

REGULAR MEETING, WARRENSBURG TOWN BOARD, MARCH 9, 2011

The regular meeting of the Warrensburg Town Board was held on Wednesday, March 9, 2011 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; Robert Hafner, Town Attorney; Ed Pennock, Highway Superintendent; Richard Galusha, Sewer Superintendent; Sandi Parisi, Town Historian; Steve Parisi, Historical Society President; and numerous Town residents.

RESOLUTION #54-11

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, and Town Properties/Buildings.

HIGHWAY TRUCK BIDS

A legal notice requesting bids was placed in the Post Star Newspaper on February 23, 2011. A copy of that legal notice was read into the record. Bids were received and read from the following companies:

Tracey Road Equipment	with T and T Body King Base bid	\$172,283.00
Arrowhead Equipment	Base bid U Shape Body	\$169,767.00
	Option #1	\$167,829.00
	Option #1 in Stainless Steel	\$176,363.00
Tracey Road Equipment with Trius Inc. Equipment		
	Base bid U Shape Body	\$181,080.00
	Base bid Stainless Steel	\$190,085.00

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Option #1	\$174,180.00
Option #1 Stainless Steel	\$184,265.00
R.R. Charlebois, Inc.	\$143,949.00
H. L. Gage with Arrowhead Equipment	\$172,240.00
H.L. Gage with T&T Body King Equip.	\$174,756.00

RESOLUTION #55-11

TABLE HIGHWAY TRUCK BID

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 Truck bids.

BID OPENING – HIGHWAY LOADER

A legal notice for bids for an Industrial 4 Wheel Drive Loader made in the USA was advertised in the Glens Falls Post Star on February 23, 2011. A copy of that legal notice was read into the record. Bids were received and opened from the following:

Monroe Tractor	\$89,670.00
Nortrax	\$54,970.00

RESOLUTION #56-11

TABLE BIDS

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

RESOLVED, to table all bids for review of Highway Superintendent.

DISCUSSION – SEWER

Supervisor Geraghty opened discussion explaining proposals were submitted for the sewer and water upgrades, particularly the sewer upgrades and the bid prices for all of the materials came in at under \$5000.00 for Thomson Avenue and Library Avenue, those are the number one priorities as soon as the weather breaks to get the pipe in the ground on Thomson and then on Library Avenue.

DISCUSSION – TOWN INSURANCE

Supervisor Geraghty opened discussion telling the Town Board there were minor changes done to the Insurance renewal that has been completed, the Town Board does need to discuss computer fraud in the future, not so much about what would happen within the building but what would happen if some hacker got into the system. Supervisor Geraghty said he wished to discuss it with Mike (IT person) to see how secure our system is; some school districts have had hackers get in and clean out their accounts. Supervisor Geraghty said they would have further discussion on it at a later time, he has discussed it with Mark,

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the town has liability coverage but it seems to be more prevalent now with these hackers becoming much more sophisticated.

Discussion ensued on passwords and what the town needs to do.

Councilman Ackley commented that he had checked the actual server in the basement the other day and he is concerned that it is not too secure, and, asked if they should put a lock on the door. Supervisor Geraghty said that the server is locked. Councilman Ackley said there is the pantry down there, as well, he walked into the basement with no one knowing he was down there.

COMMUNICATIONS:

- 1) Town has been notified by New York State Department of Transportation that a crosswalk will be installed at the bottom of Ridge Street and State Route 418.

RESOLUTION #57-11

APPOINT HAROLD MOFFITT TO ZBA

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

IT IS RESOLVED, to appoint Harold Moffitt to the Zoning Board of Appeals to full the unexpired term of Herbert Muller.

RESOLUTION #58-11

APPOINT ALICE FARRELL TO PLANNING BOARD

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

IT IS RESOLVED, to appoint Alice Farrell to the Planning Board to fill the unexpired term of Joyce Harvey which will expire in 2014.

RESOLUTION #59-11

SEWER COMPLAINTS

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

IT IS RESOLVED, to deny the following requests for sewer billing amendments passed on the recommendation of the Code Enforcement Officer:

Brown, Rebecca	210.12-3-27	No change
Drake, Milton and Alison	210.16-2-58	No change
Lloyd, Leslie	210.12-3-37	No change

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DISCUSSION – REQUESTS FOR SEWER BILL AMENDMENTS

Councilman Markey said he has reviewed the three sewer amendments, the two on Thomson and the one on Library and he understands their point on Thomson, there is not a pipe that goes there, he knows it is the way we have always done it but he has a real problem charging somebody when the pipe is not even in front of their house.

Councilman Markey asked the Town Attorney for legal advice, saying if they had done everything the correct way ten years ago, they would have been paying for this ten years ago. Councilman Markey said his problem is they put the residents in the sewer district and they do not even have a pipe in front of their house, the town is charging them in advance, he does know it is only going to be a month or so down the road.

Councilman Alexander said the charter members of this thing were in the district for a year to a year and a half paying and they did not have a pipe either.

Discussion ensued on what had happened with the Sewer District formation in 1992, rates that might have been imposed and what the current charges are for.

