

REGULAR MEETING, WARRENSBURG TOWN BOARD, JUNE 11, 2014

The regular meeting of the Warrensburg Town Board was held on Wednesday, June 11, 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; Sandi Parisi, Historian; Steve Parisi, Museum Director; Teresa Whalen, Beautification Chair, and numerous town residents.

RESOLUTION #106-14

MINUTES

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

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

NAYS 0

RESOLVED, that the minutes of May 14, 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, Highway, Historian, Historical Society, Museum, Parks and Rec., Landfill and Sewer and Water.

DISCUSSION - CIRCA PLAQUES

Sandi Parisi, Town Historian opened discussion telling the Town Board that 12 properties have been researched and will be receiving Circa Plaques. Mrs. Parisi explained that these are properties that have been placed on the State and National Register of Historic Places. Mrs. Parisi asked permission to award the plaques at a Town Board meeting once she receives them.

DISCUSSION - LIFE GUARDS

Supervisor Geraghty reported the Town has hired the lifeguards for the summer, one of them is certified to teach swimming lessons, the Town is probably going to set up swim lessons for one to two days a week, as part of the survey.

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COMMUNICATIONS

- 1) A letter from Skyler Worsley, a student in Ballston Spa, regarding the intersections in Warrensburg.
- 2) A letter from Ed Zibro reporting the Warrensburg Bike Rally was even more successful this year and had more vendors.

DISCUSSION - WARRENSBURG BIKE RALLY

Councilperson Baker-Marcella reported the Chamber and Warrensburg Business Alliance staffed a booth and greeted people every day from 9:00 a.m. to 6:00 p.m. at the Bike Rally because they wanted to make sure it was a positive experience for them, and, equally important they wanted to make sure they came back to town and supported and patronized the businesses downtown. Councilperson Baker-Marcella said the feedback was that people could not believe how friendly Warrensburg was and that they will definitely be back; she personally visited each of the vendors on Sunday morning and thanked them for coming to Warrensburg.

DISCUSSION - COIN DROPS

Supervisor Geraghty reported he sent out letters to all the known organizations that have had coin drops in the past notifying them that the Town will no longer be sanctioning or allowing coin drops on any Town roads.

DISCUSSION -PROCUREMENT POLICY

Supervisor Geraghty opened discussion saying the Town Attorney would be explaining the process the Town would be doing tonight regarding the procurement policy.

Attorney Hafner explained that the Procurement Policy is currently part of the Town Code, and their advice is to take it out of the Code so the Town can make changes to the Procurement Policy by resolution and not have to update the Code with a local law.

Attorney Hafner explained the Town Board would be doing a three part process, adopting a new policy, scheduling a public hearing for a local law to remove the Procurement Policy from the Code Book and adopting a Local Law allowing for contracts to be awarded on Best Value.

RESOLUTION #107-14

ADOPT TOWN PROCUREMENT POLICY

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

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

NAYS 0

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RESOLUTION #108-14

SCHEDULE PUBLIC HEARING FOR LOCAL LAW #1-14

On motion of Councilperson Reed, seconded by Councilperson Baker-Marcella, the attached resolution was ADOPTED

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

NAYS 0

RESOLUTION #109-14

SCHEDULE PUBLIC HEARING FOR LOCAL LAW #2-14, BEST VALUE

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

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

NAYS 0

RESOLUTION #110-14

ACCEPT QUOTE OF ATLANTIC CONTRACTING AND SPECIALTIES

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

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

NAYS 0

IT IS RESOLVED, to accept the quote of \$23,500.00 from Atlantic Contracting and Specialties on the asbestos and lead abatement on the Floyd Bennett Bandstand Project providing the contract is approved by the Department of State.

RESOLUTION #111-14

AUTHORIZE SUPERVISOR TO SEEK QUOTES FOR AIR MONITORING

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

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

NAYS 0

RESOLVED, to authorize Supervisor Geraghty to seek quotes for air monitoring of the asbestos and lead abatement removal.

RESOLUTION #112-14

AUTHORIZE SUPERVISOR TO HIRE FORESTER

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

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

NAYS 0

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IT IS RESOLVED, to authorize the Supervisor to hire a Forester to survey and mark the Town Watershed property and to determine the value of timber on the lands.

RESOLUTION #113-14

A RESOLUTION OF SUPPORT FOR A GRANT BY THE WARRENSBURGH HISTORICAL SOCIETY AND WARRENSBURGH BEAUTIFICATION INC.

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

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

NAYS 0

RESOLVED, to support a grant to be written and paid for by the Warrensburgh Historical Society and the Warrensburgh Beautification Inc. for a Technical Assistance Grant application with all administration of the grant to be done by the Warrensburgh Historical Society and Warrensburgh Beautification Inc.

DISCUSSION -OWNERSHIP OF SENIOR CITIZEN BUILDING

Supervisor Geraghty opened discussion saying that the Town Board should think about turning ownership of the Senior Citizen Building over to Warrensburgh Historical Society or Warrensburgh Beautification Inc. Supervisor Geraghty said he could not see the Town ever finding funding to upgrade that building. Supervisor Geraghty said the building is not on the tax roles so it is not like something is being taken off the tax roles, it will be taken out of the Town Budget and it would allow Beautification Committee and the Historical Society to do as they please. Supervisor Geraghty said he was aware the Town had legal procedures it would have to do, in order to do this.

Attorney Hafner told the Town Board they could not make gifts, that is a constitutional prohibition, he had done some research and the only types of entity is that the Town can actually do a gift to is other municipalities. Attorney Hafner said that even though the Town feels it is a good cause and it is a charity.

Supervisor Geraghty said that Beautification feels they are an arm of the municipality so he wondered how far the arm reaches.

Attorney Hafner said there is an Inc. in it so it is not technically, for this purpose, and one of the situations he found was a town trying to give property to a historical association.

Supervisor Geraghty said personally, rather than be at odds with the Historical Society and being at odds with Beautification, he is a realist and as he told Teresa the other day, there is not going to be funding to fix that building in the near future,

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with what is going on with the tax cap and the reduction of taxes, the town is not going to have the funds. Supervisor Geraghty said if they have folks who want to come forward and put money in the building, it would make sense to turn it over rather than be at odds once a year over what the Town can do to the building.

Councilperson Alexander asked how they could make that happen.

Councilperson Reed asked if there was any legal way.

Supervisor Geraghty said the Town could do it once they have the property appraised. Attorney Hafner said the Town could sell it to them for fair market value, the Town could transfer it for fair market value. Attorney Hafner said there are different ways to come up with fair market value.

Councilperson Baker-Marcella thanked Supervisor Geraghty for bringing up the subject and said she has been talking for months about just having a conversation about it. Councilperson Baker-Marcella said just letting the building sit there and see the disrepair is not good, she is aware the town does not have the money to do it. Councilperson Baker-Marcella said she is aware there are taxpayers or residents who feel that the building is an asset of the town so she did not want to make that decision without having public input, and secondly she had been going to some of the rehab or restoration workshops they have been having and she has seen where other communities, really poor communities have taken building after building and restored them. Councilperson Baker-Marcella said the whole point for doing the assessment grant is so that they get real numbers and prioritize. Councilperson Baker-Marcella said she specifically asked the presenter if the town did this would they get real numbers and a plan, the answer was yes and they are not done all at one time, they are done piecemeal, you do what is most important first and what you are able to get grant money. Councilperson Baker-Marcella said it was her understanding the town has to be the owner of the property, most of the grants were done when the ownership was still that of the municipality. Councilperson Baker-Marcella said her question to the Historical Society would be one, if they even wished to consider it and two she did not know how they would do it because with most of the grants to apply the municipality has to own it. Councilperson Baker-Marcella said she had also talked to people about creating an endowment, gathering money from people who would do fund raising but with the clear understanding the Town would not contribute any money to it, nor be responsible for any upkeep of the building. Councilperson Baker-Marcella said the other option would be to sell it. Councilperson Baker-Marcella said she was not to sure she wanted to give away an asset on Main Street, by the same token she did not want to see it torn down.

Councilperson Reed suggested that a lot of the grants require some money, a match.

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Councilperson Baker-Marcella said they were given specific examples, one at a time with cost and that they did them in phases. Councilperson Baker-Marcella said the towns did nothing with regards to it. Councilperson Baker-Marcella said she wondered if the town could make it the responsibility of either the Historical Society or preservation or any type of entity or combination of groups that they wanted to put together for an endowment. Councilperson Baker-Marcella asked if the town could still have ownership of the property and could they lease it to an endowment or to the Historical Society. Councilperson Baker-Marcella said she did not know that she wanted to give anybody an asset worth several hundred thousand dollars, what if the Historical Society went to one or two members and they owned this very nice piece of property on Main Street. Councilperson Baker-Marcella said she would also want to keep control of the property.

Attorney Hafner said he would give them the legal issues for them to be thinking about. Attorney Hafner said they can own, they can lease it for fair value, they can sell it, sale and lease are the same, any sale or lease of real property owned by a town requires a resolution that is subject to permissive referendum. Attorney Hafner said there was nothing wrong with members of the public giving the Town what he calls restricted gifts, funds to be used for a specific purpose, the Town is not supposed to be in the business of seeking donations, the town gets tax dollars so the Town is not supposed to be out there asking for them, the Town should not be formally having fund raisers.

Councilperson Baker-Marcella asked Attorney Hafner if he had said the Town could not lease the property to a not for profit. Attorney Hafner said they can lease it, even to a not for profit, for fair value. Attorney Hafner explained fair value depends on the circumstances and it is not one number, it is within a range.

Councilperson Reed asked if the Historical Society and Beautification were to apply for a grant and they did not finish the grant what the Town's liability would be.

Attorney Hafner said usually if there are grants with improving a piece of property, the owner has to sign, even if someone is leasing it, you have to look at the grant, these are contracts written by attorneys.

Supervisor Geraghty said if we give the property to the Historical Society or Beautification it will reduce the burden on the tax payers, everyone is going to have to cut their budget by 1 percent, the Town has to be able to pay people, and we have water and sewer, the Rec Field, bandstand, a lot of projects we are working on.

Supervisor Geraghty said he thought they would welcome this with open arms.

Attorney Hafner said the Town Board should ask their Assessor what fair market value is for this building, the Assessor is in charge of figuring out what market value

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is and it is always a range, the Town Board is who makes the decision whether it is reasonable, it is a business judgment rule. Attorney Hafner told the Town Board if the property is worth \$200,000 you cannot give it away for \$10,000.

Councilperson Baker-Marcella said now we let them use it for nothing. Attorney Hafner explained that he assumed it is because there is benefit to the public there, all Senior's in the Town use it, that is part of the arrangement with them, the Town still owns it and he assumed that would continue.

Councilperson Baker-Marcella asked why that could not continue with the Town allowing the Historical Society, Beautification and whoever an endowment to take over the responsibility of renovating, restoring and repairing and using the building, just like we are doing and the understanding would be the Town is not putting anymore money into it or maintaining it, just letting them use it like we are right now.

Attorney Hafner told Councilperson Baker-Marcella that is the type of thing that could be drafted, and asked if the Town had a lease with the Senior Center. Councilperson Baker-Marcella said no, we just let them use it.

Councilperson Reed said it is a little different if you start letting them make improvements.

Attorney Hafner explained the Town is not obligated to pay anything.

Discussion ensued about liability.

Supervisor Geraghty said he was just concerned that the Town would not be able to meet the needs of the Historical Society or the Beautification in the upkeep of the building, the Town has to shut the building down in the winter because they are unable to heat the place and the Town is not going to be able to find money to heat the place. Supervisor Geraghty said he did not want to have an asset like that building falling apart, and, if they can find money to fix it up that is the best thing to do, let them do it, take it and love it.

Steve Parisi-told the Town Board they could not do that, they could not give it to the Historical Society. Mr. Parisi asked the Town Attorney how much the Town would have to charge. Attorney Hafner said that the law says fair value, they should ask the Assessor.

PRIVILEGE OF THE FLOOR-SENIOR CITIZEN CENTER

Teresa Whalen, Beautification Committee, spoke to the Town Board about the County Courthouse the Town of Salem has restored with no cost to the Town of Salem taxpayers, and, other smaller examples of towns with success with this. Ms.

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Whalen spoke in favor of having the Town retain ownership of the Senior Citizen Building, and, asked for some time to meet with her Committee and then return to the Town Board for further discussion.

Paul Gilchrist, Historical Society President, spoke to the Town Board about market value and the grants they are considering doing. Mr. Gilchrist told the Town Board the grants would relate to the market value and would help the Town Board determine what needed to be done to the building and the cost.

Supervisor Geraghty asked Mr. Gilchrist if he would like the building if the town could give it to them. Mr. Gilchrist told the Supervisor he would, the Historical Society Board would be meeting next week and they would be discussing this and then have more conversations with the Town Board. Supervisor Geraghty asked Mr. Gilchrist if he would take over the upkeep and Mr. Gilchrist said it all depended on the grants. Mr. Gilchrist told Supervisor Geraghty the Historical Society is working on a solution right now but he was not at liberty to go into details, there would be consultants at his Board meeting next week and then they can proceed from that point.

John Franchini, Historic Preservation Committee Chair-told the Town Board he felt what he had heard tonight was a great opportunity for partnership, and, told the Town Board his Board would be meeting with consultants next week, they will then take a vote to see what they can do realistically. Mr. Franchini thanked the Town Board and Supervisor Geraghty.

Supervisor Geraghty discussed the process of what is going to occur with the tax act that will be in effect next year, the Town's priorities for projects and the Town grants that the Town is currently working on and several the Town will be applying for. Supervisor Geraghty told Mr. Franchini he felt that the Beautification Committee and the Historical Society would be excellent stewards of the Senior Citizen Building and said that if the Town needed to maintain ownership of that to happen then so be it.

Discussion ensued on what has to be done with the Floyd Bennett Memorial Bandstand project.

Supervisor Geraghty thanked everyone for their comments.

RESOLUTION #114-14

ALLOW SMOKEEATERS JAMBOREE

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

AYES 4 Alexander, Reed, Baker-Marcella, Rounds

NAYS 0

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ABSTENTION 1 Geraghty

RESOLVED, to allow the Warrensburg Volunteer Fire Company to use the Town Recreation Field July 21, 2017 to July 27, 2014 and to hold their annual Smoke Eaters Jamboree there.

RESOLUTION #115-14

RESOLUTION TO DONATE \$500.00 FOR FIREWORKS

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

AYES 4 Alexander, Reed, Baker-Marcella, Rounds

NAYS 0

ABSTENTION 1 Geraghty

IT IS RESOLVED, to donate \$500.00 from Celebrations appropriation account to help fund the Smoke Eaters Jamboree Fireworks Show.

RESOLUTION #116-14

BUDGET MODIFICATION

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

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

NAYS 0

RESOLUTION #117-14

LETTER OF REQUEST FOR SPEED REDUCTION

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

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

NAYS 0

IT IS RESOLVED, that permission be given to send a letter of request to Warren County to ask that speed limit in front of High School be lowered to 20 miles per hour.

RESOLUTION #118-14

RESOLUTION OF SUPPORT FOR SEWER LINE FOR COUNTRYSIDE HOME

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

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

NAYS 0

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IT IS RESOLVED, to offer support for Warren County for a grant for the Warren County sewer line from Warren County Countryside Home.

PRIVILEGE OF THE FLOOR - SUPPORT FOR HOT DOG VENDOR

Supervisor Geraghty opened discussion telling the Town Board Pat Eldridge would like permission to operate a Hot Dog cart at the Echo Lake Beach and perhaps at the concerts. Supervisor Geraghty said Pat would like to operate on Town property and he felt it was a win-win for the Town to have him sell hot dogs up there and then come to some of the events, like the concerts at the pavilion.

Pat Eldridge, 20 Dartmouth Road, Athol, NY - told the Town Board everything was in process right now, he is still waiting for his permits from the New York State Health Department, he already has his town permit.

Supervisor Geraghty said that Mr. Eldridge was just looking for a resolution of support.

Councilperson Baker-Marcella asked if the town would have to allow another vendor to do this as well. Councilperson Baker-Marcella asked if the Town Board was able to limit this just to residents or what this does open up.

Councilperson Rounds told Councilperson Baker-Marcella they have had this come through the Town a couple of times.

Discussion ensued on who might have had hot dog carts in the past.

Attorney Hafner said other people can also get a Peddlers License.

Supervisor Geraghty said the Town Board was authorizing Mr. Eldridge to operate on Town land, if someone else should come through the Town already has someone on Town land.

Councilperson Baker-Marcella asked if the Town Board had the ability to say no we already have someone, do we have the ability to limit it.

Attorney Hafner told the Town Board they have a Peddlers Code, people can apply, if they were to treat some people differently, people could criticize.

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RESOLUTION #119-14

RESOLUTION TO SUPPORT PAT ELDRIDGE TO SELL ON TOWN PROPERTY

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

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

IT IS RESOLVED, to show support for Pat Eldridge to place his hot dog cart at the Echo Lake Beach and on other town properties for town events.

DISCUSSION - KING STREET PROPERTY

Attorney Hafner opened discussion explaining he wished to update the Town Board on the idea Linda had on purchasing Town property on King Street. Attorney Hafner said they acted quickly, the contract has been signed, and they have a title report, they expect a closing within the next two weeks. Attorney Hafner told the Town Board the Town did get the property for the \$25,000.00.

RESOLUTION #120-14

PAY BILLS

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

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

IT IS RESOLVED, to pay the bills as outlined on Abstract #6 in the following amounts:

General Fund	\$26,490.18
Highway Fund	\$13,214.99
Lighting Fund	\$ 5,828.66
Sewer Fund	\$27,037.24
Water Fund	\$14,159.85
Sidewalk Capital	\$ 5,852.02
Bandstand Capital	\$ 210.00

PUBLIC COMMENTS

Sandi Parisi- asked whose responsibility it is to clean up the property on Tubb House Turn is where the fishermen stand.

Supervisor Geraghty said DEC has given permission to have it cleaned up.

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DISCUSSION - TOWN CEMETERY

Councilperson Alexander told the Town Board the Warrensburg Cemetery is the oldest historical piece of property in the Town. Councilperson Alexander said because of the nature of the funerals that are happening in town the Cemetery Association has found they are having to tap into their resources a little bit more than in the old days when people were traditionally buried, in the last two or three years they have had to use around \$3,000.00 a year. Councilperson Alexander said with restricted funds they cannot touch and being able to only use only the interest on the principal balance, they only have about a dozen to thirteen years of dollars they can tap into at the rate they are going. Councilperson Alexander said he knew there are people looking to raise money for the Senior Citizens building, they are also looking to raise money, have endowments. Councilperson Alexander said for people to tell their elderly friends if they are going to leave money some where to leave \$1000.00 to the Cemetery.

On motion of Councilperson Alexander, seconded by Councilperson Rounds, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk