

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

The regular meeting of the Warrensburg Town Board was held on Wednesday, August 13, 2014 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

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

OTHERS PRESENT: Kathy Rounds, Deputy Town Clerk; Leah Everhart, Town Attorney; Edward Pennock, Highway Superintendent; Sandi Parisi, Historian; Steve Parisi, Museum Director; and numerous town residents.

WASTE TREATMENT PLANT SAND FILTER BUILDING BIDS

Bids were received and opened from the following for sand filter building bids:

Curtis Lumber	\$30,261.01
Lowes	\$24,600.99
Northern Design	\$24,529.00
Rozell	\$76,783.75

SLUDGE REMOVAL SYSTEM BIDS

One bid was received and opened from the following for the sludge removal system:
Sediment Control System \$29,360.00

MINI EXCAVATOR BIDS

Bids were received and opened from the following for a new 2014 Mini Excavator:

NORTRAX	\$61,970.00
MILTON CAT	\$62,717.00
MILTON CAT	\$57,346.00
ABELE TRACTOR	\$63,193.00

RESOLUTION #140-14

ACCEPT MINUTES

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

RESOLVED, to accept the minutes from July 9, 2014.

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.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

COMMITTEE REPORTS

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

COMMUNICATIONS:

- 1) A letter from Elizabeth Sebald about traffic signals and sidewalks in Town.
- 2) A letter of request to name the Field Hockey Field at the Recreation Field "Maryann Bump Field Hockey Field" to honor her coaching and teaching legacy.
- 3) A letter from Warren County Social Services complimenting the Summer Rec. Program.

RESOLUTION #141-14

NAME RECREATION FIELD MARYANN BUMP FIELD HOCKEY FIELD

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 name the Field Hockey Field at the Recreation Field "Maryann Bump Field Hockey Field" and to purchase a plaque so stating.

DISCUSSION - WOOD

Supervisor Geraghty opened discussion telling the Town Board the Town received \$700.00 from the Warrensburg Volunteer Fire Company's Smoke Eaters Jamboree auction for the four cords of wood that was auctioned off.

DISCUSSION - MAIN STREET PARK IMPROVEMENT PLAN

Councilperson Alexander opened discussion saying that the kiosk, dog station, benches, and waste paper baskets have been quite a shot in the arm for Main Street. Councilperson Alexander said this was a nice grant, it was a year and half of making and gives people more information to get around town.

Supervisor Geraghty said that Main Street, the Town Hall, Veterans Park, Osborne Park, Recreation Field, Marcus Bruce Park, Echo Lake, Boat Launch, Hackensack Mountain Parking area, Richards Library, the Farmers Market will all receive some new equipment so that people can enjoy the Town.

DISCUSSION - HYDRANT SYSTEM WATER METER SALES

Supervisor Geraghty explained the Town occasionally gets requests to fill in water tanks when they are working on jobs and they do use the hydrant system.

Supervisor Geraghty said we have been measuring the meters but if we go back to

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

our normal rate it does not make it worth while financially. Supervisor Geraghty said that Tom Belden has looked at other rates in other communities and has thought that \$3.90 per 100 gallons of water used up to 9,999 gallons and \$3.90 per 1,000 gallons of water used over 10,000 gallons would be an appropriate charge. Supervisor Geraghty said this rate would apply to water used from our hydrant system and will be based on a meter reading.

RESOLUTION #142-14

SET HYDRANT SYSTEM WATER METER RATE

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 set the hydrant water meter rate at \$3.90 per 100 gallons of water used up to 9,999 gallons and \$3.90 per 1,000 gallons over 10,000 gallons.

RESOLUTION #143-14

AWARD OCCUPANCY TAX TO WARRENSBURGH HISTORICAL SOCIETY

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

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

NAYS 0

RESOLVED, to award \$180.00 from Occupancy Tax funds to sponsor the Warrensburch Historical Society Heritage Trail Website.

RESOLUTION #144-14

AWARD OCCUPANCY TAX FOR ADVERTIZING TOWN OF WARRENSBURG

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

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

NAYS 0

RESOLVED, to expend \$645.00 from Occupancy Tax to pay for advertising for the Town of Warrensburg with Interface Communications for a half page ad which 50% reimbursed from Warren County.

RESOLUTION #145-14

AWARD OCCUPANCY TAX FOR BED & BREAKFAST ASSOCIATION

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

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

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

RESOLVED, to expend \$200.00 from Occupancy Tax to pay for the Warrensburg Bed & Breakfast Association website.

DISCUSSION - REQUEST FROM MAPLE TREE BOOKS

Supervisor Geraghty said the Town Board had tabled the request from Maple Tree Books for Occupancy Tax for the paper back book sale ads in the amount of \$118.00.

RESOLUTION #146-14

OCCUPANCY TAX FOR COUNTY HIGHWAY SUPERINTENDENT AD

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

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

RESOLVED, to expend \$100.00 from Occupancy Tax to pay for an ad in the banquet book for Warren County Town Highway Superintendent's Association.

RESOLUTION #147-14

AWARD OCCUPANCY TAX TO WARRENSBURG VOLUNTEER FIRE COMPANY

On motion of Councilperson Alexander, seconded by Councilperson Reed, the following resolution, which Supervisor Geraghty recused himself from was ADOPTED - VOTE:

AYES 4 Alexander, Rounds, Reed, Baker-Marcella
NAYS 0
ABSTAIN 1 Geraghty

IT IS RESOLVED, to expend \$4,707.66 from Occupancy Tax to pay for advertising done by the Warrensburg Volunteer Fire Company for the Annual Smoke Eaters Jamboree.

RESOLUTION #148-14

AWARD OCCUPANCY TAX TO WARRENSBURG GREATER BUSINESS ALLIANCE

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

AYES 4 Alexander, Rounds, Geraghty, Reed
NAYS 0
ABSTAIN 1 Baker-Marcella

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

BE IT RESOLVED, to expend \$950.00 from Occupancy Tax to pay for advertising for the Warrensburg Greater Business Alliance advertising for their car hop.

PUBLIC REMINDERS

Supervisor Geraghty said he wished to give a reminder that the Worlds Largest Garage Sale is coming up for October 4th and October 5th and the Town's parking rules will remain in effect. Supervisor Geraghty said there is no parking on both sides of Elm Street, Emerson Avenue, the North side of Library Avenue to James Street, the North side of Stewart Farrar Avenue, both sides of Second Avenue, both sides of Hackensack Avenue, both sides of Adirondack Avenue and both sides of Park Street, and, that Marcus Bruce Park is no parking for Garage Sale weekend. Supervisor Geraghty said this resolution goes into affect every year for the Garage Sale.

Councilperson Baker- Marcella asked if the private property owners who come in when they are given a permit are given a copy of that sheet or if the streets are posted.

Supervisor Geraghty explained the streets are posted and that the court officer is out there issuing tickets.

Supervisor Geraghty reported that the Lake George Triathlon Festival will be held on August 30th and August 31st and they have asked if the Town Court Officer could help out with traffic control. Supervisor Geraghty will send them a letter to confirm that the Court Officer will help.

DISCUSSION - BID ON WASTE TREATMENT PLANT SAND FILTER BUILDING

Supervisor Geraghty asked Tom Belden what he would recommend to the Town Board. Mr. Belden told the Town Board for the building materials only he would accept Lowes and he would not accept Rozell's for putting it up, the bid was way too high.

Supervisor Geraghty said that Lowes was not the lowest bidder, Northern Design was the lowest. Mr. Belden said Northern Design's bid was just for the shell, there would be another \$10,000 for materials inside.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

RESOLUTION #149-14

ACCEPT LOWES BID FOR WASTE TREATMENT PLANT SAND FILTER BUILDING

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

BE IT RESOLVED, to accept Lowes bid for \$24,600.99 for materials for the waste treatment plant sand filter building.

RESOLUTION #150-14

AWARD BID ON SLUDGE REMOVAL SYSTEM SLED

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 accept the single bid for a sludge removal system sled from Sediment Control System for \$29,360.00 and approving the 50% down payment stipulation of the bid.

RESOLUTION #151-14

AWARD BID ON MINI EXCAVATOR

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 award the bid to Nortrax in the amount of \$61,970.00 for the Mini Excavator.

RESOLUTION #152-14

BUDGET MODIFICATION

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

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

NAYS 0

BE IT RESOLVED, to do the following 2014 Budget modifications: Insurance Recovery in the amount of \$8,965.49 for a pickup and trailer; insurance recovery in the amount of \$21,200 for the Kubota mini excavator and \$7,500 to the Water District for the sale of the damaged Kubota mini excavator.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

RESOLUTION #153-14

BUDGET MODIFICATION

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

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

NAYS 0

**IT IS HEREBY RESOLVED to do the following 2014 Budget Modification:
Emergency Disaster Assistance in the amount of \$45,152.00 for FEMA aid for Alden Avenue.**

DISCUSSION - AUTHORIZE PLANNING CONFERENCE

Supervisor Geraghty opened discussion telling the Town Board there is a Planning and Zoning Conference in Lake George September 25th and he would like permission for the Town to pay the registration fee for any Planning or Zoning or Town Board member to attend.

RESOLUTION #154-14

AUTHORIZE REGISTRATION FEE

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

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

NAYS 0

BE IT RESOLVED, that the Town Board does authorize payment of the registration fees for Planning Board or Zoning Board of Appeals or Town Board members to attend the Planning and Zoning Conference in Lake George that is being held on September 25th, 2014.

DISCUSSION- REQUEST FOR SPEED REDUCTION

Supervisor Geraghty opened discussion telling the Town Board he has received a written request from Bob and Bev Burnham from River Street requesting 30 mile an hour speed limit signs. Supervisor Geraghty said they will send letters to the County and to the State requesting the signs.

RESOLUTION #155-14

REQUEST SPEED LIMIT SIGNS

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

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

IT IS HEREBY RESOLVED, to send letters of request for speed limit signs for River Street to Warren County and to the State of New York.

DISCUSSION - ROUTE 418 BIKE PATH

Supervisor Geraghty told the Town Board he had received a letter from Steve Bederian requesting Route 418 have a bike path. Supervisor Geraghty will make copies of the letter and forward it onto the proper people and he will get back to Steve to let him know what is being done.

RESOLUTION #156-14

PAY BILLS

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

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

NAYS 0

BE IT HEREBY RESOLVED that the bills contained on Abstract #8 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	\$45,374.41
Highway Fund	\$76,835.98
Lighting Fund	\$ 5,830.58
Sewer Fund	\$16,987.76
Water Fund	\$43,747.26

PUBLIC COMMENTS

Supervisor Geraghty said that as part of the towns' ongoing energy plan for the future it was decided to install solar panels at the Sewer Plant, the Rec. Field, the Landfill and the well at Countryside Adult Home. Supervisor Geraghty said it has been an ongoing process, the Town has hired Edge Design to do the installation and they are in that process. Supervisor Geraghty explained that when the Town went down to the Recreation Field he never thought to notify Bud (York) whose property adjoins the Recreation Field, Bud has reminded the Supervisor about the deed that was filed in 1925 that has restrictions for the Recreation Field. Supervisor Geraghty said he has sent the information down to the Town's attorneys at Miller, Mannix. Supervisor Geraghty asked Leah if she had an opinion for the Town, is this for a proper use.

Leah Everhart, Attorney- told the Town Board that the deed is for parks and the grounds and other appropriate public purposes and that their understanding of the scope of the solar panels is minimal. Ms. Everhart said that they are not uncomfortable with the Town moving forward, as far as ancillary uses should not prevent the Town from moving forward but the Town should decide.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

Bud York, Library Avenue-said he did not wish to cause the Town any problems but it was troubling to him that he thinks the Town is encroaching on the Recreation Field. Mr. York said he had looked at this about ten years ago when he had a little problem with the Town and what they were doing with some of the Water property and he read that section. Mr. York said he and Linda had a good discussion today, and, his impression of 1924 or 1929 when they wrote that the people that gave that land to the town's intention was that it was to be used for ever for recreational park uses. Mr. York told the Town Board that it seemed to him over the years the Town keeps encroaching on the Recreation Field. Mr. York said the fact that he lives right there and these things are going to be damn ugly looking out his window is something he is not happy about. Mr. York asked Supervisor Geraghty if he remembered when they were kids the nine hole golf course that was on the Recreation Field, that Recreation Field, where the stances are put up now, used to be the 8th hole, the water buildings that were there were just one small building. Mr. York said since that time the Town has built another water building, which the Town can do because it is on water property but to him they are encroaching on the Recreation Field. Mr. York said that where the stances were put is going to be a problem, with the kids flying down the field in the winter.

Mr. York told Councilperson Baker-Marcella he wanted the part of the deed that she read to him today into the minutes tonight, and, he would like other people to make a determination of what it means. Mr. York told the Town Board they could make it mean what they want to make it mean, he thinks it means it is forever park, forever Recreation Field, not putting up god awful ugly looking things that are going to save the Town money. Mr. York said he was glad they are saving the Town money but not when you are encroaching on the Recreation Field to do it; it is his understanding from talking to Kevin and to Linda it was their position that they have a difference of opinion and the town can legally do that. Mr. York said that he thinks that the people who intended that might not agree with them, if they went with that legal opinion town boards in the future could encroach further on the field.

Supervisor Geraghty told Mr. York as he had told him, the Town was trying to save money, he went down there and looked he never gave it any thought because the Town did build that other field there and raised up for the football which will be used for the soccer program. Supervisor Geraghty said the solar panels will be fenced in, he has spoken to Tom about that. Supervisor Geraghty said he was concerned that they were kind of close to the edge of the field, he had thought they were going to be more south towards Richards. Supervisor Geraghty said they are up now, he would love to work with him (Mr. York) to satisfy the view portion of this. Supervisor Geraghty said he did talk to Edge Design, he did not have them do anymore work on Monday because he wanted to be fair about it, and he knows the Town Board wants to be fair. Supervisor Geraghty said he has asked everyone of these people to go down there and look at it.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

Mr. York suggested they look at them from his living room or dining room.

Supervisor Geraghty told Mr. York he would like to come to a compromise tonight, he still wants to put the panels in but come to a compromise they can both agree on, and maybe clarify some of the language in the old deed.

Mr. York told the Supervisor the compromise would be to take the things down but he does not want to cost the Town money, he knows this is grant money and the towns people are paying for it and if the Town does not follow through with it the Town would have to pay people back. Mr. York said he did not want to be the cause of that, he is not looking for that. Mr. York said he thinks the Town is going to have to take a broader approach to this and think about the future because there will be a lot more Town Board members when they are long gone.

Mr. York asked Councilperson Baker-Marcella to read the portion of the Town Deed into the records. Mr. York said he had just subdivided his property and he took down his trees, his daughter is going to build a house there, and he had to just go through hoops to do that, he followed the rules and did what Zoning told him he had to do. Mr. York said he had to have the property surveyed and then give the Zoning people another check for twenty or thirty dollars because they had to send a letter to all of his neighbors to ask if they had any objection to him building on his property that he had enough property to build on, legally why do his neighbors get to come to town hall and bitch about this when the town is putting up the ugliest things in the world and do not even notify them. Mr. York asked why the Town Board does not send out a letter to let them know they are thinking of putting up these ugly things here, what do you think neighbors? Mr. York said he knew no one else in town lives there so it does not bother them but they should at least do what they are making the residents do. Mr. York said he did not know what law says he had to notify people he is building on his property when he had enough property to do it, he did not understand.

Supervisor Geraghty said he could not speak for the Zoning Law. Supervisor Geraghty said maybe they should have had better communication, it was a year and a half ago when the town started this project and it has been in the paper, Tom had written about it a few times. Supervisor Geraghty said they did not go to the neighbors and say the Town was putting up solar panels and the Town did not measure out the area.

Councilperson Alexander said ugly is in the eyes of the beholder, they are popping up every where, every other place in Queensbury has them on Quaker Road now. Councilperson Alexander said he had gone on line the other day and typed in solar ray at municipal parks and if you read it, most towns and cities sunniest places are in their parks and so they build them up. Councilperson Alexander said a lot of the panels are placed on roofs, the town had to use these ray things because that is the

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

only way they have. Councilperson Alexander said he feels that as they build these they are going to be getting smaller and smaller, more energy. Councilperson Alexander said he planted big trees because he had two structures next to his house he did not care to look at, he was not recommending Mr. York do that but if he had something he did not wish to look at he might consider it.

Mr. York told Councilperson Alexander he understood that and he was saying ugly is in the eye of the beholder but this beholder is living right next to them, and, are the only ones living right next to them. Mr. York said he certainly hoped the Town did keep an eye on them because he was not so convinced they save money. Mr. York told the Town Board he guessed if the Town was not putting any money into building them, and they take their electric bill from 2013, and it was \$100,000.00 and in 2014 it is not considerably lower than it is a waste of time.

Councilperson Alexander told Mr. York the solar panels were a necessary evil after National Grid jacked the rates last year, National Grid is on a runaway train.

Mr. York again asked that the deed be read into the record.

Councilperson Baker-Marcella said she wished to apologize publically, like she did before, because she personally did not give a thought to who might see these and thinking they were on Town property. Councilperson Baker-Marcella said she never gave a thought about where they were going to go at the sewer plant and at the landfill and that she did not know where they were going to go on the Recreation field. Councilperson Baker-Marcella said she did not know about the limitations and she would be quite happy to read it into the minutes so in the future they can know. Councilperson Baker-Marcella told Mr. York she wished to apologize to him for herself and for the Board and said it was a little bit of lack of consideration but not intentional. Councilperson Baker-Marcella said she did not have kids here and did not know there were kids that toboggan down that hill, and, asked if they really do toboggan down that hill. Councilperson Baker-Marcella said maybe the Town should put a burr around the solar panels.

Supervisor Geraghty said a lot of things have changed over time, there will be a fence around these; they are not going to have people running into these and he has asked Tom and Edge Design who have assured him there will be a fence, he feels the chances of someone sliding down hill and running into these are pretty slim because they hit a flat area first. Supervisor Geraghty told Councilperson Baker-Marcella to read the document into the record and said that on behalf of the Board if they can come up to a compromise on the Southern end to hide these from Mr. York, he would personally be willing to do that.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

Councilperson Rounds told the Town Board he did not remember the Recreation Field being involved in the original contract. Councilperson Baker-Marcella said it was not the Rec. Field, it was the Water Department.

Mr. York said that was specifically asked and that he still had not seen it, to look at the map because it may not be on the Recreation Field, it may all be on Water property but no one has told him that yet.

Supervisor Geraghty said he has asked Tom and they believe it is on the Recreation Field.

Tom Belden said yes, it was on the Recreation Field.

Councilperson Baker-Marcella said it is on Town property, either way.

Councilperson Baker-Marcella said she wished to respond to Mr. York's statement that the Town does it because they can. Councilperson Baker-Marcella said that is not the way they function, the Town Board cares about what their residents think and say, if anyone has a major objection they will do their best to work with them to work around it, they do not do it just because they can. Councilperson Baker-Marcella said when she talked to Mr. York earlier he said equally important to the fact was that they do not like looking out at them he wished to make sure that in the future there is not an erosion of this parcel. Councilperson Baker-Marcella told him that was fine, they would just read into the minutes the part of the deed that says it, and, that it is basically what the Town's attorney said.

Councilperson Baker-Marcella read the following portion of the deed from William B. Isham and Hannah Isham dated November 15th, 1924 into the Town minutes:

"It is mutually understood and agreed that this conveyance is made and accepted upon the express understanding, condition and covenant, to run with the land, to wit:

(1) That said lands are granted and dedicated to said Town of Warrensburgh for Park, Playground and other proper public uses, and not otherwise.

Discussion ensued on the deed, including the letter to the Town from Attorney Albert E. Beswick to the Town Supervisor, dated May 15th, 1961, including the letter from the Attorney, not the interpretation of the deed.

Leah Everhart, Town Attorney said this is a legal matter, alienation is the sale of the property and what the deed basically says is if you sell the property or if you fail to maintain the property there could be a reversion to the Library. Ms. Everhart said that what the Town Board wants to do as a policy matter is up to the Town Board.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

Ms. Everhart said she wished to address a couple of things: Zoning and Planning review processes are statutes that has to be given to who they effect and because this was not subject to any municipal review process, meaning it was not a ZBA review or a Planning Board review, there was not an obligation to do that. Ms. Everhart said those provisions that deal with ZBA review processes do not apply where Town Board's are considering undertaking certain actions. Ms. Everhart told the Town Board if they wished to do public notice in the future it was up to them, completely policy preference. Ms. Everhart said her understanding of this deal was it is used primarily for Recreational Park, Park Playground purposes, the town can go forward and does not have to take the solar panels down, they can do what ever they want, as a legal matter. Ms. Everhart said as a policy matter, whether they want to move them, hide them, put plantings around the solar edge, it is all completely up to them.

Supervisor Geraghty said he would like to come to some resolve, he would like to keep Mr. York as a happy neighbor. Supervisor Geraghty told Mr. York he had made a good point; the Town stopped what they were doing until it could be worked out.

Councilperson Rounds said Mr. York mis-spoke a minute ago when he said it was grant monies, but it is not, there are no grant monies involved. Councilperson Rounds told Mr. York he was going to come around to his problem with all of this; it is a private company that erects these things with no charge to the Town, they take a profit from it and we return a portion of it. Councilperson Rounds told Mr. York when you read that deed and the covenant in the deed, he did not remember the Rec. Field being involved with it but he had a real problem now thinking about it; that they are going to allow a private company to profit from a structure being placed on the land that was meant for a Park for the entire future; and said however the lawyers want to craft it does not seem that was what was meant for it in 1926, in his eyes.

Councilperson Rounds said the Town entered into this contract with Edge Designs and said at the landfill is a cool spot, the sewer treatment plant.....Councilperson Reed added at the wells.

Supervisor Geraghty said the Town could move the stanchions, it did encroach on the Recreation Field a little bit but that is the Town Boards choice.

Councilperson Baker-Marcella told the Town Board the Town did not get the grant, the contractor got the grant from NYSERTA and if it did not go through it would have to be paid back.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

Discussion ensued on who would be responsible to pay the money back if the town did not complete the contract.

Councilperson Reed said the town said the wells and that was a well site and it was an active running well until the town constructed the new well at the Countryside location, that was an active running well.

Discussion ensued on the capability of the solar panels working the way they are supposed to. Mr. York told the Town Board he was willing to work with them, he was certainly not going to force them to take it down, and he was the only one from Library Avenue complaining, he did not wish to have the town go through a legal issue although if he really pushed it he could. Mr. York told the Town Board they needed to come up with something.

Discussion ensued on the type of barrier the Town wished to use to shield the solar panels from Mr. York.

Supervisor Geraghty said the other thing for discussion would be did the Town Board make a policy statement in the future about what they want to do down there. Supervisor Geraghty also discussed the success of another town who has used the same company for solar power.

Supervisor Geraghty said the NYSERTA grants do change, when the Town first started they were twenty five watts, now they are up to seventy five watts, the maximum down at the sewer plant is now going to be seventy five. Supervisor Geraghty said they had to get a permit for the Sewer plant site from APA to put the panels, they allowed the town to do what they wanted to do and allowed an additional row of panels.

Mr. York told the Town Board they should have their attorney research what Councilperson Rounds said about having a private company making money off the Town.

Supervisor Geraghty said that if the Town had doubts about that it should have been discussed, the Town is under a signed contract now.

Ms. Everhart told the Town Board this would be a policy issue, for future thought, if a company or a person devises a benefit does not prevent the Town from undertaking a benefit public on public land.

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 13, 2014

It was determined that the Town Board will wait until the solar panels are up, once they are up, a decision will be made on what steps to take to conceal them.

On motion of Councilperson Baker-Marcella, seconded by Councilperson Reed, the meeting was adjourned at 8:17 p.m.

Donna A. Combs, Town Clerk