

SPECIAL MEETING, WARRENSBURG TOWN BOARD, DECEMBER 29, 2010

A special meeting of the Warrensburg Town Board was held on Wednesday, December 29, 2010 at the Albert Emerson Town Hall at 4:00 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, Richard Galusha, Sewer/Water Superintendent, and Edward Pennock, Highway Superintendent.

**RESOLUTION #227-10
AMEND SEWER ROLL**

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

IT IS RESOLVED, upon recommendation of the Code Enforcement Officer to amend the Sewer Roll for 2011:

Tax map #211.13-1-39 Stewarts Shops from \$351.00 to \$1404.00

**RESOLUTION #228-10
SET PUBLIC HEARING FOR LOCAL LAW #1-2011, SEWER**

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

IT IS RESOLVED, to schedule a public hearing for Wednesday, January 12, 2011 at 7:00 p.m. for Local Law #1-2011, Sewer to amend the penalty section and authorizing the Town Clerk to advertise the Local Law in the legal section of the Glens Falls Post Star.

**RESOLUTION #229-10
SET PUBLIC HEARING FOR LOCAL LAW #2-2011, WATER**

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

IT IS RESOLVED, to schedule a public hearing for Wednesday, January 12, 2011 at 7:15 p.m. for Local Law #2-2011, Water, to amend the penalty section and authorizing the Town Clerk to advertise the Local Law in the legal section of the Glens Falls Post Star.

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RESOLUTION #230-10

**AUTHORIZE AGREEMENT WITH WARREN-HAMILTON COUNTIES
OFFICE OF AGED**

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

IT IS RESOLVED, that the Supervisor, Kevin B. Geraghty is authorized to enter into an agreement with Warren-Hamilton Counties Office of Aged for Senior Transport for the year 2011 for 24 possible bus trips in the amount of \$4,320.00.

RESOLUTION #231-10

GIVE PERMISSION FOR CONFERENCE ATTENDANCE

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

IT IS RESOLVED, that Chris Belden is given permission to attend the Planning Conference in Saratoga on January 26, 2011 at a cost of \$65.00.

RESOLUTION #232-10

PAY BILLS

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 #13-10.

RESOLUTION #233-10

FINAL 2010 BUDGET TRANSFERS

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

DISCUSSION –ORGANIZATIONAL MEETING

Councilman Markey opened discussion asking if the Committees for 2011 were staying the same. Supervisor Geraghty said he had made no changes. Councilman Markey told the Town Board he had been speaking with the Sheriff's Department, they were under the same feeling as he, that the Town Board should name Dave Cavanaugh Town Police Officer as compared to Court Officer. Councilman Markey said he had talked to Mark Carpenter today regarding the insurance, the Town pays the professional police insurance anyway, there is no stipulation whether he is a court officer or a police officer, it is going to save tax payers dollars, if the Town Board did not name someone police officer the Town would be responsible to pay for their training and their certification. Councilman Markey told the Town Board he had been talking with Undersheriff Swan today, he told the Councilman he would certify them on the range and provide them a divisional meeting once a year for use of deadly force.

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Supervisor Geraghty said the Town would be subject to so much liability. Councilman Alexander said if he were to get hurtCouncilman Markey said he talked to Mark Carpenter today and he said there is no stipulation, no difference in comparison, we paid when they signed us up for our insurance policy, for the liability policy, it is under the same onerous as a Court Officer, Police Officer, it is a professional police service policy. Supervisor Geraghty asked Councilman Markey to send him something in writing about that. Councilman Markey said he would have Mark send it down.

Councilman Markey said he had spoken with Dave (Cavanaugh) and he does not want to assume any duties outside of this building, if we have somebody who is brought in by the Sheriff Department, and they bring people all of the time, if he has to use force, deadly force, this gives him some more control over the situation, as Bob Swan said.

Supervisor Geraghty will contact Bob Swan and have him send email the info. Councilman Markey said there is no information, it is just the recommendation. Supervisor Geraghty said he had thought the reason the Town had moved away from police officer was because of the liability involved, and, asked if there was a wavier the officer could sign, the Sheriff Department does that.

Councilman Markey said he spoke with Mark Carpenter and asked him about the ice skating rink at Echo Lake, so he asked while he had him on the phone.

Supervisor Geraghty said he would have to find out what the status is with the Department of Criminal Justice, what the Town would have to do with them, he will check into it.

Councilman Rounds asked if the job description would stay the same. Councilman Markey said he will essentially be the Court Officer and his only day of service will be on Wednesday, the same as now, the reason to do this is for certification.

DISCUSSION – PLOWING ICE ON ECHO LAKE

Councilman Markey opened discussion saying he did speak to Mr. Carpenter about the plowing Echo Lake and using it as a skating rink, and, there are no exclusions, they cannot cancel the Town for plowing, the town has the liability policy, the Town is in more sticky water with the snowmobiles then they would be with the skating rink. Councilman Markey said the town needs to make sure they have the coverage we need for both. Supervisor Geraghty will get Dan to supply the Town with a certificate of insurance naming the town as additional insured.

Discussion ensued on a pending lawsuit concerning a death on a lake with a snowmobile, there was a liability policy good for the weekend of the event but the young gentleman who was killed was killed three weeks prior to the event, they had already prepped the lake. Councilman Markey had said one end of the lake might be cleared off to let the kids

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skate up there. Councilman Markey asked Rick Galusha if he had any feeling one way or the other comparing this to the pavilion the town used to flood.

Tom Belden, Water Department- asked how they would get access to it. Councilman Markey said they will access through the dry hydrant road, a piece of equipment could go through around the fence.

Discussion ensued on parking and the lake thawing, having somebody around to keep the kids off once it starts to thaw, and liability.

Mr. Galusha told the Town Board it was only a couple of years ago when a child drowned, the Town got sued and the Town was fencing everything off.

Councilman Ackley said he thought it would be the same thing, if they go down to the Beach area, go out onto the ice, clean it off and fall through. Councilman Markey said it would be trespassing, they would be on property after hours when the park was closed.

Mr. Belden asked if they would be opening it up to the public by plowing it. Councilman Alexander asked if it would be creating an attractive nuisance, so to speak.

Councilman Markey said it was no different than the snowmobiles. Councilman Ackley said he feels it would be a nice idea and hopefully they would use it.

Discussion ensued on the ice at the pavilion and the problems with getting it to freeze, lack of use of the pavilion, and losing ice on warm days.

Mr. Galusha discussed his concerns about putting the Town equipment on the lake to plow it, the possibility of the equipment going through the ice.

Councilman Alexander told the Town Board about going through the ice on a snowmobile and surviving, and, said he could not support putting town equipment and town employees on the ice, the Councilman said he knew it was old vintage, antique thinking, it is all mother nature taking care of the ice for them, if the kids are going to do it they are going to do it themselves, they are going to go down and shovel it off the best they can and use it, snowmobilers can do their thing for the racing.

Councilman Rounds said they have signs that they can make cheap, skate at your own risk.

Supervisor Geraghty said they cannot go through the Beach now because it is all signed, if the Board wishes do something where it says skate at your own risk they certainly can sign it, it does not mean that they are not going to go down there and do it.

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Councilman Markey said if the town is not cleaning it off, if they let somebody who has a snow blower or a plow on their four wheeler do it, will it take the ominous off the town.

Supervisor Geraghty told Councilman Markey he did not think it makes a difference.

Councilman Rounds said there is a perception out there that if you send a town employee up there to do the ice, there is a perception by the parents it must be safe. Councilman Rounds said it is safe right now because it is cold but when a long spell comes....Councilman Rounds asked how many want to be ice skaters is there.

Mr. Galusha told the Town Board there were years they had it open at the Pavilion when no one would show up.

Councilman Markey said he would tell them if they came to them they can clean it off if they want. Councilman Rounds said to lay it over onto liability, if anybody asks. Councilman Markey said it would be nice to be able to use one of the natural wonders we have here in town. Councilman Markey said he has been speaking to Kevin about bike paths or a walking path around the lake, like they have in Queensbury.

Supervisor Geraghty said they have Kathryn Varney who is going to serve on the bicycle committee, and has just moved into town, he is sure she would take on the project of doing more trails up here.

DISCUSSION -CLOSE LANDFILL ONE DAY

Councilman Alexander opened discussion asking if they had remembered the discussion about closing the landfill. Supervisor Geraghty said Monday will be dark day at the Landfill. Councilman Alexander asked if they could make it two, he has been doing a small straw poll of asking people and he feels the majority of people out there are contracting their own garbage.

Councilman Markey told the Town Board yes, there is a place out of Fort Ann charging \$21.00 a month, he can't take his garbage any where. Councilman Alexander said they are not going to save any money with the one day thing, if they close two days they have one employee for five days.

Councilman Rounds said he would like to try being closed for one day on a trial basis. Councilman Markey said he would like to do a six month trial basis, Councilman Markey said the Board needed to look at weighing this stuff, if the town is going to look at the landfill paying for itself, they need to weigh it.

Supervisor Geraghty asked the Board if they wished to change it from one day to two and explained the Town Clerk has had to put notice in the paper.

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Councilman Alexander told the Town Board they should think about closing the landfill two days, there are a lot of people who are not using that dump anymore, the revenues are not there anymore.

Supervisor Geraghty told the Town Board if they wished to go five days, they would, or they can do Mondays for thirty days and then do the second day, that way they can have just one employee and he can do five days a week up there; they are moving Larry into Water to have him utilize his license. Supervisor Geraghty told the Town Board he wanted to do the ads in the paper for the water employee and the sewer employee right after the first of the year but who ever they hire will have to be able to pass a civil service test.

On motion of Councilman Alexander, seconded by Councilman Markey, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Donna A. Combs, RMC/CMC
Warrensburg Town Clerk