

REGULAR MEETING WARRENSBURG TOWN BOARD, OCTOBER 14, 2015

The regular meeting of the Warrensburg Town Board was held on Wednesday, October 14, 2015 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

PRESENT:	Supervisor	Kevin B. Geraghty
	Councilperson	Bryan Rounds
	Councilperson	Joyce Reed
	Councilperson	John Alexander
	Councilperson	Linda Baker-Marcella

OTHERS PRESENT: Donna A. Combs, Town Clerk; Robert Hafner, Town Attorney; Ed Pennock, Highway Superintendent; Tom Belden, Water Department Head; Steve Parisi, Warrensburg Museum; Sandi Parisi, Town Historian; Chris Belden, Code Enforcement Officer; Assemblyman Dan Stec; Peter Stec and numerous Town residents.

**RESOLUTION #142-15
MINUTES**

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

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

RESOLVED, that the minutes of September 9, 2015 and September 30, 2015 be accepted.

REPORTS OF TOWN OFFICIALS

The reading of the reports of Town Officials were received and read from the following: Town Clerk, Supervisor, Assessor, Justice, Dog Control Officer and Code Enforcement Officer.

COMMITTEE REPORTS

- Committee reports were received from the following: Beautification, Highway, Landfill, Lighting, Historian and Museum, Parks and Recreation, Sewer and Water.

DISCUSSION - TOWN BUSINESS

Supervisor Geraghty reported the roof work on the Town Hall is nearing completion and the windows have been received.

Supervisor Geraghty reported that most of the contractor work on the bandstand has been completed and the Town has started work on the bathroom there.

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RESOLUTION #143-15

MOVE TO ACT AS WARRENSBURG BOARD OF HEALTH

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

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

NAYS 0

IT IS RESOLVED that this Board adjourn to act as the Warrensburg Board of Health. Time 7:23 p.m.

HEARING - 59 HICKORY HILL ROAD

Attorney Hafner gave background on the property at 59 Hickory Hill Road and told the Town Board that some of the background info was in the resolution that the Board has. Attorney Hafner said the property was owned by Mr. Thomas E. Havens, there is a house on the property and that they understand that he died in 2012. Mr. Hafner said there were complaints about the property being in disrepair, about it having 20 to 30 cats, that there was a lot of cat feces and urine and that we heard recently how that thing was a huge problem. Mr. Hafner said the Town Health Officer, Dr. Smead, went to visit the property and he concluded it was uninhabitable and should be condemned, there was an understanding that there were squatters who periodically occupied the property since Mr. Haven's death, and the Town Board passed a resolution in August authorizing the Town to take all action necessary to secure the property, including commencing Supreme Court action, however in order to do a Supreme Court action Attorney Hafner said the town board needed to find the person to serve things on and we have been unable to find any party. Attorney Hafner said what the town did was have the Code Enforcement Officer do a notice that said we are going to have a hearing and mail it to the address and post it to the address. Attorney Hafner said what happened by posting the notice prompted a response by Attorney Farrell who is going to explain a little bit of the background; from the Town Board's point of view it appears to be that we have a public health issue that needs to be addressed. Attorney Hafner said the ultimate thing is to make sure that it is verified that the public health issue has been dealt with and there is a need to consider a resolution like this until that happens.

Robert T. Farrell, Attorney at Law- told the Town Board that some years ago he represented Thomas Havens, and, when he died he was survived by two brothers. Mr. Farrell said he did not know how much the Town Board did know, Attorney Hafner told Mr. Farrell he could put this on the public record for us. Mr. Farrell said he died survived by two brothers, Lawrence Havens; who is still alive and a client of his and George Havens who survived Thomas but has since died, survived by what he believes by one child and possibly two children. Mr. Farrell said that Lawrence explained that he had a daughter and an adopted son, so that would be two children legally. Mr. Farrell said he thinks he has addresses for them but he is

