

REGULAR MEETING, WARRENSBURG TOWN BOARD, JULY 13, 2011

The regular meeting of the Warrensburg Town Board was held on Wednesday, July 13, 2011 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

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

OTHERS PRESENT: Donna A. Combs, Town Clerk; Ed Pennock, Highway Superintendent; Thomas Belden, Water Department; Sandra Parisi, Historian; Steve Parisi, Warrensburg Museum; and numerous Town residents.

RESOLUTION #104-11

MINUTES

On motion of Councilman Rounds, seconded by Councilman Ackley, the following resolution was ADOPTED – VOTE – AYES 4 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, Museum, Historian, Parks and Recreation, Sewer, and Water.

COMMUNICATIONS:

- 1) A thank you letter was received from the Over the Edge Quilters for the sidewalk in front of the Presbyterian Church.
- 2) A letter from New York State Town Clerks Association announcing that Donna Combs has been elected to a four year term as District Director for District Four.
- 3) A thank you letter from Steve Nolan, Athletic Director for Warrensburg Central School for use of the Town's Recreation Field this past year.
- 4) A letter requesting the town consider a half year fee for Sewer from Ellen Prespare for people who winter in Florida.

RESOLUTION #105-11

AMEND RESOLUTION #169-10

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

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IT IS RESOLVED, to amend Resolution #169-10, a resolution to increase water rates for residential properties to include business properties for the year 2011 water billing.

**RESOLUTION #106-11
AMEND SEWER ROLE**

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

IT IS RESOLVED, to amend the Sewer Role on the recommendation from the Zoning Officer to add 1 unit of Sewer to the 2011 Sewer Role for property owned by James Hull for an apartment located at 9 Pasco Avenue, tax map #211.13-3-52.

DISCUSSION – HALF YEAR FEE FOR SEWER FEES

Supervisor Geraghty opened discussion telling the Town Board he did not know why the Town Board has never done this, he did know there were different rules when the Sewer first went in. Supervisor Geraghty said the debt service for sewer is \$200.00 per year, the operation and maintenance charge is \$151.00 per year, the debt service will always have to be paid for by everyone in the district, if the Town so wishes they could forgive half of the operation and maintenance costs for half a year for these people who truly went to Florida, they do have their water shut off, if the Board wished to base it on that they could do that.

Councilman Markey said that he would make a recommendation that they cut the O&M in half.

**RESOLUTION #107-11
CREATE HALF YEAR SEWER FEE**

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

IT IS RESOLVED, to create a half year Sewer Fee for people who wish to have their water and sewer turned off, with the stipulation that the water and sewer must be off for six months to receive those rates.

DISCUSSION – DRAFT COMPREHENSIVE PLAN

Supervisor Geraghty said the Town Board has had the Draft Comprehensive Plan and has been able to review it; it is now time to adopt the Draft Comprehensive Plan and schedule a public hearing on the plan. Supervisor Geraghty told the Town Board the public hearing must be scheduled within ninety days, what they can do is schedule the public hearing for next month at 6:45 p.m. and then leave it open for ninety days, the reason that he would like to leave it open is he has asked Councilman Rounds to serve on the Committee to update the Planning and Zoning changes to reflect the new Master

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Plan and hopefully within ninety days all of those changes will be in so the Town Board can adopt one final plan.

RESOLUTION #108-11

ADOPT DRAFT COMPREHENSIVE PLAN

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

IT IS RESOLVED to adopt the Draft Comprehensive Plan that has been presented.

RESOLUTION #109-11

SCHEDULE PUBLIC HEARING FOR DRAFT COMPREHENSIVE PLAN

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

IT IS RESOLVED, to schedule a public hearing for the draft Comprehensive Plan to be held on Wednesday, August 10, 2011 at 6:45 p.m. at the Albert Emerson Town Hall.

RESOLUTION #110-11

AUTHORIZE SPONSOR OF STICKY WICKET

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

IT IS RESOLVED, to fund a sponsorship of the Sticky Wicket for the Warrensburgh Historical Society in the amount of \$50.00 to be paid from Occupancy Tax A6412.400.

RESOLUTION #111-11

DECLARE SURPLUS AND AUTHORIZE SALE OF SURPLUS HIGHWAY EQUIPMENT AND FIREWOOD

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

RESOLVED, to declare the Highway Department's 1988 Ford L-8000 Surplus Equipment and authorize it to be sold at the Warrensburgh Fire Company's auction on July 29, 2011, setting a minimum starting bid at \$2000.00, and allowing 4 (four) full cords of firewood to be sold.

DISCUSSION – FEMA APPLICATION

Supervisor Geraghty told the Town Board the Town of Warrensburgh has applied to FEMA for funding to repair roads damaged during the May rain storm if a FEMA Declaration is declared.

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DISCUSSION – ALDEN AVENUE PAVING FUNDS

Supervisor Geraghty opened discussion telling the Town Board the Highway Superintendent has requested the Town Board borrow \$40,000.00 to finish the two miles of the Alden Avenue paving project, due to the increased costs in materials because of the rise in fuel costs.

Highway Superintendent Pennock discussed blacktop prices with the Town Board.

Councilman Markey asked Highway Superintendent how many miles he has done on Alden Avenue and how much he lacked to have the road completed.

Superintendent Pennock said he had done two miles and lacked the funds because of increases in black top and fuel to do the other one half mile.

Supervisor Geraghty told the Town Board every bit of CHIPS money has been used towards this project, including left over CHIPS money from last year, when the price of fuel and blacktop increased and with the property tax cap coming in, the only way the half of a mile can be finished is to borrow that money and complete it. Supervisor Geraghty said they could take a BAN out for a year and pay it off next year.

RESOLUTION #112-11

AUTHORIZE BAN FOR HIGHWAY PROJECT

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

IT IS RESOLVED, to authorize a BAN for \$40,000.00 for one year so the Highway Department can complete the one half mile paving project on Alden Avenue.

DISCUSSION – SOLAR PANELS AT LANDFILL

Supervisor Geraghty opened discussion telling the Town Board he had seen a company that sells Solar Panels at the APA Local Government session he attended and he would like permission to obtain more information for installation of the panels at the Landfill. Supervisor Geraghty said that if the Town could find some way to fund this project and put solar panels at the Landfill, the energy created could be sold back to the grid, and, put this energy towards the Town's lighting district.

Councilman Markey said he did not mind looking into it but he did not want to buy anything with the hopes of getting State money or grant money.

Supervisor Geraghty told the Town Board that as long as they did not mind, he would pursue this project.

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GENERAL DISCUSSION – TOWN INTERESTS

Supervisor Geraghty announced the Town has been served papers dealing with Peck Properties seeking a private road under Section 300 of the New York State Highway Law again. Supervisor Geraghty explained this is a property located near Viele Pond; this was done to the Town a year and a half ago.

Discussion ensued on how the process works under Section 300 of Highway Law.

Supervisor Geraghty announced the Milton Street (Woolen Mill Bridge) is now open to travel.

Supervisor Geraghty announced DEC has relaxed the burn ban at the Landfill for one year; brush is now being burned again at the Landfill on weekends.

Supervisor Geraghty publically thanked Stewarts Foundation for their \$1000.00 donation towards the Community Garden and all of the volunteers and the Town Crews for making the Garden happen.

Councilman Ackley said he wished to commend Teresa Whalen for her recent activity for safety at the Farmers Market.

New Way Lunch Restaurant of Warrensburg is now open; the new business was welcomed to town by the Supervisor.

DISCUSSION – HIRE PART TIME YOUTH

Supervisor Geraghty told the Town Board he wished to have their permission to hire a 16 year old youth who is currently working with the Summer program to help with the mowing. The youth, Dakota Ovitt, would work until the end of August for minimum pay.

DISCUSSION – TENNIS COURTS

Supervisor Geraghty explained to the Town Board he is waiting for a second quote for work at the Tennis Courts, the Town has been awarded a grant for \$5,000.00 from the Adirondack Rural Health Network. Supervisor Geraghty said he has asked Councilman Rounds to assist the Town with the project, and he wished to have the Board's permission for him and Councilman Rounds to be able to choose the lowest bidder.

RESOLUTION #113-11

GRANT PERMISSION TO AWARD BID

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

IT IS RESOLVED, to allow Supervisor Geraghty and Councilman Rounds to choose the lowest bidder for the paving of the tennis courts.

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DISCUSSION – CEDARWOOD ENGINEERING SERVICES INFORMATION

Supervisor Geraghty opened discussion telling the Town Board they have information in their packets from Cedarwood Engineering Services, previously Delaware Operations, on proposed changes to the water rate system with the installation of water meters. Supervisor Geraghty suggested the Town Board review the information and then have a discussion with Tom Suozzo at the August Town Board meeting.

Supervisor Geraghty said the Town will start billing by gallons used in the Commercial business starting in September of this year, that will be a yearly charge, the Town will probably change the residential rates one more time and that will be a quarterly charge for residential.

DISCUSSION – CIVIC CENTER VIDEO BOARDS

Supervisor Geraghty announced the events chosen for the new Video Boards purchased for the Civic Center are the Worlds Largest Garage Sale, Smoke Eaters Jamboree and Christmas in Warrensburg.

RESOLUTION #114-11

2011 BUDGET TRANSFERS AND AMENDMENTS

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

RESOLUTION #115-11

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 on Abstract #7-11 in the following amounts:
General Fund: \$30,905.97, Highway: \$12,640.96, Sewer Disinfection: \$1,349.00,
Sidewalk Replacement: \$5,159.72, Brownfield Car Wash: \$13,991.72, Street Lighting
District \$5325.31, Sewer Fund: \$12,918.99 and Water Fund: \$12,448.67.

PRIVILEGE OF THE FLOOR – PUBLIC CONCERNS

Joyce Thyrring – told the Town Supervisor she wished to have clarification from the Town Board in regards to Chapter 137 of the Town Code which refers to Parks and Beaches. Ms. Thyrring spoke to the Board about the gate at the Orton Drive entrance to Echo Lake and the lack of an actual gate. Ms. Thyrring said the gate used to be unlocked by one of the Town employees by 9:00 a.m. or earlier, according to the Town's Code Occupation for Parks and Beaches it states it shall be unlawful to occupy any Beach or Park area between the hours of 9:00 p.m. to 9:00 a.m. Ms. Thyrring discussed the sign on the gate that was there last year telling the Town Board that sign said the Park would be open until 8:00 p.m., the old sign used to say 6:00 p.m., this year the sign was changed to say 6:00 p.m. Ms. Thyrring told the Town Board the

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Hudson Street sign also says 6:00 p.m. and said this does not agree with what is written in the Town Code.

Ms. Thyrring discussed the problems with curfew violations she has had in that area; if there was more attentiveness to the security in that area at the end of the street, and, said she wished to just know what is going on. Ms. Thyrring addressed people swimming at the Beach after the Life Guard leaves the Beach every night until 8:00 or 9:00 p.m., the chain being down from the driveway down to the Beach that the Life Guards put up and down and it is not put up with any consistency, and the gate is not locked with consistency.

Councilman Markey said part of the reason the chain is down is to allow the Sheriff's Department access to go in and drive all the way around. Councilman Markey said he has no problem with the chain not being up but the changes in time is because of the drowning that occurred up there and the town not wanting as much access to the lake.

Ms. Thyrring told Councilman Markey she was one of the first adults that responded to that, it did not occur at a time of year when the Beach was open to the public, it was in May.

Supervisor Geraghty said the Town has considered fencing in the whole thing.

Discussion ensued on the fencing at the Beach, who owns the fencing, people who use the fence.

Councilman Ackley will address the Beach gate being open, and, said it should be open.

Ms. Thyrring asked the Board to consider looking for additional funding to keep the Beach open later hours to make it more accessible to working people who like to use the Beach in the early evening hours.

Supervisor Geraghty told Ms. Thyrring it was unfortunate that a lot of the rules that come along with these facilities prohibit municipalities for doing that, and, she is absolutely right the reason the Town closes the Beach at 6:00 p.m. is because the Life Guard leaves at 6:00 p.m., as far as the problems in the Cemetery, the Cemetery Manager has requested the Town fence the area off again, he does not want people going through the Cemetery, the town is supposed to be getting fencing for there. Supervisor Geraghty asked Councilman Ackley to measure off the area on Orton Drive so the town can see what they can do about fencing that off. Supervisor Geraghty explained it is very difficult to find a Life Guard who will work until 8:00 p.m., the Department of Health will not allow the Town to even have the pavilion area open without a Life Guard on duty, which is why the Town closes it at 6:00 p.m.

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Ms. Thyrring said that the signs on the pavilion need to get changed, they still are saying until 8:00 p.m. so there is a lot of inconsistency.

Supervisor Geraghty told Ms. Thyrring the town will review the Code and do the best they can to make it correspond and the Town will talk to the Town's Attorney to see what the best course of action is.

Discussion ensued on the different times the Beach and the Pavilion is open, the fact that people who are in there after 6:00 p.m. are trespassing and the police should be called.

Ms. Thyrring asked when the last time the Curfew Code was publicized and asked if it could be publicized again for a refresher for people.

Discussion ensued on the extent the Curfew Code is being enforced.

Kathy Ferullo – asked about the private company who was considering running the Landfill.

Supervisor Geraghty said he has received a report from Consolidated Waste Management; he has not had time to review it.

Linda Marcella asked about the FEMA application and made several suggestions to the Town Board for their consideration on suggestions towards the application. Ms. Marcella also asked about the Peck issue and asked how long the lot has been in existence, when was it created. Ms. Marcella gave the Town Board several suggestions that might be used by the Town for defense.

Peg Zarczynski-asked if why the Town has to go through the Peck process with the Town taxpayers having to pay, again.

Supervisor Geraghty explained the steps he had taken when he received notice this process was going to begin again, and, said the last time the Town received this paperwork the Town sent the Plaintiff a bill, then the Town received a letter from McPhillips, Fitzgerald and Cullum saying they are not responsible for that, he has made this attempt twice now.

Councilman Rounds requested a tree at the Industrial Park by the Bunting property be allowed to be cut by the property owner.

Councilman Rounds discussed transient contractors who are in the paving business coming through town again because it is summer time and going door to door. Councilman Rounds said the company has their people wait at McDonalds while they go door to door looking for jobs and they never came in for a permit, inadvertently they

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end up preying on people who think they are getting a good deal. Councilman Rounds said in the past he has had to testify to the Grand Jury for homeowners that brought him in to have a professional look at property they have had paved. Councilman Rounds said he wished to warn the public about these types of contractors who are not legitimate.

Town Clerk said there is no peddlers permit on file for any blacktop pavers.

On motion of Councilman Markey, seconded by Councilman Ackley, the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk