The regular meeting of the Warrensburg Town Board was held on Wednesday, September 14, 2011 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
Councilman Austin Markey
Councilman Dean Ackley

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

PUBLIC HEARING -DRAFT COMPREHENSIVE PLAN

Public Hearing was called back to order at 7:00 P.M.

A legal notice was printed on July 27, 2011 in the Glens Falls Post Star with a copy of said notice posted on the Town Hall bulletin board on July 25, 2011. The content of the legal notice was read into the record in the August 10, 2011 minutes, this meeting had been adjourned to the September 14th date on August 10, 2011.

No one wished to comment

RESOLUTION #124-11

CLOSE PUBLIC HEARING AND RETURN TO REGULAR MEETING

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

IT IS RESOLVED, to close the public hearing on the draft comprehensive plan and return to the regular meeting. Time 7:02 P.M.

RESOLUTION #125-11

MINUTES

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

IT IS RESOLVED, to accept the minutes as presented

RESOLUTION #126-11

REPORTS OF TOWN OFFICIALS AND TOWN COMMITTEE REPORTS

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

IT IS RESOLVED to waive the reports of Town Officials and Committee reports for this meeting.

COMMUNICATIONS

1) A request from the VFW Post #4821 to renegotiate the Lease agreement between the Town of Warrensburg and the VFW.

RESOLUTION #127-11

AMEND WATER BILLS

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

IT IS RESOLVED, to make amendments to the following water bills following the recommendation of the Code Enforcement Officer:

Baker, Barbara	223.7-1-16	from	\$ 229.50 to \$ 306.00
Kumar, Ajit	210.8-1-2	from	\$1428.00 to \$1377.00
LaPoint, Florence	210.20-2-7	from	\$ 153.00 to \$ 76.50
Needham, Alice	210.16-2-52	from	\$ 153.00 to \$ 76.50
Platt, Joanne	210.16-1-68	from	\$153.00 to \$76.50

RESOLUTION #128-11

ADOPT WORKPLACE VIOLENCE POLICY

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

IT IS RESOLVED, to adopt the Workplace Violence Policy for the Town of Warrensburg.

RESOLUTION #129-11 BAR APPOINTMENT

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

IT IS RESOLVED, to appoint Kathleen Ferullo to the Warrensburg Board of Assessment Review to fill the unexpired term of Teddy Kalisz whose term would have expired on September 2014.

RESOLUTION #130-11 SCHEDULE SPECIAL MEETING

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

IT IS RESOLVED, to set a special meeting for October 3, 2011 at 4:30 p.m. to allow the Town Clerk to present the 2012 Tentative Budget to the Town Board.

PUBLIC CONCERN

Supervisor Geraghty opened discussion explaining the Town of Warrensburg has filed an Affidavit Summarizing Costs to the Supreme Court on the Warrensburg Board & Paper Brownfield Project. Supervisor Geraghty said the Town is currently in the Courts trying to get temporary ownership of that property, one of the things the Town had to do was send an affidavit to the Court saying the Town spent \$247,370.93 for the clean up for that site, hopefully this will be the last piece and the Town will finally take ownership of the former Board and Paper Site. Supervisor Geraghty said the site has been cleared by DEC as a clean site.

DISCUSSION – CAST ALUMINUM PLAQUE

Supervisor Geraghty opened discussion telling the Town Board the cast aluminum plaque in front of the Town Hall is faded.

Councilman Alexander said he had a recommendation from his mineralogist who recommends cast bronze instead of the cast aluminum that is out there on the plaque, the estimated cost is \$2,200.00 to replace the plaque; source of funding would be from the Emerson Memorial Trust Fund. Councilman Alexander told the Board the cost to restore the current plaque that is out there would be \$700.00, it would stay shiny for about a year and would then go back to its dull look that aluminum does after being exposed to weather. Councilman Alexander said with all of the excellent work that Rob Hall has done on the building the cast bronze would be an excellent final touch.

Supervisor Geraghty said he wished to place the original plaque in the Town Museum.

Councilman Markey asked if the Emerson Memorial Fund could be used for anything, and, said he did not think spending \$2200.00 for a plaque is what they wish to do, it should be used for breakdowns and that type of thing.

Supervisor Geraghty said it was the pleasure of the Board. No further action was taken.

DISCUSSION – SERVICE BANNER

Supervisor Geraghty asked the Town Board if they would be okay with the Town displaying a banner for Warren County, Return the Favor-Thank You for Your Service either at the Bandstand or the site coming into the Town. The Board was okay with it.

DISCUSSION – ATTENDANCE AT LOCAL LEADERSHIP INSTITUTE

Supervisor Geraghty reported to the Town Board he had attended the Local Government Leadership Institute at SUNY Plattsburgh on August 25, 2011 to learn about the Property

Tax Cap, the Property Tax Cap for the Town of Warrensburg is done and taxes are not going to increase a lot but they know they can increase the levy a little bit.

DISCUSSION – ENROLL THE TOWN WITH AMBIT ENERGY

Supervisor Geraghty told the Town Board he wished to enroll the Town of Warrensburg with Ambit Energy for reduced electrical costs, the Town is not signing a contract; it will be for five months to see if they can reduce the cost and if it does not work the Town can opt out of it.

RESOLUTION #131-11

PERMISSION TO WORK WITH AMBIT ENERGY

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

IT IS RESOLVED, to give permission to work with Ambit Energy for five months for possible reductions in electrical bills for the Town of Warrensburg.

DISCUSSION – GRANT AWARD

Supervisor Geraghty opened discussion telling the Town Board Warrensburg has been chosen to receive \$4500.00 from Creating Health Places to Live, Work and Play, Warren County Program and that the Town will use this money for the mobile solar speed limit sign.

RESOLUTION #132-11

ADOPT ACCESS STIPULATION AGREEMENT FOR 9-11 RICHARDS AVENUE PROPERTY

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

IT IS RESOLVED, to adopt the access stipulation agreement for 9-11 Richards Avenue property which allows access for DEC personnel to monitor the wells that were installed as part of the Brownfield project.

RESOLUTION #133-11 2011 BUDGET AMENDMENTS

On motion of Councilman Ackley, seconded by Councilman Rounds, the attached resolution was ADOPTED – VOTE – AYES 5 NAYS 0

RESOLUTION #134-11

AWARD OCCUPANCY TAX GRANT

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

IT IS RESOLVED, to award Warrensburgh Beautification Committee \$1775.66 for advertising.

RESOLUTION #135-11 PAY BILLS

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

IT IS RESOLVED, to pay the bills as outlined on Abstract #9-11 in the following amounts: General Fund: \$42,713.77; Highway: \$56,805.61; Waterfront Revitalization Project: \$4,981.96; Lighting District: \$5396.15; Sewer: \$93,147.41 and Water:\$17,209.06.

PRIVILEGE OF THE FLOOR: PUBLIC CONCERN: BUILDING CODES

Mary Fruntzgeld, 117 River Street – told the Town Board her concerns about the property next door, 119 River Street which suffered from fire damage four years ago, owned by Larry Perna and Sylvia Webster, who are operating a business there.

Mrs. Fruntzgeld told the Town Board she has two complaints, the house next door is definitely a fire hazard and it is also a health hazard; the couple who own the house are running a business from the front porch, waking her up at 1:30 A. M. every night and she is kept up for three to four hours, noise generated by the delivery and pick up of the newspaper bundles. Mrs. Fruntzgeld said she has addressed her complaints with the Code Enforcement Officer, Chris Belden and that he has been a great help to her, she has also been in touch with the Warren County Sheriff but they cannot do anything because the Town does not have a Noise Ordinance. Mrs. Fruntzgeld told the Town Board it is up to them to take care of the burnt building, it is a health hazard and she wants them to do something.

Tom Fruntzgeld-told the Town Board the problem is addressed in Article 1, Section 13-8, remission of any discharge of any smoke, fume, gas or soot is declared a nuisance and an offense, she smells it. Mr. Fruntzgeld said it is not so much the building as it is being woke up every night, he has stayed there many nights and has experienced it himself, it is disrespectful to a neighbor.

Supervisor Geraghty said he has been speaking to Chris about this and how it fell through the cracks, Code Enforcement of the Building Codes goes through Warren County, the Town contacted Warren County Code. Supervisor Geraghty said he knows the homeowner has been told, has received letters, and, the Town was given the idea that it was going to be fixed up this fall, the Town has since gone back to Warren County and said they need to put pressure on this, the Town need's this property cleaned up. Supervisor Geraghty said that he did not think that this town is the only town not to have a noise ordinance, in order to have a noise ordinance you need to have a decimal meter and somebody to enforce it, that is why we do not have one here. Supervisor Geraghty

said Chris is looking into the business portion of this, which is his job; he has been out there, he has talked to Mrs. Fruntzgeld, and they are trying to get the property cleaned up.

Councilman Ackley said he wished to add something, too. Councilman Ackley said this problem of noise has been covered in the past, the Sheriff Department or the State Police can have people arrested for disorderly conduct, if it is 3:00 o'clock in the morning and they are making a bunch of noise and they do not wish to stop, they can be arrested for disorderly conduct.

Discussion ensued on whether a ticket can be issued for disorderly conduct or not.

Supervisor Geraghty said they did ask Chris to reach out to the owner of the property to try to calm the situation down and he thought they were making some headway.

Councilman Markey told Mrs. Fruntzgeld to continue to call the Sheriff's Department, and said he was the one who made the recommendation and if they wish to call him, he will call down to the Sheriff's office.

Supervisor Geraghty said the property did fall through the cracks, it did not get cleaned up in the proper manner, the Town has an Unsafe Building Code and it could have been invoked on the property owner and the Town neglected to do that.

Mrs. Fruntzgeld told the Town Board this was supposed to be cleaned up in the fall, and, said fall starts next week.

Supervisor Geraghty told Mrs. Fruntzgeld she was correct and that the Town is in contact with Warren County Building Codes. Mrs. Fruntzgeld said this goes on from year to year and it has now been four long years. Mrs. Fruntzgeld said it was not just an eye sore it is a hazard.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Sandi Parisi, Town Historian: announced the first Bicentennial Meeting will be held on Tuesday, October 11th at 4:30 p.m. to get the community to work together to work on the Bicentennial.

Edward Nasierowski, 136 Schroon River Road: told the Town Board he owns the Warrensburg Travel Park. Mr. Nasierowksi said he had two concerns he wished to address: the rumor that the town dump is going to close two days in a row; he has heard all kinds of stories, and wants to hear from the Town Board what they are going to do with the dump. Mr. Nasierowski told the Town Board it would not be a bad idea to close for two days in the winter, rumor is the dump will be closed on Sundays and Mondays, there is no way he can get rid of garbage collected from the weekend and hold it. Mr. Nasierowski said he understands that the Town worker wants Sunday off, he has no

problem with that, if the public wants the dump closed on Sunday, it is their decision not the Town Boards, he does not see why the Town would want something like this.

Mr. Nasierowski told the Town Board his other issue is a discussion he had with Dean Ackley, whom he knows quite well, and how that Dean told him about an idea he had about the Councilmen forfeiting some of their health insurance, the idea was to maybe grandfather the clause which is what a lot of people are hearing, talking to him now, he has definitely said he would give up some of his health insurance; Mr. Naserowski said he is pushing for ten percent of all councilmen and retirees to forfeit, just like a teacher does, 10 percent of the cost of the Health Insurance and for them not to get any raises for at least three years with the way the economy is right now.

Eileen Frasier- spoke to the Town Board about Health Insurance, saying she works for the State of New York and she works 37.5 hours per week to get Health Insurance, she personally has an issue with people in towns who work 10 to 15 hours and get full health insurance, she does not agree, and, she would like this to go on the record, she thinks the citizens of Warrensburg should vote on whether all of the Board should get full Health Insurance or not because most of them are business owners, some of them are not, Kevin is the only person who works full time for the Town of Warrensburg, the rest of the Board either has full time jobs or other jobs. Ms. Frasier told the Town Board that before they all make a decision to vote on whether they get Health Insurance or they deny other people who are running for office Health Insurance it is her thought that this should come before the Town as a vote. Ms Frasier said she is thinking of New York State Civil Service Employees Association and the Professional Employees Federation who are currently voting on giving up 9 days that they will not be paid and they will have to pay more for their Health Insurance, they are not getting a raise for five years and they are not getting a step increase on their pay. Ms Frasier told the Town Board she personally, as a citizen of Warrensburg and of New York, knowing how much trouble the State is in, and the fact that Dean is willing to give up some of his Health Insurance is appreciated, really does believe that the Town Board should really consider giving up a little more, the other citizens of New York State have to; she knows that some of the Town Board is working maybe fifteen hours a month and are getting insurance that she is working 37.5 hours every week for. Ms. Frasier asked the Town Board to please be sensitive to the citizens of Warrensburg who also work and to be sensitive to the other citizens of New York State.

Ms. Frasier said she knew for a fact that Warrensburg is one of two counties in New York State that gives health insurance to their Board members, one or two of how many counties in New York State. Ms. Frasier asked the Town Board to think about the fact that they all have their own employment and really can afford to buy their own insurance.

Pam Morin, Warren County Development and Planning gave a presentation on the First Wilderness Heritage Corridor. Mrs. Morin told the Town Board she was giving them a worksheet in their handouts for an agreement for the Town of Warrensburg for their participation in the FWHC promotions.

Kathy Ferullo- spoke to the Town Board about Health Insurance telling them she was not sure if they were speaking just about the Board or the people who work for the Town. Ms. Ferullo told the Town Board she knew that people who work for the Town have not had a raise in pay in two years, and, said that is her concern. Mrs. Ferullo told the Town Board that she does know the town does not have a noise ordinance, and, asked if there was not anything on the town books about disturbing the peace. Supervisor Geraghty and Councilman Ackley told her it is State Law.

DISCUSSION – 119 RIVER STREET ISSUE

Supervisor Geraghty opened discussion explaining the first time he heard about this was just recently.

Larry Perna – told the Town Board he has addressed this several times with Chris, he and Sylvia are the people who deliver the papers out of the house, they do not make a lot of noise, the guy who is delivering the papers from the Post Star is. Mr. Perna told the Town Board he has contacted the Post Star, he has spoken to numerous officers regarding the loud exhaust noises that is bothering her. Mr. Perna asked to address the issues here and the citations or what ever it is. Mr. Perna told the Town Board that Mrs. Fruntzgeld has a dog that barks at night, he and his wife have played detective because of the problem, their 2010 Colorado that they drive is not a loud car, they pull into the driveway, close the door and her light flashes on and the dog starts barking, that is what is waking her up. Mr. Perna told the Town Board he would love to address the problem and asked if they wanted him to do the newspapers in the backyard, he will do what ever it takes to make her happy, he cannot move the papers to another location, he is driving to Tupper Lake to deliver these papers and cannot be a bundle short and that is one of the reasons he utilizes that porch, the second reason why he utilizes that porch is because the property is commercial property. Mr. Perna told the Town Board he would have built the house he has in Thurman on that property but he stood in front of this town and asked Patti if he could build a house twenty eight feet wide there and she told him no, he had to be twenty four feet wide because it is commercially zoned and the property is only sixty four feet wide, he had to have twenty feet on each side so he could not put the house he put in Thurman there. Mr. Perna said he spoke with numerous people, including Kevin, to see what it was going to take to keep this house to where it was not a health hazard or a fire issue, and asked what it was going to take to board it up. Mr. Perna said he spoke with Karen at the County and she said as long as the windows are boarded up, there is glass inside of the windows, there is no exposed burnt wood so it is not a fire hazard, which is what he was told. Mr. Perna said he was more than willing to do anything to keep it that way.

Supervisor Geraghty told Mr. Perna he did not know the Building Codes but that he did know there is a Code in the Town that addresses these burnt out buildings and the Town works with Warren County, it needs to be cleaned up by the time they gave him to clean it up or the Town will invoke the Unsafe Building Code ordinance against him. Supervisor Geraghty told Mr. Perna the Town does not want to do that, he would rather

have cooperation with the land owner but four years is too long. Supervisor Geraghty told Mr. Perna to clean up, cooperate and do the right thing. Supervisor Geraghty said that as far as the variance goes on the building, he could have asked for a variance, he did not know who he spoke to in the Building and Codes Department but for that extra few feet he could have asked for a variance. Mr. Perna told the Supervisor it was Patti; the Supervisor explained you can come in front of the Zoning Board of Appeals, and, said it was neither here nor there, there is an issue, Mr. Perna knows what he needs to do to correct it and to work with the person. Supervisor Geraghty said he was the one who suggested to Chris that maybe Mr. Perna could find a different location for the papers to get them out of that area. Supervisor Geraghty asked Mr. Perna to please continue to work on this issue and told him the Town will be following up on it very closely, and if need be he will call the Post Star and explain to them, he can call the Circulation Department.

Mr. Perna told Supervisor Geraghty he had been asked to make sure it is sided by the end of this year, at least with plywood, so that it is not an eye sore.

Supervisor Geraghty told Mr. Perna that it is not good enough, that is not what the Town really wants is plywood, the Town is asking for the house to either be rehabbed or torn down, so, they will ask him to do what is right and the Town will check with Code.

Councilman Rounds said that he owns property at the Industrial Park which is a twenty four hour operation up there, and, said there is no residential use up there. Councilman Rounds told Mr. Perna if he wanted to build a lockable drop box and put it on his property he would not mind, he could have the papers delivered there and take them from there. Councilman Rounds said he would not mind having a little traffic there in the middle of the night, just to keep an eye on things.

DISCUSSION - LANDFILL

Supervisor Geraghty opened discussion saying he knew there were concerns about the Landfill and he would address those concerns. Supervisor Geraghty said last month he brought up the fact the Landfill is open six days a week, for budgeting purposes and for the cut back and the two percent tax cap he believes the Town should go down to one person five days a week. Supervisor Geraghty said in order to do that he had asked the Board if they could leave it up to the attendant to decide what two days the Town should close the Landfill because the six day operation in this day and age with the expense of keeping it open costs a lot of money, and, the Town does not take in enough to cover the expense, the tip fees are covered but it does not cover the employee or employee benefits. Supervisor Geraghty said the attendant was told he has to stay open one weekend day because the Town can only burn Saturday and Sunday, the Town has the DEC rules that have to be followed, and, will probably go away next June because the Town was given a one year reprieve. Supervisor Geraghty said the Town asked Wendall to poll his customers, because he is the one that is up there all of the time, and, honestly for various good reasons Wendell does not want to work Sundays, and, he does not blame him, a lot

of people do not work Sundays, so they gave Wendall the choice. Supervisor Geraghty said the Sunday Monday is not cast in stone but the Town has only had maybe five people come to the Town Hall about closing Sundays; he does not know how many complaints the attendant gets. Supervisor Geraghty said that this maybe just a winter time schedule for the Landfill, perhaps in the summer time when businesses are opened and the camps are running they can go back to the six day a week schedule, the reason the Town is doing this is to try and save the taxpayers money.

Supervisor Geraghty asked Wendell Beadnell if there was a lot of push back at the Landfill. Mr. Beadnell said that when people ask him why Sunday he tells them he wants to have a family life just like them.

Supervisor Geraghty said that was his idea, he needs to know now for budgeting purposes, and, the Town needs to get their budget in place, the Board can choose to stay open six days a week and then they can be the ones to answer to the tax payers when the Budget is presented. Supervisor Geraghty said his garbage is picked up by a private vendor who picks it up every week, he does not feel it is proper that the landfill charges go against all of the taxpayers in the community because a lot of people have private contractors pickup, all he is trying to do is make the Landfill stand alone, take in enough money as a stand alone operation so that people who use the Landfill pay for the use of the Landfill, other people who private contractors pay the private contractor.

Councilman Ackley said he felt Sunday and Monday are fine; he likes the idea of closing for the winter months and then seeing about opening up in the spring, if it needs to be adjusted to six days.

Councilman Markey said the only thing he would recommend would be to post a sign at the landfill, stating the Town Board is looking at closing both Sunday and Monday to see what kind of reaction there is, not just from Wendall, but also get some feed back from the people through the Town Hall. Councilman Markey said he understood that the attendant wants to have weekends off but there are a lot of people that can only go on weekends and have to work until five o'clock during the week. Councilman Markey said he is not a fan of closing on Sunday but he wants to see what kind of feedback the Board gets.

Councilman Rounds said he knew he voted for Monday closure and then Monday of this week got in his truck and went there, it is a hard adjustment after it has been seven days a week. Councilman Rounds said it should be a winter time trial, garbage keeps better in the winter so they can try it and maybe go back to something different in the summer, maybe the Board will have to stagger those days off and do something mid week, it is a work in progress.

Councilman Alexander said for the record, he too feels Sunday and Monday should be fine for the Winter, once the businesses are open for the summer then do something else.

Councilman Alexander said once again, Commercial haulers work for him; they just come once a week, if the Landfill is closed for two days he feels whether they do consecutive days with Sunday so that Wendell can have his family days. Councilman Alexander said he feels the Landfill should be closed for the winter for two days.

Supervisor Geraghty asked when the Board wished to start closing for the two days.

It was determined the Town Board will try having the Landfill closed for Sundays and Mondays for the winter, starting on October 16th and October 17th, 2011.

DISCUSSION – HEALTH INSURANCE

Supervisor Geraghty opened discussion explaining that Health Insurance for town personnel is a vote of the Town Board, it is not a vote of the people, it is done by the Board, there are certain things you can have a vote on. Supervisor Geraghty said he is certain this Board is ready to re-visit the Health Insurance issue, sooner rather than later, it needs to be addressed before December 1st. Supervisor Geraghty said he wished to make something very clear, it is not a vote of the people, it is a vote of the Board, the policies of this Board can be changed anytime they want to be changed by the Board, there are certain things you allow the people to vote on. Supervisor Geraghty said all of the employees working for the Town of Warrensburg have not had a raise in two years; they come to work every day and try the best for the people. Supervisor Geraghty said that he would defend the work force; they have not had a raise in two years, so go easy on the workers.

Ed Nasierowski –told the Supervisor he did not have issues with the Town workers, not even the Supervisor, only the Councilmen.

Supervisor Geraghty explained there are certain contact obligations that the Town needs to follow, it is a Board policy, he is sure this Board will address it.

Linda Baker Marcella – told the Town Board the Landfill needs to meet the needs of the people that is providing the service to, instead of saying to the employees what days would you rather not be open, what you would like to know is what are the busiest days and what are the least busy days. Ms. Marcella said those are the days they should be closed in her opinion and if there is somebody who does not want to work on Sunday then alternate the day out. Ms. Marcella said that another concern she has about it is that she has heard more than once from people from other communities who bring their garbage here because the garbage is weighed in other communities and it is not here; she feels the Town needs to find some way to address that, either only take our residents garbage by having the residents have a pass or weight the garbage.

On motion of Councilmar	ı Markey,	seconded	by	Councilman	Ackley,	the	meeting	was
adjourned at 7:56 p.m.								

Respectfully submitted,

Donna A. Combs, Town Clerk