

**MINUTES
TOWN OF WARRENSBURG
SPECIAL YEAR END BOARD MEETING
AND PUBLIC HEARING
DECEMBER 28, 2022 - 4:00 P.M.
at Albert Emerson Town Hall**

THIS MEETING WAS HELD VIA YOUTUBE INTERNET BROADCAST AND OPEN TO THE PUBLIC. THE YOUTUBE LINK CAN BE FOUND ON THE TOWN WEBSITE.

PRESENT:

Supervisor	Kevin Geraghty
Councilperson	John Alexander
Councilperson	Bryan Rounds
Councilperson	Richard Larkin

OTHERS PRESENT: Pamela Lloyd, Town Clerk; Dani Oliver, Supervisors Secretary; Robert Hafner, Town Attorney; Tracy Benoit, Water/Sewer/Parks & Recs Manager; Joyce Reed, Water/Sewer Clerk; Ed Pennock, Highway Superintendent; and **Several Public Attendees, Sign in sheet available for review at the Town Clerks office.**

Meeting was called to order by Supervisor Kevin Geraghty at 4:00 p.m. and Salute to the Flag.

OPEN PUBLIC HEARING:

Supervisor Geraghty opened the Public Hearing on Proposed Local Law to Supersede the Doctrine of Impartibility with respect to the Sewer and Water Clerk Position and Town Councilperson.

PUBLIC COMMENTS:

Randy Ross – Stated that he believes that the original Law was put in place to prevent a problem that may occur in future, therefore he believes that the Law be kept as it is.

Charles Bederian – Stated that he agreed with Randy Ross and does not feel there is a need to change the law.

Michelle Hamilton – Stated that she doesn't understand why this is an issue and Joyce Reed followed the rules and laws that were stated and those who campaigned for her knew she was also the Water/Sewer Clerk when she ran for the open Town Councilperson and won by two-thirds more than her opponent. That being said she is in favor of Joyce Reed holding both positions.

Kim Ross – Stated that Joyce should have known it was already a Town Law and the town board knew of her situation and she was allowed to run anyway. Also was very disturbed by the Articles in the Post Star about

Linda Marcella – Stated that this is not as far as she is concerned about Mrs. Reed. She has done a great job on the town board and as the Water/Sewer Clerk. This is about a creating a Local Law and is not in favor of approving this Local Law.

Michelle Bedell – Stated that she also agrees with Mrs. Marcella and that's the way it has been for years and it should stay that way.

Gary Cooper – Asked the board member if themselves or a spouse had been appointed or volunteered for positions in the town that could be a conflict of interest. Two board members answered yes and two answered no. He if they are trying to change a Local Law or create a New Local Law?

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Supervisor Kevin Geraghty responded – They are not trying to change any Local Law, they want to create a New Local Law allowing the Water/Sewer clerk Joyce Reed to hold both positions.

Joyce Reed – Stated she would like to clarify somethings about her positions at the town. In 2017 she resigned from the Town Board to take the Appointed/elective position of Deputy Town Clerk and law states you cannot hold two elective positions. State law says that a town can appoint a board member to have extra duties. In 2019 the former board not including Mr. Larkin created the Water/Sewer clerk position in August 2019, there were Three (3) other people in the office who could have assumed the position of Water/Sewer Clerk. Mrs. Reed asked Supervisor Geraghty if anyone else asked for the position? Supervisor Geraghty responded, No. Mrs. Reed asked to leave the position of Deputy Town Clerk to take the Water/Sewer Clerk and the board appointed her in October 2019. Also pointed out that the home rule does not state that you can't run for the Town Board, it just states that the town board can create a position, which was the Water/Sewer Clerk. Also stated she feels very adapt to what happens in this town and does her research and shows up for every meeting and feels this would fiscally help the town to hold these two position since she will not be taking the Town Board member pay. The budget has passed so when you say recuse she would not be voting on her pay which it is clear that other board members have with their spouses and not recuse themselves, so she asked who's in conflict

Gail Corlew - Stated she was a Deputy Town Clerk and the administrator of the Sewer/Water and she was the only one who could do any changes in the Sewer/Water program, Donna the Town Clerk didn't and Joyce did not. She feels that this issue is Crazy.

Jim Morrison – Wants a quick clarification and asked if the law can be changed yearly? **Supervisor Geraghty** stated Yes and also stated that this Law is for a one-year term on the Town Board and hold her Sewer/Water Clerk position, it is not a blanket watch law it is a Local Law not a State Law.

All the Board Members made their comment and decision on this local law.

THE COMPLETE DISCUSSIONS CAN BE VIEWED ON THE YOUTUBE LINK FOUND ON THE TOWN WEBSITE.

CLOSE PUBLIC HEARING:

Supervisor Geraghty declared Public Hearing Closed at 4:45 PM.

RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2022

A LOCAL LAW SUPERSEDING THE DOCTRINE OF INCOMPATIBILITY WITH RESPECT TO SEWER AND WATER CLERK POSITION AND TOWN COUNCILPERSON

RESOLUTION #166-2022

INTRODUCED BY: Councilperson John Alexander
WHO MOVED ITS ADOPTION

SECONDED BY: Supervisor Kevin Geraghty

WHEREAS, the Warrensburg Town Board wishes to consider adoption of Local Law No. 2 of 2022 to supersede the Doctrine of Incompatibility with respect to the Sewer and Water Clerk position and Town Councilperson which would allow the same person to serve in both roles simultaneously, and

WHEREAS, this legislation is authorized in accordance with New York Municipal Home Rule Law §10, and

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WHEREAS, Municipal Home Rule Law §20 requires the Town Board to hold a Public Hearing prior to the adoption of any Local Law, and the Town Board duly held a Public Hearing on Wednesday, December 28, 2022 concerning proposed Local Law No. 2 of 2022 and heard all interested persons,

NOW, THEREFORE, BE IT

RESOLVED, that the Warrensburg Town Board hereby adopts proposed Local Law No. 2 of 2022 to authorize the Sewer and Water Clerk to also serve as a Town Councilperson simultaneously, and

BE IT FURTHER,

RESOLVED, that such Local Law to authorize the Sewer and Water Clerk to serve as a Town Councilperson shall take effect upon filing the Local Law with the Secretary of State.

BE IT FURTHER,

RESOLVED, that the Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law, and

BE IT FURTHER,

RESOLVED, that the Town Board authorizes and directs the Town Supervisor, Town Clerk and/or Town Counsel to execute any required documents and take any and all actions necessary to effectuate the intent of this Resolution.

RESOLVED, that the intent of this Resolution Failed by roll call vote listed below.

THIS RESOLUTION WAS DULY PUT TO A ROLL CALL VOTE ON DECEMBER 28, 2023, WHICH RESULTED AS FOLLOWS:

AYES: 2 NAYS: 2 ABSENT: 0

AYES: Supervisor Geraghty, Councilperson Alexander

NAYS: Councilperson Rounds, Larkin

REQUEST TO ALLOW TRACY BENOIT TO CARRY OVER 1 WEEK OF VACATION

RESOLUTION #167-2022

INTRODUCED BY: Councilperson Bryan Rounds

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson John Alexander

WHEREAS, the Town Board of Warrensburg request to allow Tracy Benoit to carry over one (1) week of unused vacation time into 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Warrensburg hereby approved the request to carry over one (1) week of unused Vacation time for Tracy Benoit.

DULY ADOPTED DECEMBER 28, 2022 BY THE FOLLOWING VOTES:

AYES: 4 NAYS: 0 ABSENT: 0

AYES: Supervisor Geraghty, Councilperson Alexander, Rounds, Larkin

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Reminder the Town Board Organizational meeting will be held on Tuesday January 3, 2022 at 11:00 a.m.

Had complaints on Snowmobiles running on the sidewalk for 4th Street to Cloverleaf Drive.

DISCUSSION: Supervisor Kevin Geraghty asked the Highway dept. to plow the sidewalks again to keep the Snowmobiles off those sidewalks.

REQUEST TO TRANSFER \$5,000 FROM WATER RESERVE TO WATER CASH FUND

RESOLUTION #168-2022

INTRODUCED BY: Councilperson John Alexander
WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Bryan Rounds

WHEREAS, the Town Board of Warrensburg request to Transfer \$5,000.00 from Water Reserve Fund Acct SW230 to Water Cash Fund Acct SW200 to cover year end expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Warrensburg hereby approved the request for a Transfer of \$5,000.00 from Water Reserve Fund to Water Cash Fund.

DULY ADOPTED DECEMBER 28, 2022 BY THE FOLLOWING VOTES:

AYES: 4 NAYS: 0 ABSENT: 0

AYES: Supervisor Geraghty, Councilperson Alexander, Rounds, Larkin

APPROVE BUDGET TRANSFERS – (7)

RESOLUTION #169-2022

INTRODUCED BY: Councilperson Richard Larkin
WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Bryan Rounds

WHEREAS, the Town of Warrensburg request to approve the Budget Transfers:

**Budget Transfers
December 28, 2022**

GENERAL FUND

A1670.400	Codification - Contractual	\$ 1,568.00	
A1355.102	Assessor Clerk - Personal		\$ 60.00
A7110.400	Parks - Contractual		\$ 425.00
A7270.400	Bands Concerts - Contractual		\$ 553.00
A7550.400	Celebrations Contractual		\$ 30.00
A8010.120	Zoning -Part time - Personal		\$ 500.00
	To cover Expenses		

A3510.100	Dog Control - Personal	\$ 2,100.00	
A7110.100	Parks - Personal		\$ 2,100.00
	To cover Expenses		
A5410.120	Sidewalks - Part time - Personal	\$ 1,000.00	
A5410.110	sidewalks - Over time - Personal		\$ 1,000.00
	To cover Expenses		
A8160.120	Refuse Collection - Part time Personal	\$ 500.00	
A8160.110	Refuse Collection - Over time Personal		\$ 500.00
A8160.401	Refuse Collection - Electric	\$ 51.76	
A8160.400	Refuse Collection - Contractual		\$ 51.76
	To cover Expenses		

HIGHWAY FUND

DA5110.400	Street Maintenance - Contractual	\$ 36,300.00	
DA5110.410	Street Maintenance - General repairs/Gas		\$ 2,500.00
DA5112.200	Capital Improvements		\$ 400.00
DA5112.400	Capital Improvements		\$ 33,400.00
	To cover Expenses		

SEWER FUND

SS8120.200	Sanitary Sewers - Equipment	\$ 5,005.00	
SS8120.100	Sanitary Sewers - Personal		\$ 100.00
SS8120.401	Sanitary Sewers - Electric		\$ 3,205.00
SS8130.100	Sewage Treatment & Disposal - Personal		\$ 400.00
SS8130.400	Sewage Treatment & Disposal - Contractual		\$ 1,300.00
	To cover Expenses		

WATER FUND

SW8340.400	Transmiss & Distrib - Contractual	\$ 1,465.00	
	Source & Supply P&P - over time		
SW8320.110	Personal		\$ 645.00
SW8320.400	Source & Supply P&P - Contractual		\$ 50.00
SW8330.110	Purification - Overtime - Personal		\$ 180.00
SW8330.120	Purification - Part time - Personal		\$ 240.00
SW8330.400	Purification - Contractual		\$ 350.00
	To cover Expenses		

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of Warrensburg hereby approves the Budget Transfers.

DULY ADOPTED DECEMBER 28, 2022 BY THE FOLLOWING VOTES:

AYES: 4 NAYS: 0 ABSENT: 0

AYES: Supervisor Geraghty, Councilperson Alexander, Rounds, Larkin

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APPROVE BUDGET MODIFICATIONS – (2)

RESOLUTION #170-2022

INTRODUCED BY: Councilperson Richard Larkin

WHO MOVED ITS ADOPTION

SECONDED BY: Councilperson Bryan Rounds

WHEREAS, the Town of Warrensburg request to approve the Budget Modifications as follows:

Budget Modifications

December 28, 2022

HIGHWAY

DA5112.200	Capital Improvements - equipment	\$ 32,000.00	
DA5110.400	State Aid Hwy - Chips		\$ 32,000.00
	Correction to increase in aid overstated		

WATER DISTRICT

SW511	Approp Reserve Fund Balance	\$ 173,344.01	
SW8340.400	Transmission & Distribution Contract		\$ 173,344.01
	To cover Main Repairs on Route 9 Bridge		

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of Warrensburg hereby approves the Budget Modifications

DULY ADOPTED DECEMBER 28, 2022 BY THE FOLLOWING VOTES:

AYES: 4 NAYS: 0 ABSENT: 0

AYES: Supervisor Geraghty, Councilperson Alexander, Rounds, Larkin

REQUEST TO PAY WARRANTS ON ABSTRACT #13-2022

RESOLUTION #171-2022

ON MOTION OF: Councilperson Richard Larkin

SECONDED BY: Councilperson Bryan Rounds

DULY ADOPTED DECEMBER 28, 2022 BY THE FOLLOWING VOTES:

AYES: Supervisor Geraghty, Councilperson Alexander, Rounds, Larkin

NAYS: NONE

RESOLVED, to pay the warrants outlined on **Abstract #13-2022** in the following amounts:

WARRANTS:	Total Claims:	\$215,596.19
	General Fund	\$6,218.09
	Highway Fund	\$12,707.22
	Lighting District	\$10,756.72
	Sewer Fund	\$4,511.06
	Water Fund	\$177,901.22

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COMMENTS:

PLEASE SEE COMPLETE DISCUSSIONS ON ALL COMMENTS ON THE YOUTUBE LINK LOCATED ON THE TOWN WEBSITE & FACEBOOK PAGE.

MEETING ADJOURN

On motion of Councilperson John Alexander, the meeting was adjourned at 5:10 pm

Respectfully Submitted,

Pamela M. Lloyd, Town Clerk