Robert Hafner, Town Attorney – told the Town Board this District extension was just done, when the Town Board passed the resolution to do that they set how the rates were going to be, they have gone through that process, it is not really something they can undo at this point. Mr. Hafner told the Town Board they set the rates for everyone within the district to be imposed upon everyone within the district. Mr. Hafner told the Board if they were not going to provide a pipe then they could talk about that, but, it is immanent, they are in the district and they pay like everyone else, and, they will have that service as soon as the pipe is installed.

Discussion ensued on the rates being reduced, what has occurred with people who have already been through the District expansion in comparison to people who have just been added, if the rates could be reduced, the grievances that have come in front of the Board.

Robert Hafner, Town Attorney – explained this is the capital charge, the \$351.00, which is to help pay for the work the Town is about to do, and, for other people the work they have already done.

Supervisor Geraghty said the way the District was expanded and the cost involved was very fair, the Town could have just created another District where the new people would have had all of the District formation costs, the current users absorbed the cost the way it was done.

RESOLUTION #60-11

AUTHORIZE SMART GRANT APPLICATION

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

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RESOLUTION #61-11

PROCLAMATION FOR 100TH BIRTHDAY

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

DISCUSSION – PLOWING

Discussion ensued on filling in sidewalks with snow from plow trucks where people are having their driveways plowed out, and the snow banks that are being left across the sidewalks. Supervisor Geraghty said the Code Enforcement Officer has asked that more emphasis be added to our Code in the future, Glens Falls has sidewalks cleaned by the City and then it is paid for in your taxes. Supervisor Geraghty said that might be something to think about for here, just to keep sidewalks open.

Councilman Ackley said the Town of Lake George also has something to keep their sidewalks open.

Supervisor Geraghty said the idea would be to change the code to make it tougher and to allow the Code Enforcement Officer to knock on a door and make it the home owner's responsibility when a plow operator fills in a sidewalk, and, he would like to do it now, to get something in the paper.

Discussion ensued on the snow removal that is done by the State, the spray they put on the sidewalks right after the sidewalk plow has come through so the operator has to return and redo an area he has just done, it is a never ending.....Supervisor Geraghty said they did have that conversation with the State the other day, when they called them and told them they had just cleared Main Street and asked them to slow down. Supervisor Geraghty told the Town Board if they were all in agreement he would have Chris write something and bring it to the next Town Board meeting.

RESOLUTION #62-11

OCCUPANCY TAX GRANTS

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

IT IS RESOLVED, to award the following Occupancy tax grant money:
\$317.50 to Warrensburg Bed and Breakfast Group for their website, and, \$78.00 to the Warrensburg Historical Society for a banner.

DISCUSSION – WATER DRAINAGE ISSUE

Supervisor Geraghty opened discussion telling the Town Board there has been issues with water drainage behind 85 Library Avenue, run off is coming from the Recreation Field and he is requesting permission to contact Dave Wick of Warren County Soil and Water, to see how the problem can be alleviated.

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The Supervisor was authorized to contact Dave Wick at Warren County Soil and Water this spring.

DISCUSSION – PARKING ISSUE

Supervisor Geraghty opened discussion telling the Town Board a parking issue was called in about the corner of First Avenue and Main Street regarding Warren County Head Start and where they park a van close to the corner, one of the residents of First Avenue has been having a difficult time coming out, when he sent Chris up to look at the situation he had a tough time getting out of the street. Chris spoke to the Head Start representative. Supervisor Geraghty said the DOT regulations are 20 feet if the Town was to put a no parking zone there, which would be almost half of the space in front of the Grays' building. Supervisor Geraghty suggested they try this first.

Councilman Ackley said he had been reviewing this since he had spoken with the Supervisor; he was almost hit from a truck that was parked in front of Bills Restaurant.

Discussion ensued on the short intersections that come onto Main Street.

RESOLUTION #63-11

AMEND 2011 HIGHWAY BUDGET

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

IT IS RESOLVED, to amend the 2011 Highway Budget Revenue Code DA3960, Emergency Disaster Assistance \$47,994.53, Appropriation Code DA5112.400 Capital Improvements contractual \$47,994.53 to reflect monies received in FEMA aid.

RESOLUTION #64-11

RESCIND RESOLUTION #47-11

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

IT IS RESOLVED, to rescind Resolution #47-11 titled Authorize BAN for Single Axle Truck.

DISCUSSION – BOND AND BAN RESOLUTION FOR TRUCK AND LOADER

Supervisor Geraghty told Town Attorney Hafner the Town did a BAN resolution last month, and, asked if he had gotten rates for the BAN from the Banks.

Attorney Hafner said he had not gotten rates, he was prepared to do a Bond and BAN resolution for them here tonight to authorize enough funds to be able to pay for the dump truck and a second one for the loader, they had said they were thinking about a ten year

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statutory installment bond for one or both of them. Attorney Hafner said for a bond resolution they need to have the maximum estimated cost, go through the process which includes a thirty day permissive referendum period and a twenty day estoppels period, and two publications. Attorney Hafner told the Town Board they would do a ten year so they know how much it is going to be each year, it is in the budget and they do not have to go through reissuing bans each year.

RESOLUTION #65-11

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,000.00 SERIAL BONDS OF THE TOWN OF WARRENSBURG TO PAY THE COST OF A NEW DUMP TRUCK AND RELATED EQUIPMENT; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,000.00 NOTES OF THE TOWN OF WARRENSBURG FOR THE SAME PURPOSE

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

DISCUSSION – FINANCE FOR HIGHWAY LOADER

Supervisor Geraghty opened discussion telling the Town Board he wished to take \$40,000.00 of the reserve funds that are in the Highway Budget line, which will have to be done through permissive referendum and \$20,000.00 out of the Highway equipment fund to pay for the loader. Supervisor Geraghty said that way the Town does not have to do any bonding, which would give them up to \$60,000.00.

Councilman Markey asked how much was in the reserve fund and Supervisor Geraghty said \$60,847.00, they can take all of the money out from the reserve fund which is for Highway, it is still permissive referendum, it is still thirty days, the Town Board would have to do that and see if the public approved it.

Councilman Markey said his only other thought was to leave something in the reserve fund for next year, take \$30,000.00, and then authorize a one year ban. Councilman Markey said he would like to leave something for next year in case the Highway Superintendent was to have a disaster and needed another piece of equipment; Councilman Markey asked the Highway Superintendent what else he was predicting for equipment. Supervisor Geraghty said trucks. Councilman Markey asked about the sidewalk machine. Councilman Markey asked if there would be another \$60,000.00 in next years budget for surplus. Supervisor Geraghty said it was hard to tell right now but they would try and do their best.

RESOLUTION #66-11

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$30,000.00 SERIAL BONDS OF THE TOWN OF WARRENSBURG TO PAY THE COST OF A NEW LOADER; AND AUTHORIZING THE ISSUANCE OF UP TO \$30,000 BOND

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ANTICIPATION NOTES OF THE TOWN OF WARRENSBURG FOR THE SAME PURPOSE.

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

RESOLUTION #67-11

RESOLUTION AUTHORIZING \$30,000 FROM THE HIGHWAY CAPITAL EQUIPMENT FUND

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

RESOLUTION #68-11

ACCEPT JOHN DEERE LOADER BID

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

IT IS RESOLVED, to award the bid for the Highway Loader to Nortrax for a John Deere Loader for the final bid amount of \$54,970.00.

DISCUSSION – TRUCK BIDS

Supervisor Geraghty asked the Town Board what they wished to do about awarding the Truck bids that had been received tonight. It was determined to allow the Highway Superintendent to review the bids and give recommendation to the Town Board once the Highway Superintendent has had time to do that. The Town Board will schedule a meeting to award the bid at a later date.

DISCUSSION – SURPLUS PROPERTY

Supervisor Geraghty opened discussion telling the Town Board the Assessor met with Mike Swan and they divided the properties into two parcels, a lower parcel and an upper parcel, they have it broken up on a map, the Town Attorney and the Supervisor both have that information. Supervisor Geraghty said this is the formality of declaring the property surplus, putting it out to bid, determining if the Board wishes to accept a bid, testing the waters.

Attorney Hafner explained to the Town Board that they would need to make a resolution to state the property is surplus and is not needed for town purposes, that it is fair value – the Town is getting bids and will not accept them unless they feel it is fair value, and it is subject to permissive resolution. Attorney Hafner told the Town Board this is much more straight forward than a bond resolution.

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RESOLUTION #69-11

A RESOLUTION DECLARING TOWN PROPERTY SURPLUS AND AUTHORIZING BIDS

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

DISCUSSION –GENERAL INFORMATION

Supervisor Geraghty opened discussion telling the Town Board the Town has received eighteen applications for the Water and Sewer Departments; they will set up interviews in the next couple of weeks.

Councilman Markey asked Attorney Hafner for clarification telling him that the last time the Board had interviews for Code and Zoning as well as Assessor, they all met, they have to post that obviously that they are going to meet, they are allowed to meet in private concerning salaries and applications.

Attorney Hafner told Councilman Markey that was correct, if they are going to meet as a Town Board then it is a meeting, it qualifies for executive session because they are talking to people about possibly hiring them for positions, all of those discussions and meetings can be done in private, with each of those people, when they finally make the decision it is a public decision and is made in a public setting.

Supervisor Geraghty explained they would schedule a workshop and then adjourn to an executive session. Attorney Hafner said this is one of eight listed things the Town Board can go into executive session for, it is one that every town should because they are sharing their private information.

RESOLUTION #70-11

APPROVE 2011 BUDGET TRANSFERS

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

RESOLUTION #71-11

PAY BILLS

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

IT IS RESOLVED, to pay the bills as outlined on Abstract #3 of 2011.

PUBLIC COMMENT

Councilman Alexander said he wished to thank Kevin Geraghty for keeping after the State Engineers to get a cross walk across River Street; it has been a big concern of his

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for the last few years because it is a dangerous spot. Supervisor Geraghty said he thought when the truck went through Glenda's house it helped quite a bit.

On motion of Councilman Markey, seconded by Councilman Ackley, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk