

REGULAR MEETING, WARRENSBURG TOWN BOARD, SEPT. 10, 2014

The regular meeting of the Warrensburg Town Board was held on Wednesday, September 10, 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: Donna A. Combs, Town Clerk; Robert Hafner, Town Attorney; Edward Pennock, Highway Superintendent; Sandi Parisi, Historian; Steve Parisi, Museum Director; and numerous town residents.

RESOLUTION #159-14

MINUTES

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

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

NAYS 0

RESOLVED, that the minutes of August 13, 2014 and August 22, 2014 be accepted.

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.

COMMITTEE REPORTS

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

RECOGNITION

Supervisor Geraghty thanked Kathy Varney, Chris Belden and Patty Monahan for all of their dedicated work with Healthy Places Live and Work grant funding which has provided the town of Warrensburg with benches, receptacles, water fountains and bike racks around town.

Kathy Varney told the Supervisor she had come tonight to thank the Town Board for embracing the Complete Streets and all of the different things that make Warrensburg pedestrian friendly. Mrs. Varney thanked the Supervisor Kevin Geraghty for writing the letter that made all of this possible.

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RESOLUTION #160-14

SET BID OPENING DATE FOR VARIABLE SPEED DRIVES

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 a bid opening date for the variable speed drives for September 24, 2014 at 4:00 p.m. at the Town Hall and further resolved to authorize the Town Clerk to place a legal advertisement in the Glens Falls Post Star.

RESOLUTION #161-14

HIRE EMPLOYEE

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 hire one part time worker for the Town building projects for \$15.00 per hour.

DISCUSSION - HEALTH INSURANCE

Supervisor Geraghty told the Town Board he meet with the Town's Insurance broker for Health Insurance this past week, they did have to make a minimal change which they will discuss with the employees, the co-pay is going up a little bit, the Town will have about a 6.24 percent increase in the premium.

DISCUSSION - TOWN WIDE INSURANCE

Supervisor Geraghty told the Town Board they need to start working on a request for proposals for town liability and auto insurance, this is one of the items the auditors mentioned that should be bid out every three to four years. Supervisor Geraghty said they will probably put a bid out for this late fall, the insurance expires in February.

DISCUSSION - SCHEDULE MEETINGS

Supervisor Geraghty told the Town Board a workshop meeting for the budget should be set for Wednesday, October 1st at 4:30 p.m.

A budget public hearing is set for Wednesday, October 8, 2014 at 7:00 p.m.

INFORMATIONAL DISCUSSION

Supervisor Geraghty announced the 9-11 ceremony will be held Thursday, September 11, 2014 at 7:00 p.m. at the Bandstand in the street. Supervisor

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Geraghty said most of the asbestos removal has been done, currently they are removing lead paint. Supervisor Geraghty told the Town Board the County will open bids on that project on September 18th, they hope to have the Band Stand done this fall.

Supervisor Geraghty told the Town Board the Greater Business Alliance Car Hop is Friday, September 12, 2014 at the Luck E Star Cafe.

Supervisor Geraghty announced the Worlds Largest Garage Sale will have the same restricted parking as streets as last year.

RESOLUTION #162-14

BUDGET TRANSFERS

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

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

NAYS 0

RESOLUTION #163-14

BUDGET MODIFICATIONS

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

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

NAYS 0

RESOLUTION #164-14

PAY BILLS

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

BE IT HEREBY RESOLVED that the bills contained on Abstract #9 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	\$ 32,372.33
Highway Fund	\$128,027.15
Lighting Fund	\$ 5,614.85
Sewer Fund	\$30,205.69
Water Fund	\$16,436.49
Capital Bandstand	\$ 1,069.20

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DISCUSSION - HHH NETWORK

Town Attorney Hafner explained he wished to update the Town Board on the Hudson Health Center project. Attorney Hafner said that the Health Center has added some property to what the Town owns, the Town has to add it to the lease. Attorney Hafner said the Health Center is getting to the financing of the Health Center project and he has documents with him for the Supervisor to sign. Attorney Hafner said the Town Board had done two resolutions in the last two years that authorize these two documents, one in 2012 and one was last December. Attorney Hafner told the Town Board he would get a title insurance policy that shows there are no mechanics liens on the Town's properties.

PUBLIC COMMENT-PRIVILEGE OF THE FLOOR

Mark Murray, 96 Lake Avenue - said he had been before the Board a couple of months ago making a complaint about the noise; he is currently surrounded by rental properties. Mr. Murray told the Town Board things had gone fairly well up until Labor Day weekend, Thursday night before Labor Day they were woken up at 12:30 and at 2:30. Mr. Murray said he called the Sheriff Department twice, and about the only thing he got was he was woken up at 3:00 by the State Police. Mr. Murray said on Saturday night there were about 16 cars at the one house in the driveway, he thought he would just close his windows and be done with it. Mr. Murray said around midnight someone was setting off fireworks, the police were

called two times that night as well. Mr. Murray told the Town Board the police told him there is nothing they can do for him because there is no noise ordinance. Mr. Murray said his wife went down to the house to try to talk to the people, they were very insulting and told his wife to go ahead and call the cops. Mr. Murray said everybody, including the owner talked to these people, he is at this wits end and he does not know what to do. Mr. Murray told the Town Board he was requesting that something be done. Mr. Murray said that on Saturday night there was also a roving party between this house and the Lodge, so there parties going on over there, parties on the Town Beach and parties in the yard with people walking back and forth at 1:00 in the morning. Mr. Murray said the police told him there was nothing they could do about that either because there is no public intoxication ordinance.

Supervisor Geraghty told Mr. Murray that there is an open container ordinance in the town, it has been on file for years. Supervisor Geraghty told Mr. Murray the Sheriff was here tonight, he can explain some of this.

Mr. Murray said his issue still stands, he feels like he is being held prisoner in his own home, he had to shut windows, turn on fans, turn on air conditioners to be able to sleep. Mr. Murray said he is asking once again that something be done, he would like to see some redress that he can take that actually works.

Sheriff York said he could hear the fireworks from his house. Sheriff York said he could certainly find out the results from any of his officers that went there but he
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would like to find out what all the results are. Sheriff York said certainly those fireworks that he heard were illegal, and, if he had to send somebody up there to catch someone doing that he will certainly do that, a lot of times it happens before they get there and you do not have a right to go into the house to find it. Sheriff York told Mark that if he saw them doing it he could certainly give a statement to the officers. Mr. Murray said he did not see them doing anything, his house rattled and it woke him up.

Discussion ensued on these properties being rental properties that people rent for parties and weddings and so forth.

Kathy Ferullo - said she thought that would fall onto the responsibility of the home owner to set rules and regulations for the people that are going to stay there. Mrs. Ferullo explained her policy and procedure for her rentals.

Supervisor Geraghty said that usually if you are in a business, you want to cooperate with your neighbors. Supervisor Geraghty said he was aware of a few fireworks displays, he checked with the golf course and they have licensed people who set off the display, the Fire Company has a licensed fireworks person. Supervisor Geraghty said he did not know about Echo Lake, it was his understanding this was done at the Lodge. Supervisor Geraghty said he did try to reach out to Echo Lake to see if they are having a licensed fireworks person do it because there is something the Town could do about that because it is illegal.

Supervisor Geraghty said he could tell him that the Town Board is kind of watching what the Village of Lake George is doing with rental properties. Supervisor Geraghty said he did not know the owner of this property.

Charles Fittipaldi told the Town Board he was made aware of the problem when Diane Murray came to his in laws' home about 12:30 in the morning and pounded on the door. Mr. Fittipaldi said both of his in laws had been in concentration camps in Germany, not only did this action horrify them, it horrified him that she would beat on his door that way. Mr. Fittipaldi said that he has forbidden fireworks and no noise after 10:00 o clock at night. Mr. Fittipaldi said unfortunately, with what this group of people did between the Lodge and his house made him tell them they had to leave. Mr. Fittipaldi said he went to the Murray's house and gave them his phone number and told them to call him first, rather than get them selves all worked up. Mr. Fittipaldi said he had told these people fire works are illegal in our town, and, that they had no right to do what they did, they annoyed him as much as his neighbor, and he apologized to his other neighbors for the noise. Mr. Fittipaldi said this was not the normal situation, normally he had better control over the people, they got away from him. Mr. Fittipaldi told the Town Board he did not feel it was safe for Mrs. Murray to have gone down to the house to encounter however people were there, the best thing would have been to come and gotten him early on,

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and, he would have dealt with the situation. Mr. Fittipaldi said he lives at 32 Orton Drive.

Mr. Murray said to be clear, they tried that before and no one would answer the door. Mr. Fittipaldi told Mr. Murray his in laws were holocaust survivors, they will not answer the door at night. Mr. Fittipaldi told Mr. Murray what he did was inappropriate, and, he believed a fine should be imposed that if anyone lights fireworks without a permit, including the Lodge without a permit. Mr. Fittipaldi said he did not feel it was fair for any of his neighbors to tolerate any of that, he has told them if they have a problem to come to him first and if he has a problem he will call the State Police, it would not be the first time he has called the police on a tenant he had in there who were being unruly.

Supervisor Geraghty told Mr. Fittipaldi he wanted to work with his neighbors and the Town, if they can work through this issue it would be better. Mr. Fittipaldi told the Supervisor the tenants had no business being in the park when it had closed at 6:00 p.m.

Supervisor Geraghty said the police can move them out of there, it is trespassing. Councilperson Alexander asked if the law enforcement could go through Charlie's property down to his dock and raise hell with these people. Mr. Fittipaldi said he would give them permission at any time. Councilperson Alexander said that did not happen this time, he did not think. Mr. Fittipaldi said he found out the answer why that did not work this time; a few of the people staying there were police officers.

Discussion ensued.

Supervisor Geraghty said this was not the first time the Town Board had heard this and the Town Board can look at tightening up the rules, which can make it almost impossible for people to rent out their houses but they really do not want to do that. Supervisor Geraghty said they understand some of the reason people rent these homes.

Sheriff York said the police can do more, he wished Mr. Murray had called and let him know sooner.

Discussion ensued.

Supervisor Geraghty suggested to Mr. Fittipaldi that he might wish to institute a set of guidelines for his rentals, and try to stop alienating the number of people up and down the street. Supervisor Geraghty told Mr. Fittipaldi that he needed to make his people who are renting from him understand it is a residential area that they are in and make them behave when they are in town. Supervisor Geraghty said that otherwise this would force the Town to take the route of the village, the Town Board
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is watching to see what they do in the Village of Lake George to see what they do with the properties in the residential areas. Supervisor Geraghty said the other thing that upsets a lot of people is the property is rented out and because they do not put out maid service they do not pay any occupancy tax to the County where all of these other places do pay occupancy tax to the County. Supervisor Geraghty told Mr. Fittipaldi this is starting to rub a lot of people the wrong way, and, he thinks with the unruly actions of the people that he is renting it to is going to force these Towns to take steps that he is not going to like and it will hand cuff him so he would behoove him to work with his neighbors and to investigate and interview them a little better.

Councilperson Rounds told Mr. Fittipaldi he would write something into the lease agreement that stated that if the police are called they will forfeit their security deposit. Councilperson Rounds said that would solve the problem.

On motion of Councilperson Baker-Marcella, seconded by Councilperson Alexander, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk