

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

The regular meeting of the Warrensburg Town Board was held on Wednesday, June 12, 2013 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
	Councilwoman	Joyce Reed
	Councilwoman	Linda Marcella

OTHERS PRESENT: Donna A. Combs, Town Clerk; Ed Pennock, Highway Superintendent; Thomas Belden; Sandi Parisi, Town Historian; Steve Parisi; Robert Hafner, Town Attorney, and numerous Town residents.

RESOLUTION #110-13

APPROVE MINUTES

On motion of Councilperson Baker-Marcella, seconded by Councilperson Reed, the following resolution was **ADOPTED**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

RESOLVED, to approve the minutes from May 8, 2013.

REPORTS OF TOWN OFFICIALS

Reports were received and read from the following Town Officials: Town Clerk, Supervisor, Assessor, Justice, Dog Control Officer and Enforcement Officer.

COMMITTEE REPORTS

Committee reports were given from the following: Economic Development, Highway, Lighting, Historian, Museum, Parks and Rec., Sewer and Water and Youth.

COMMUNICATIONS:

- 1) Request from Warrensburg Fire Company to use Recreation Field for Smoke Eaters Jamboree.
- 2) Letter from Warrensburg Fire Company seeking support for fireworks display.
- 3) Thank you letter for support for Warrensburg Bike Rally from Ed Zibro.

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

RESOLUTION #111-13

PERMISSION TO USE RECREATION FIELD

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution was ADOPTED

AYES: 4 Alexander, Rounds, Reed, Baker-Marcella

NAYS: 0

ABSTENTION: 1 Geraghty

RESOLVED, to give permission to the Warrensburg Fire Company to use the Recreation Field for their Smoke Eaters Jamboree from July 22, 2013 to July 28, 2013.

RESOLUTION #112-13

DONATION FOR FIREWORKS

On motion of Councilperson Reed, seconded by Councilperson Rounds, the following resolution was ADOPTED

AYES: 3 Rounds, Reed, Baker- Marcella

NAYS: 0

ABSTENTION: 2 Geraghty, Alexander

RESOLVED, to donate \$500.00 towards the Fireworks display for the Smoke Eaters Jamboree.

DISCUSSION – FIREWORKS

Supervisor Geraghty opened discussion saying he will speak to the Fireworks company to have them do a ground display for the Town Bicentennial at the Jamboree.

DISCUSSION –SHARING ASSESSOR SERVICES

Supervisor Geraghty reported the Town of Chester is still in discussion with the Town of Warrensburg about sharing an Assessor, it will be clarified and the Town will come to some resolve by July or August.

DISCUSSION – FLOYD BENNETT SIGN

Teresa Whalen reported to the Town Board that the sign saying home of Floyd Bennett at the entrance to town cannot be attached to the sign that is there. A state historic landmark sign will be considered to place there, or there may be a sign placed on the bandstand.

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

RESOLUTION #113-13

APPROVE OCCUPANCY TAX FROM HISTORICAL SOCIETY

On motion of Councilperson Reed, seconded by Councilperson Baker-Marcella, the following resolution was ADOPTED - VOTE:

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

IT IS RESOLVED to approve an Occupancy Tax request from the Warrensburg Historical Society in the amount of \$500.00 to cover the cost of participating in Thurman Station Wilderness Heritage Showcase.

RESOLUTION #114-13

APPROVE OCCUPANCY TAX FOR TASTE OF WARRENSBURG

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution was ADOPTED - VOTE:

AYES 4 Alexander, Rounds, Geraghty, Reed

NAYS 0

ABSTENTION 1 Councilperson Baker Marcella abstained.

RESOLVED, approve \$552.00 in Occupancy Tax for the Warrensburg Business Alliance for a Taste of Warrensburg.

RESOLUTION #115-13

APPROVE OCCUPANCY TAX FOR 2013 RURAL HERITAGE FESTIVAL

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution was ADOPTED - VOTE:

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker- Marcella

NAYS 0

IT IS RESOLVED, to approve an Occupancy Tax request for \$3,000.00 from Warren County Historical Society for the 2013 Rural Heritage Festival and Youth Fair.

RESOLUTION #116-13

RECOGNIZE LANCE BEDELL AS EAGLE SCOUT

On motion of Supervisor Geraghty, seconded by Councilperson Alexander, the attached resolution was ADOPTED - VOTE:

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker- Marcella

NAYS 0

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

DISCUSSION - CONVEY WELL PROPERTY TO WARREN COUNTY

Attorney Hafner opened discussion explaining the Town had authorized this purchase of the property of the well many months ago, we have a well on county property, we have the right to have the well on County property. Attorney Hafner explained the Town had been told by the A.P. A. it needed additional property for the well. Attorney Hafner said this resolution, after going through the SEQRA, will transfer the County to the property, the resolution is subject to permissive referendum.

COMPLETE SEQRA REVIEW FOR WELL PROPERTY

Attorney Hafner led the Town Board through the SEQRA review.

RESOLUTION #117-13

CONVEY WELL PROPERTY PARCEL TO WARREN COUNTY

On motion of Councilperson Alexander, seconded by Councilperson Rounds, the attached resolution was **ADOPTED - VOTE -**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

DISCUSSION - MAKE THE CONNECTION GRANT FUNDING

Supervisor Geraghty announced the Town has made a request to the Adirondack/Glens Falls Transportation Council for additional Make the Connection Grant program funds in the amount of \$90,380.00 for more sidewalks on Hudson Street. Supervisor Geraghty said this will be part of the town's ongoing James Street and Hudson Street sidewalk project.

RESOLUTION #118-13

CLOSE WATER METER CAPITAL PROJECT

On motion of Councilperson Baker-Marcella, seconded by Councilperson Reed, the following resolution was **ADOPTED - VOTE -**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

IT IS RESOLVED, to close Water Meter Capital Project H-29 and to use the \$5,617.65 left in that account to pay on the principal on the B.A.N.

RESOLUTION #119-13

CLOSE CAPITAL PROJECT BROWNFIELD CAR WASH

On motion of Councilperson Alexander, seconded by Councilperson Rounds, the following resolution was **ADOPTED - VOTE -**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

IT IS RESOLVED, to close the Brownfield Car Wash Capital Project H37 and to transfer the \$25,071.46 to the General Fund.

RESOLUTION #120-13

SETTLEMENT ON THREE SISTERS POTATO FARM

On motion of Councilperson Alexander, seconded by Councilperson Baker-Marcella, the attached resolution was ADOPTED by roll call vote:

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

DISCUSSION - DESIGNATION OF NOTICE OF CLAIM

Attorney Hafner explained a Notice of Claim is used when people are going to sue a town or a municipality they have to serve the town explaining the grievance so that the Town can investigate. Attorney Hafner said historically the notice of claim is served on either the Town Clerk or the Supervisor, usually the Town Clerk, the keeper of the records. Attorney Hafner said the State has added a new provision to allow people to send this notice to the Secretary of State, and, then the State will send that notice to the Town, this process allows the State to charge people up to \$250.00 for each Notice of Claim and, adopting a resolution and filing the designation with the Secretary of State has the added benefit of entitling the Town to one-half of any fee collected by the Secretary of State.

Attorney Hafner told the Town Board the person designated should be the Town Clerk.

RESOLUTION #121-13

DESIGNATE NOTICE OF CLAIM

On motion of Councilperson Reed, seconded by Councilperson Baker-Marcella, the attached resolution was ADOPTED - VOTE:

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

DISCUSSION - UPDATING TOWN HALL COMPUTERS

Supervisor Geraghty opened discussion explaining he had received an email on June 6th from Mike Colvin, our IT person, we have five computers in the Town Hall that are not going to be supported by XP any more. Supervisor Geraghty said Mr. Colvin suggested that we purchase five computers, the server is getting to the age where we need to replace that. Supervisor Geraghty said his only concern is some of the departments will have money and some won't. Supervisor Geraghty said Mr. Colvin is concerned the server is getting on in years. Mr. Colvin would purchase from State Contract.

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

RESOLUTION #122-13

UPGRADE COMPUTERS AND SERVER

On motion of Councilperson Alexander, seconded by Councilperson Rounds, the following resolution was ADOPTED- VOTE -

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

IT IS RESOLVED, to upgrade five computers in the town hall offices and the main server.

DISCUSSION-USE TOWN WATER DISTRICT PROPERTY FOR TUBING ACCESS SITE.

Supervisor Geraghty opened discussion telling the Town Board the town has received a request to use the property on Swan Street Well to access the Schroom River by Sacandaga Outdoor Center.

Robert Hafner spoke to John Duncan about concerns regarding legal issues that would concern the Town. Mr. Hafner said one issue is that towns in the State of New York cannot use their property to benefit private business, it is a constitutional thing. Mr. Hafner said if this property was to be made available to benefit a business, theatrically the town should be paid market value for the property, second: the lawyers were concerned were bad things happen and the concerns the Board would have would be safety issues, those issues are heard from time to time. Mr. Hafner told the Town Board if they wish to go forward, they will need a strong indemnification hold harmless, they need to have adequate insurance, it will be the Town Board's decision on what they would consider enough insurance. Mr. Hafner told the Town Board he would strongly recommend the Town talk to its insurance company to make sure it is appropriate and if they are going to provide something like that on town property, let the insurance company know because even though it is someone else providing the service, if someone gets hurt they are going to sue everybody who is involved and as property owners it would be us. Mr. Hafner told the Town Board they could decide the nature of the risk of having someone getting the hurt and having the town's name involved with it, that is a policy decision not the attorney's decision. Mr. Hafner told the Town Board there is an over all thing, the access thing, the Town has deeded access to the Town's Water District property and he was not sure why it is gated but it is gated for a reason, having the public coming to and moving through the property would be going against the gated policy.

Supervisor Geraghty said he wished go on record saying they support Mr. Duncan and his new business coming into Warrensburg, that was the Town Board's number one priority to bring business in so they do support Mr. Duncan. Supervisor Geraghty said the Town Board does have a judiciary responsibility to the citizens in

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

the Town of Warrensburg, that is why they have discussed this with the Attorney, the Town Board will now have to decide the course of action they wish to take. Supervisor Geraghty said the Board could follow the Attorney's steps and have them all addressed.

John Duncan, President of the Sacandaga Outdoor Company, told the Town Board his company currently has agreements with the Town of Indian Lake, and the Town of Hadley, it is not really unusual. Mr. Duncan told the Town Board he had twenty three years in the business and has never had a guest injured.

RESOLUTION #123-13

AUTHORIZE LICENSE AGREEMENT WITH CONTINGENCIES

On motion of Councilperson Alexander, seconded by Councilperson Rounds, the following resolution was **ADOPTED - VOTE -**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

RESOLVED, to authorize a license agreement with Sacandaga Outdoor Company allowing access to the Swan Street Water District properties contingent on the Town of Warrensburg's Insurance carrier.

DISCUSSION - CLEAN UP DAYS

Supervisor Geraghty opened discussion saying the citizen's idea and his idea was to have no charges for the following items at the landfill: chairs, couches, box springs, and tires. Supervisor Geraghty said the dates will be for June 29th and June 30th, for Warrensburg residents.

There might possibly be a free hazardous material day in the fall.

RESOLUTION #124-13

AUTHORIZE FREE CLEAN UP DAYS

On motion of Councilperson Reed, seconded by Councilperson Baker - Marcella, the following resolution was **ADOPTED - VOTE**

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

IT IS RESOLVED, to hold free clean up days for the landfill on June 29th and June 30th, 2013 for the residents of Warrensburg to accept household items and tires, with no garbage being allowed.

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

RESOLUTION #125-13

AUTHORIZE NEW OUT OF DISTRICT SEWER CONTRACT WITH RUSSO

On motion of Councilperson Reed, seconded by Councilperson Alexander, the attached resolution was ADOPTED - VOTE -

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

RESOLUTION #126-13

ACCEPT WELL HOUSE QUOTE

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution was ADOPTED - VOTE -

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

RESOLVED, to accept a quote for \$15,289.00 from Northern Design and Building Associates, LTD for a new well house on the Schroon River Road well site.

RESOLUTION #127-13

AUTHORIZE CONTRACT WITH GENERAL CODE FOR TWO YEAR PERIOD

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution was ADOPTED - VOTE -

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

IT IS RESOLVED, to authorize an agreement with General Code Publishers to upgrade the Town's Code in the amount of \$8,942.00 to be paid in three installments of \$1,200 within 30 days and \$3,871.00 due on January 1, 2014 and \$3,871.00 due on January 1, 2015.

RESOLUTION #128-13

WATER BILL AMENDMENTS

On motion of Councilperson Reed, seconded by Councilperson Baker-Marcella, the following resolution was ADOPTED - VOTE -

AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella

NAYS 0

RESOLVED, to make the following amendments to the Water billing role on recommendation of the Code Enforcement Officer:

Brian Hazelton 211.17-2-28 from \$195.00 year to \$440.00 a year

Carol Meyer 210.12-3-2 from \$390.00 a year to \$830.00 a year.

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

RESOLUTION #129-13

SEWER BILL AMENDMENTS

On motion of Councilperson Baker-Marcella, and Councilperson Reed, seconded by Councilperson Reed and Councilperson Alexander, the following resolution was ADOPTED - VOTE -

**AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella
NAYS 0**

IT IS RESOLVED, to make the following amendments to the Sewer Role on the recommendation of the Code Enforcement Officer:

Brian Hazelton 211.17-2-28 from \$702.00 a year to \$1053.00 a year

Carol Meyer 210.12-3-2 from \$1053.00 a year to \$1404.00 a year

RESOLUTION #130-13

BUDGET TRANSFER

On motion of Councilperson Reed, seconded by Councilperson Alexander, the attached resolution was ADOPTED - VOTE -

**AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella
NAYS 0**

RESOLUTION #131-13

PAY BILLS

On motion of Councilperson Rounds, seconded by Councilperson Reed, the following resolution was ADOPTED - VOTE -

**AYES 5 Alexander, Rounds, Geraghty, Reed, Baker-Marcella
NAYS 0**

IT IS RESOLVED, to pay the warrants in the following amounts

General Fund	\$ 40,495.45
Highway Fund	\$ 12,925.43
Lighting Fund	\$ 5,965.78
Sewer Fund	\$ 22,022.47
Water Fund	\$ 49,015.49
Brownfield Cap.	\$ 1,394.00

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 12, 2013

PRIVILEGE OF THE FLOOR - PUBLIC CONCERNS

Clara Bates congratulated Lance Bedell on achieving the rank of Eagle Scout.

Teresa Whalen told the Town Board there were a total of 700 Morning Glory free seed packets given away.

Ed Pennock, Highway Superintendent and Bryan Rounds, Town Councilperson; will work on the green area between the sidewalk and the street in front of Town Hall to do stamped concrete in that area.

John Alexander, Councilperson thanked Mike Colvin, IT person for his work upgrading the PA system to a wireless system for the Town.

Gary Rounds suggested the Town consider a cross walk for pedestrians by the new parking lot to cross to the Health Center.

On motion of Councilperson Alexander, seconded by Councilperson Reed, the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk