30,000.00, it is unfortunate, the town did not have the money, obviously, the town is scrapping every account to try and settle this account before the end of the year, he is extremely disappointed that the town has to do that but it is what it is.

A town resident asked if the lawsuit is over. Supervisor Geraghty said the town did respond to the plaintiffs' latest charges on the 29<sup>th</sup> of November so the town is now waiting for the Judge to respond to the plaintiffs' latest accusations. Supervisor Geraghty said he would say one thing, although it might be inappropriate to comment on a lawsuit that is on going some of the latest public accusations made against this town board and the planning board were outrageous and as a town official who has sat here now for five years, he just does not know how some of these accusations can be put in print against public officials, it is a shame.

Kathy Ferullo – told the Town Board she attended every meeting when they were discussing this and she did not see a whole bunch of people here how can people make accusations against something when they were not here to see what steps were followed.

Councilman Markey said that was the other reason for him bringing this to light because all of the public is paying that legal bill and it is tipping up there to around \$30,000.00, again he and Kevin, as officials, have done everything they considered to be the right way

and the Planning Board has gone several times, procedurally correct, town board, Warren County has reviewed and it is just a shame that you can have a very small faction just file a lawsuit and cost the taxpayers of Warrensburg up to \$30,000.00 by just making a claim. Councilman Markey said this lawsuit is going to affect other services, he was not saying essential services, but the town has taken a hard and strong look budgetary at Museum, Historical, Beautification, they have to cut back Landfill and a lot of things.

Supervisor Geraghty explained this is not a one year pay back, this will effect the town for next year and the year after, to pay this money back, his only comment for saying anything publically, he did wish more people were here, his only reason is because some of the statements, some of the accusations in this latest round of charges were pretty outlandish and to think that somebody can make those outlandish charges against town officials, the only thing they can do is to answer in court but he is telling them right now, he for one, sitting up there, they attacked his integrity and they attacked the integrity of his fellow board members, this stinks, it is not going to sour him for doing this job, but it really stinks, these accusations are unfounded and his answer to the complaint is stated pretty clearly but those are some of the people in this town, when you make false accusations the town board has no recourse, the taxpayers are going to pay probably \$35,000.00 in legal fees this year that could have been avoided, but that is the American way.

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### **DISCUSSION –VOLUNTEER FOR WARREN COUNTY PLANNING BOARD**

Supervisor Geraghty explained the Town needs someone to sit on the Warren County Planning Board, the Town does not have a Warrensburg representative, the County Planning Board meets on the second Wednesday of the month.

### **RESOLUTION #226-10**

#### **PAY BILLS**

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

**IT IS RESOLVED**, to pay the bills as outlined on Abstract #12.

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

Kathy Ferullo – asked if a business has a choice about water meters, do they have to have them, and asked if some of the residents have meters now that are working. It was explained no meters are being read.

Supervisor Geraghty told Mrs. Ferullo that it was unfortunate, the 1992 meters, that when the town went to bid out the hardware for the new meters they were led to believe they



could put a cone onto these meters and they could be read electronically, unfortunately it did not work, the town's system was set up to drive by your house with a scanner device and then punch it in, it is only effective to have somebody get out of the truck and punch it in, the town is in the process of purchasing meters and has applied for grant funds to purchase these meters so the whole town can be metered. Supervisor Geraghty said the Board wishes to start metering commercial businesses first so that is the goal, the town needs to get a list of people who do need meters.

Discussion ensued on different ways and technology to read the meters and the cost involved.

#### **DISCUSSION – PERMISSION TO RESUME GARAGE USE**

Councilman Rounds asked if a resolution was required to let the guys use the garage to fix their stuff. Supervisor Geraghty said he has no problem with letting them use the garage. Councilman Markey said that they have to use that area in front of the building for sand and salt, if they want to park their vehicles in side of the building he has no problem with that.

Supervisor Geraghty said the town had written an amendment to the policy, if the Board wished to amend it they can talk about it, he has the new Highway Contract and they are just waiting for signature; as soon as he gets it signed he will release it.

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On motion of Councilman Markey, seconded by Councilman Rounds, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk