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not sure but to make a long story shorter, when Thomas died Lawrence was not energetic about doing anything about the property. Mr. Farrell said he did not know whether or not our Town Enforcement Officer has talked to him or not but Lawrence was not enthusiastic about doing anything. Mr. Farrell said that in the several years since his death, he was contacted by the gentleman who owns Hickory Hill who talked about the right of way that goes by the house, in his language. Mr. Farrell said he is not saying what it is, right of way, town road or what ever since he is talking to the Town but he talked to him about that. Mr. Farrell told the Town Board he recently; within the last month or so, was contacted by a lady named Mary Kerrisk, he thinks, who offered to do two things that nobody else had offered to do previously; she offered to pay him to administer the estate of Thomas and she offered to pay Lawrence or the family to pay for the property. Mr. Farrell told the Town Board that Lawrence agreed to that and that he has a power of attorney from

Lawrence; Lawrence is the only distribute that he knows for a fact exists and he too is his client. Mr. Farrell said that he knows it is weird to represent the buyer and the estate but the only reason they are doing the estate is because this lady offered to do the estate and pay for the property once the estate is taken care of.

Supervisor Geraghty said that she also appeared before the County and offered to pay the taxes. Mr. Farrell said he thinks she did pay the taxes. Supervisor Geraghty said he was not sure what happened because there was some legalities involved but she did come to the last chance meeting to offer to pay.

Mr. Farrell said that he is impressed that the lady wants to buy the place, he has pictures with him and did not know if the Town wanted them or not; he did send them. Attorney Hafner said they were emailed to him this afternoon when he was driving down from Schroon. Mr. Farrell responded he did not know there was a meeting tonight until yesterday afternoon at 4:00 o'clock when Jacqueline White called him, and, he was not complaining that she called, he was in fact thankful. Mr. Farrell said a lot has not happened in the two years because to be perfectly blunt when Thomas died he had no will, he knew he had one brother Lawrence with whom he dealt when Thomas was alive and who dealt with him afterwards only to say he had no interest in the estate, in dealing with the estate and doing anything with the estate. Mr. Farrell told the Town Board that within the last month or so this Mary Kerrisk contacted him and so they are doing stuff with the estate. Mr. Farrell asked Chris Belden if he had a chance to go and look at the property since Mr. Farrell had talked to him.

Chris Belden, Code Enforcement Officer- told Mr. Farrell he had not been on the property since he talked to Mr. Farrell. Mr. Belden said he had been on the property on the first and he did take photographs on the first.

Attorney Hafner told Mr. Farrell the Town would speak with Chris when Mr. Farrell was finished.

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Mr. Farrell said he was going to go on to say that since Mr. Belden was there on the first he would have to say there has been drastic changes made on the property; he has photographs and if wanted he would give the Town the photographs that Mary Kerrisk sent to him by email, they show a picture of the shed before and a picture of the site where the shed had been after it was removed. Mr. Farrell said the house has been closed up and he would translate that she said the cat extract has been removed from the premises, shoveled and she told him she took at least fifteen and she thinks more than twenty trips to the dump with furniture, stove, refrigerator, a dead cat, and, a bunch of other stuff from the house. Mr. Farrell said that her husband is a contractor in New Jersey, first he questioned whether these people could or could not do anything but she said he was a contractor and he would come up here and he and his crew will be working more on the house. Mr. Farrell said they are planning on removing the inside walls, the floors and basically rebuilding what is there if they can. Mr. Farrell asked the Town Board if they wished him to just hand them the photographs. Attorney Hafner instructed Mr. Farrell to give the pictures to the Town Clerk, she should have a set in her office since she is the keeper of the record.

Mr. Farrell said that before the meeting he and Mr. Hafner were talking and Mr. Hafner told him that nobody has the official authority and although he did not want to argue with him about that, as the distributive, the decedent had two heirs like he

said, one died so that means he would have at least one if not two or three and they would not be equal. Mr. Farrell said the one brother that died after would own half interest and the brother that he represents would own the other half interest so if anybody can talk for them he can, and, he has a power of attorney with him if anyone wants that.

Attorney Hafner asked if the power of attorney was signed by the distributee that Mr. Farrell represents and Mr. Farrell said yes. Attorney Hafner instructed Mr. Farrell to give the Town Clerk a copy of that.

Mr. Farrell said that he would like to be able to; and, he knew there was talk of sending the Health Officer back there but if the Town Board would look at the pictures he has filed with the Town Clerk it does not look like a mess back there anymore. Mr. Farrell said Lawrence Havens did not have any interest in proceeding with the estate and except for this lady's interceding with it, which he has a contact with her, the lady paid the taxes which is a plus and they are fixing up the property and cleaning it up and he would hate to see the Town go in and destroy the place with this going on, it would not make sense to him.

Councilperson Baker Marcella asked if she could just ask a question of Mr. Farrell before he sat down. Councilperson Baker Marcella asked Mr. Farrell if his position was that he has power of attorney for Mr. Lawrence. Mr. Farrell said correct. Councilperson Baker Marcella asked what about the other two. Mr. Farrell said
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that he is trying to get a hold of them at this time, he is representing fifty percent of the owners. Councilperson Baker Marcella said she guessed the Town Board's only concern at this timeAttorney Hafner said he would get to that when Mr. Farrell was done. Councilperson Baker Marcella said right and said to Mr. Farrell that he is in front of them because he has power of attorney, you have the authority to take care of it so it is no longer a public health threat, and, asked if that was what she was hearing.

Mr. Farrell said that what he was saying is that because she is taking care of it does not appear to be a public health risk anymore.

Attorney Hafner said there were certain things he thought should be put on the record and the Town Board can confirm that they agree with him on them. Attorney Hafner said one is that he thinks we need to make clear on the record that we are not authorizing any of these actions by Mr. Farrell's clients, second, we are going to have the Code Enforcement get involved in; Mr. Hafner did not hear anything about getting any permits for changes to the buildings, those type of things need to be done to satisfy our Code Enforcement Officer and we are not acting as though we are approving that. Attorney Hafner asked the Town Board if they were agreeing with both of those and said he wanted the record to show that. Attorney Hafner said third is the one point Mr. Farrell made and Mr. Hafner feels it is one hundred percent that what the Town Board's concern is the public health. Attorney Hafner said if improvements have been made that deals with the public health then he thinks that they can put the public health issue on hold and it seemed to him, it is a decision for them, that the question is they need to confirm these things. Attorney Hafner said they have some pictures but he thinks that this is something that when they get Chris up there it might be first for him to go check again and make sure and the concerns that we had were the filth, the cats, the urine and the excrement and squatters being there and general filth from having all of the stuff there, dead

cat bodies and all of that. Attorney Hafner said that if Chris is able to confirm all of that and that is no longer the case; Attorney Hafner said he did not think he needed the public health officer to go back; he can provide him with the evidence and not make the Doctor have to go. Attorney Hafner told the Town Board that seemed to him to be one of the initial concerns. Attorney Hafner suggested they hear from Chris Belden, Code Enforcement Officer for Town of Warrensburg. Attorney Hafner said he would propose that Chris go and visit and that the Town Board could decide whether they want to take action with the resolution they have now or if they want to just postpone they can act on it at a later time.

Chris Belden, Code Enforcement Officer said he was called to the property by the Sheriff's Department and met with a Deputy and Jim Fitzgerald who is with the County in charge of the SPCA. Mr. Belden said he was called to the property because the condition that was there, he does not have a picture from November when he was there, but he does have a picture from April when he was there. Mr. REGULAR MEETING WARRENSBURG TOWN BOARD, OCTOBER 14, 2015

Belden said from that he can attest the conditions did not improve much over the winter. Mr. Belden said it took a little while to get the cats off the property, but from his involvement for close to a year, the property had been covered with cat urine, cat feces but like it was indicated before, after the property was posted someone came forward and that is where he became involved with Bob here. Mr. Belden told the Town Board he has not been back to the property since he posted it, when he had posted the property it did appear that someone had been there cleaning up the property, he did not go inside and has never been inside the property but he did know it was kind of the desire of Mary Kerrisk and Mr. Farrell to not have to go through all of this process but he thinks it is our duty to make sure that the improvements are made.

Attorney Hafner told Mr. Belden he was exactly right, the property was declared a health hazard and the Town needs to confirm if that is still the case. Mr. Belden said he himself is not a building inspector but there was a statement made in the report by Dr. Smead back in July about a concern regarding rotting timbers and structural stability, he does not know if in their opinion they want the County Building Department to get involved in this. Attorney Hafner said that if that is an allegation then he would think he would want them to go with him, honestly he would expect that Attorney Farrell would want to coordinate that so that he nips this in the bud.

Mr. Belden from his standpoint some improvements have been made and that is all great but in his opinion he would not want to see a bad situation go to another bad situation.

Supervisor Geraghty said it was his thought that the first steps we need to do is for him to re-inspect the property and then if he still feels he considers it a health hazard obviously they will re-involve the Health Officer. Supervisor Geraghty said the second thing is for the Building Code from Warren County; he is sure they would come up and take a tour with him but does he think the client would have any objections to them going into the building?

Mr. Farrell said he specifically asked that and she said no, Lawrence just told him to do what ever is necessary.

Attorney Hafner said he felt what was necessary though was from our point of view there is no one who has legal authority to give that access, he has people who have practical power so he does think that the one thing that is needed is the Board of Health to direct him to do that and authorize him to do that under their emergency powers as public Board of Health because that is something. Attorney Hafner told Mr. Belden he is going on private property and having someone let him in who he is not sure has the legal right to lock the place, but as a practical view it is better than having vagrants and cats in there but we are not saying that is proper.
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RESOLUTION #144-15

**DIRECT CODE ENFORCEMENT OFFICER TO GAIN ACCESS AND
AUTHORIZE CODE ENFORCEMENT OFFICER TO GAIN ACCESS TO 59
HICKORY HILL PROPERTY**

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

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

Attorney Hafner told the Town Board that if Mr. Belden finds that it has not improved the Town has a resolution, they do not need to have another hearing, they can just pass the resolution like this or if they decide to modify.

Supervisor Geraghty said by all means contact Warren County, bring a Building Inspector and then he can report back to them whether they need to bring Dr. Smead back.

Mr. Farrell asked if it could be coordinated with his clients who live in New Jersey and would be helpful to have them here to hear what the County says.

Attorney Hafner asked if that was going to be happening in the near future. Mr. Farrell said they would be coming up this weekend. Attorney Hafner instructed Mr. Farrell to have them leave him a key.

Mr. Belden said that the property has been secured, the property has been locked so he has no means of getting in there at this point.

Mr. Farrell said someone mentioned squatters on the property and cats; it is his understanding from talking to Mrs. Kerrisk that who ever was squatting there is gone, and the cats also are gone and she is thankful for that. Mr. Farrell said he thought the County Animal Control Officer dealt with that.

Mr. Belden confirmed he has spoken with Jim Fitzgerald today and that twenty five cats were recovered from the house, some of them brought to SPCA.

RESOLUTION #145-15

ADJOURN BOARD OF HEALTH HEARING

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

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

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IT IS RESOLVED, to close the Board of Health Hearing on the property located at 59 Hickory Hill Road and to return to the Regular Town Board meeting. Time: 7:49 p.m.

RESOLUTION #146-15

AWARD OCCUPANCY TAX MONEY TO WARRENSBURG BED & BREAKFAST ASSOCIATION

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

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

RESOLVED, to award \$50.00 to the Warrensburg Bed & Breakfast Association in Occupancy Tax monies for website domain advertising.

RESOLUTION #147-15

AWARD OCCUPANCY TAX MONEY TO WARRENSBURGH HISTORICAL SOCIETY

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

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

IT IS RESOLVED, to award the Warrensburgh Historical Society \$883.00 in Occupancy Tax money for rack card advertising expenses.

DISCUSSION - NEED FOR CARGO VAN

Supervisor Geraghty said the Water and Sewer Departments could use a cargo van to have stocked with supplies to be used on weekends to help with efficiency.

RESOLUTION #148-15

ADVERTISE FOR BIDS FOR CARGO VAN

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

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

IT IS RESOLVED, to advertise for bids to for a Cargo Van to be used by the Water and Sewer Departments and setting the bid opening date for November 10, 2015 at the Regular Town Board meeting.

DISCUSSION - INCREASE NUMBER OF GALLONS FOR WATER BILLING

Supervisor Geraghty opened discussion saying he would like to see the Town change the water fee billing schedule to increase the number of gallons in the base rate from
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20,000 gallons to 30,000 gallons per year. Supervisor Geraghty said when the rates were initially set in Town they said it was a work in progress, they made minor changes to the fee schedule, they have not had a lot of complaints about the fee schedule but as they promised the people they did look at it and now he would like to increase the number of gallons in the base rate from 20,000 gallons to 30,000 gallons a year. Supervisor Geraghty said he feels it is the right thing to do.

Councilperson Alexander said he felt it was an excellent idea and he would make that motion.

RESOLUTION #149-15

AMEND FEE SCHEDULE TO INCREASE GALLONS FOR WATER METER BILLING

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

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

NAYS 0

IT IS HEREBY RESOLVED to amend the Water fee billing schedule by increasing the water gallon usage from 20,000 gallons per year to 30,000 gallons per year.

RESOLUTION #150-15

SCHEDULE PUBLIC HEARING ON 2016 PRELIMINARY BUDGET

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

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

NAYS 0

RESOLVED, to schedule a public hearing on the 2016 Preliminary Budget to be held on Wednesday, October 28th, 2015 at 4:30 p.m. and authorizing the Town Clerk to advertise a public hearing notice in the Glens Falls Post Star legal section.

PUBLIC ANNOUNCEMENTS

Supervisor Geraghty announced the Fire Company Halloween Parade is scheduled for Saturday, October 31, 2015 at 4:00 p.m.

Supervisor Geraghty announced the Highway Department has scheduled their fall cleanup for the Week of October 26th, 2015.

Supervisor Geraghty announced the Water Department is doing a water hydrant flush for a two week period beginning October 19th, 2015.

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DISCUSSION - HHHN TO DONATE LIGHTS

Supervisor Geraghty opened discussion telling the Town Board that Hudson Headwaters wants to donate lights at the Towns' Richards Avenue parking lot and will install a 100 amp service and install the lights, across from the Health Center. Supervisor Geraghty said they share this parking lot with the town, it is still a public lot and he thinks it is great that someone wishes to go in there and put lights in. Supervisor Geraghty said the Town will accept this as a donation.

RESOLUTION #151-15

ACCEPT LIGHTING DONATION

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

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

NAYS 0

**RESOLUTION #152-15
BUDGET TRANSFERS**

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

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

**RESOLUTION #153-15
BUDGET MODIFICATIONS**

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

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

**RESOLUTION #154-15
PAY BILLS**

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

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

RESOLVED, to pay the bills as outlined on Abstract #10-15 in the following amounts:

General	\$ 93,599.91
Highway	\$118,119.21
Brownfield Paper Cap.	\$ 876.18
Countryside Adult Cap.	\$ 795.00
Lighting District	\$ 6,314.30
Safe Routes Cap.	\$122,813.29

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Floyd Bennett Cap.	\$ 3,077.81
Sewer Fund	\$ 22,439.79
Water Fund	\$ 31,618.79

PRIVILEGE OF THE FLOOR

Jerry Reed asked numerous questions of visiting Assemblyman Dan Stec regarding Government funding for tourism and how it benefits Warrensburg and the Assemblyman answered Mr. Reed questions.

Gary Cooper asked if the Town would consider doing some type of an October Festival in Warrensburg similar to what North Creek has.

Gary Cooper spoke to the Town Board about donating a fish tank to Warrensburg Central School. The Supervisor will call the school regarding the donation.

On motion of Councilperson Alexander, seconded by Councilperson Reed, the meeting was adjourned at 8:07 P.M.

Respectfully submitted,

Donna A. Combs, Town Clerk