

**ORGANIZATIONAL MEETING, WARRENSBURG TOWN BOARD, JAN.4, 2010**

The Organizational meeting of the Warrensburg Town Board was held on Monday, January 4, 2010 at 7:00 p.m. at the Albert Emerson Town Hall with the following members present:

**PRESENT:**

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

**OTHERS PRESENT:** Donna A. Combs, Town Clerk; Mark Schachner, Attorney for the Town; Richard Galusha, Water Superintendent; Ed Pennock, Highway Superintendent; Mindy Fisk, Town Justice; and numerous town employees and residents.

**INVOCATION**

Councilman Alexander led the Town Board and the residents in a prayer of invocation.

**SWEARING IN OF TOWN OFFICIALS**

The following town officials were sworn into office by Judge Mindy Fisk: Supervisor Kevin B. Geraghty, Councilman John Alexander and Councilman Bryan Rounds. Town Clerk Combs swore Judge Fisk into office.

**RESOLUTION #1-10**

**ADOPT ORGANIZATIONAL RESOLUTIONS #2-#27-10**

On motion of Councilman Alexander, seconded by Councilman Ackley, the following resolutions were: ADOPTED – VOTE – AYES 5 NAYS 0

**RESOLUTION #2-10**

**REGULAR MEETING**

**RESOLVED**, that the regular meeting of the Town Board of the Town of Warrensburg shall be held on the second Wednesday of each month at 7:00 p.m. at the Albert Emerson Town Hall.

**RESOLUTION #3-10**

**DEPUTY SUPERVISOR**

**RESOLVED**, that the Supervisor is permitted to name John Alexander Deputy Supervisor for the year 2010.

**RESOLUTION #4-10**

**OFFICIAL DEPOSITORIES**

**RESOLVED**, that the Glens Falls National Bank and TD Bank North (Warrensburg Office) are designated official depositories for the Town funds.

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**RESOLUTION #5-10  
OFFICIAL NEWSPAPERS**

**RESOLVED**, that the Glens Falls Post Star is designated as official newspaper for legal advertisements.

**RESOLUTION #6-10  
INVESTMENT OF SURPLUS FUNDS**

**RESOLVED**, that the Supervisor be empowered to invest surplus funds to draw interest for the accounts from which the funds were drawn.

**RESOLUTION #7-10  
ASSOCIATION OF TOWNS**

**RESOLVED**, that Town Officials are permitted to attend Association of Towns meeting in New York City in February at Town expense with individual Town Board authorization, naming the Supervisor the regular delegate, authorizing the Supervisor to name an alternate for voting purposes.

**RESOLUTION #8-10  
FILING OF YEAR END REPORT**

**RESOLVED**, that the Supervisor be permitted sixty days extension in which to file year-end reports with State Comptroller.

**RESOLUTION #9-10  
PAYMENT OF BILLS AHEAD OF ABSTRACT**

**RESOLVED**, that authorization is given for payment of utilities, postage, and, other similar expenses as the bills come in and previous to audit, by the Supervisor on recommendation of the Town Board.

**RESOLUTION #10-10  
RECORDS MANAGEMENT**

**RESOLVED**, that Donna A. Combs be named as Records Management Officer and, the Supervisor to be the Appeals Officer.

**RESOLUTION #11-10  
TAX COLLECTOR**

**RESOLVED**, that the Tax Collector deposit in her name as Tax Collector of the Town of Warrensburg at T.D. Bank, N.A., Warrensburg Branch, within 24 hours after receipt, all monies collected by her which are due the Supervisor. All monies so deposited shall be paid to the Supervisor within 15 days after receipt.

**RESOLUTION #12-10  
PETTY CASH/TOWN CLERK**

**RESOLVED**, that the Town Clerk is authorized to establish a Petty Cash Fund not to exceed the amount of \$100.00 (One Hundred Dollars).

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**RESOLUTION #13-10  
COLLECTOR CASH DRAWER**

**RESOLVED**, that the Tax Collector is authorized to establish a cash drawer for the collection of Land, Water and Sewer bills not to exceed \$100.00 (One Hundred) each.

**RESOLUTION #14-10  
TOWN HISTORIAN**

**RESOLVED**, that Sandi Parisi is named as Town Historian for the year 2010.

**RESOLUTION #15-10  
CHAMBER OF COMMERCE RENTAL SPACE**

**RESOLVED**, that the Supervisor is authorized to enter into a contract with the Chamber of Commerce for official rental space for the Chamber for a lease of \$1.00 (one dollar) per year.

**RESOLUTION #16-10  
LEGAL SERVICES**

**RESOLVED**, that the Supervisor is authorized to enter into a contract with Miller, Mannix, Schachner & Hafner, LLC for legal services for the Town Board, Planning Board and the Zoning Board of Appeals on a per diem basis at the same hourly rate as 2009.

**RESOLUTION #17-10  
LEGAL SERVICES FOR ASSESSOR**

**RESOLVED**, that the Supervisor is authorized to enter into a contract with Muller & Mannix and or Bartlett, Pontiff, Stewart and Rhodes, P.C. for legal services for the Assessor on a per diem basis.

**RESOLUTION #18-10  
APPOINTMENT OF KIM MONTHONY TO WARREN COUNTY YOUTH BOARD**

**RESOLVED**, to designate Kim Monthony to the Warren County Youth Board for the year 2010.

**RESOLUTION #19-10  
APPOINTMENT OF BUDGET OFFICER**

**RESOLVED**, to appoint Kevin B. Geraghty as Budget Officer for the year 2010.

**RESOLUTION #20-10  
SALARIES**

**RESOLVED**, that the Town Board does hereby fix salaries of the Officers and Employees of the Town of Warrensburg for the year January 1, 2010 at the amounts respectfully stated in the budget.

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**RESOLUTION #21-10**

**ACCEPT COMMITTEE APPOINTMENTS**

**RESOLVED**, to accept the Committee Appointments for the Year 2010.

**RESOLUTION #22-10**

**AUTHORIZING VOUCHERS TO BE PAID AHEAD OF ABSTRACT**

**RESOLVED**, to authorize the following vouchers to be paid ahead of Abstract #1:  
Upstate Tours.

**RESOLUTION #23-10**

**RE-APPOINT ARTHUR HEALY TO THE PLANNING BOARD**

**RESOLVED**, to appoint Arthur Healy to the Warrensburg Planning Board (January 2015).

**RESOLUTION #24-10**

**RE-APPOINT JAMES COOPER TO ZONING BOARD OF APPEALS**

**RESOLVED**, to re-appoint James Cooper to the Warrensburg Zoning Board of Appeals with a term to expire on January, 2015.

**RESOLUTION #25-10**

**RESOLUTION AUTHORIZING LANDFILL PUNCH CARD SALE**

**RESOLVED**, to set the buy one get one half price Landfill Punch Card sale for the week of February 15<sup>th</sup> to February 19<sup>th</sup>, 2010.

**RESOLUTION #26-10**

**RESOLUTION SETTING MILEAGE ALLOWANCE FOR 2010**

**RESOLVED**, to set the mileage reimbursement allowance for 2010 at \$.50.

**RESOLUTION #27-10**

**AUTHORIZE SUPERVISOR TO ENTER INTO CONTRACT WITH UPSTATE TOURS FOR ASSOCIATION OF TOWNS BUS**

**IT IS RESOLVED**, that the Supervisor is authorized to enter into an agreement with Upstate Tours to allow the Town of Warrensburg to contract for a bus for the Association of Towns Annual Training and Meeting to be held in New York City so the Town is able to contract with other towns to provide transportation, with the provision that any bus seat reservation purchased must be paid for at the time the bus seat reservation is made.

**DISCUSSION – TOWN ATTORNEY CONTRACT**

Councilman Markey asked that the town collect RFP's for the Town Attorney contract.

Supervisor Geraghty suggested the Town do RFP's next year, when the Town does insurance RFP's.

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### **DISCUSSION – ASSOCIATION OF TOWNS ANNUAL MEETING**

Town Clerk Combs read the correspondence from the Association of Towns and said the proposed resolution copies for 2010 at the Annual meeting would be in the Town Board member's folders for them.

### **RESOLUTION #28-10**

#### **DESIGNATING DELEGATE FOR 2010 ASSOCIATION OF TOWNS**

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

**IT IS RESOLVED**, Kevin B. Geraghty is hereby named the voting delegate for the Town of Warrensburg at the 2010 Annual business meeting at the Association of Towns.

### **DISCUSSION - ANNUAL ACCOUNTING OF TOWN OFFICERS BOOKS**

Supervisor Geraghty opened discussion telling the Town Board there has to be an annual accounting of the town officers who receive and disburse money on or before January 20<sup>th</sup> of the year. It was decided to do an annual accounting at the January 13, 2010 Town Board meeting.

### **DISCUSSION – STATE OF THE TOWN**

Supervisor Geraghty gave a state of the Town of Warrensburg message discussing the recession, the cash flow problems at the County, the lowered town tax rate, and the number one priority to stay within budget while continuing to move the Town forward. Supervisor Geraghty addressed the re-opening of the Town Museum and thanked the Historical Society for their dedication to the Museum, as well as the Woolen Mill Bridge scheduled replacement for this year, the continuation of the work on the Master Plan, and updates on grants and water meter training. Supervisor Geraghty also discussed possible sale of town land, expansion of the Hamlet and appreciation of the town employees.

### **DISCUSSION – COURT OFFICER**

Councilman Markey opened discussion doing a brief background of how the discussion of Court Officer had evolved. Councilman Markey said the Court Committee had met with both of the Judges, discussed the concerns the Unified Court System has for safety, and the Judges met and discussed a few possibilities including hiring a Warren County Sheriff's officer, he spoke with Kevin about talking to Sheriff York about making that change. Councilman Markey said they had a meeting with the Justices after that regarding their budgets and etc., the only figure they felt they could manipulate and stay within budget was the Court Officer position, it had been requested during the UCS audit the Town hire someone that was trained in law enforcement.

Supervisor Geraghty said one of the recommendations to the Town by the audit by UCS was the Town have someone trained in police powers, the two justices have asked the town to have an armed court officer, they feel the time has come, they felt for their safety the town should go with someone with former police powers, and, that they be an armed

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court officer. Supervisor Geraghty said he had reached out to Sheriff York, there is a police officer who is retiring in January, he is willing to do the position, the Court has asked for a uniformed officer, the town would accommodate if they went in that direction. Supervisor Geraghty said the way he felt about it was the Town Board should take direction from their Justices.

Councilman Ackley stated concerns that when an officer retires, he retires; it is his belief this Town Board should make this person a police officer so he has all of the rights as a police officer and carry out duties with the instructions of the town justices and if not, then he was going to stick with what Al Smith is doing for them right now.

Supervisor Geraghty said they would have somebody who is trained.

Councilman Markey said he met with Mr. Smith and the Justices today, Mr. Smith said he was a trained military police officer for many years, the question was asked what difference it would be from trained military police or retired Warren County. Councilman Markey said the USC audit asked for trained police officer. Councilman Markey said one of the things that came out of this was there was an instance in the Court where one of the justices directed our court officer to either detain or stop a criminal person from leaving and because this is not covered in the duties of Court Officer, the Court Officer was concerned this is not in writing and he was not covered and left him and the town open to liability. Councilman Markey said one of the good things that came out of the meeting today is their duties should be specified in the town code book.

Councilman Ackley asked if the Town Attorneys could help out with this matter.

Mark Schachner, Attorney for the Town, explained the Town Board had the authority to appoint them as Court Officers as long as they go through the proper channels, they can carry the weapon in a concealed manner. Mr. Schachner said he was confused about Councilman Ackley's comment; Mr. Schachner told Councilman Ackley he thought he was suggesting he wanted the Court Officer to be also a full police power officer and if that is true, those general police authority powers would not go within a Court Officer appointment, they would have to create, and the Board has the authority to do this, they would have to create a Town of Warrensburg Police Officer position.

Councilman Ackley said that was his concern and asked if this person, whether they are retired or not, do they have any kind of authority to carry out the Judge's orders to take somebody into custody and if need be, handcuff them.

Mr. Schachner told Councilman Ackley the Town Board has the authority to create the Court Officer position and as long as that person is appropriately registered and certified on the weaponry side they can carry out the Town Justices orders to do things like prevent somebody from leaving the room but they would not automatically get full blown police powers to go outside the court room and to enforce New York State laws or Town

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of Warrensburg Codes, only in the court room. Mr. Schachner told the Town Board he thought that was what he was hearing the .....Councilman Markey told Mr. Schachner the Board was trying to take some guidance from him but to follow the State Audit and stay within budgetary restraints, they have x amount of dollars set aside for two to three hours on Wednesday until December 31<sup>st</sup>.

Councilman Ackley said he has been approached by Fenton Sabo who is also interested in this, he is a past employee, he has been a past police officer for the town and has done an excellent job, the town has his uniforms.

Councilman Rounds asked what kind of salary they were talking about. Councilman Markey said \$2500.00 a year, they are not talking about big bucks but the point of the fact was they would stay within budgetary restraints. Councilman Markey said in talking to Dean, they have never disbanded the police department, they had to resign but the guy did the job before and if he is willing to come back.....Supervisor Geraghty said not as a police officer, he did not think they wanted him back as a police officer. Councilman Ackley said Mr. Schachner answered his question, you can make this person a court officer which makes him.....Supervisor Geraghty explained they are subject to civil service, they have to take a test, anybody can take the test. Supervisor Geraghty said the town could do it any way they want to, but, they would not want a police officer on the payroll.

Discussion ensued on public building shootings, and, other public officials regarding who will be involved in court cases.

Councilman Markey told the Town Board he knew Fenton is a retired police officer, he has done in the job in the past and is able to carry a weapon, if the Town Board does go that route, in the past when Fenton worked for them he adjudicated many cases, County, State, what ever. Councilman Markey asked Mr. Schachner if that was right.

Mr. Schachner said he did think that was true and told the Board to remember in order for that to work he has to, to be the directing officer.

Councilman Ackley said as long as the gentleman had some authority in this room, is certified as a police officer and is able to carry a hand gun, that is what they are looking for.

Discussion ensued on doing an interview process for the position.

The following residents spoke about the court office position, having fire arms in the court room and employment of specific individuals: John Peluso, and Al Smith.

Councilman Ackley asked the Town Attorney, Mark Schachner, to review the criteria and report back to the Town Board. Supervisor Geraghty suggested the matter be tabled until

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the Attorney gets back to the Town Board on January 13, 2010. Councilman Markey said the point he made, he did not know if they were recreating the wheel, if they had someone doing the job previously who was a uniformed court officer of Warrensburg, they are going to be covered under the Towns insurance anyway, whether they are our court officer or our police officer, he is going to have a dual role in saying he is a police officer/slash police officer; he is going to take the orders from the Justice as well; he is a law enforcement person and that is one of the biggest things with the audit.

Supervisor Geraghty explained his belief there are other liability issues if the Town of Warrensburg goes back to having a police officer and said if they could find someone to do it for \$2500.00 a year he would say go for it, to have someone as a police officer is barking up the wrong tree.

Rob Hall, town employee for 28 years spoke about the re-hire of Officer Sabo who left the town because of things that did not work out, and, asked why Officer Sabo would want to come back when he did not work out as town enforcer.

The matter was tabled until January 13, 2010, the regular town board meeting.

Councilman Alexander delivered a benediction.

On motion of Councilman Alexander, seconded by Councilman Rounds, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk