

SPECIAL MEETING, WARRENSBURG TOWN BOARD, AUGUST 22, 2018

A special meeting of the Warrensburg Town Board was held on Wednesday, August 22, 2018 at the Albert Emerson Town Hall at 4:00 p.m. with the following members present:

PRESENT:

Councilperson	Donne Lynn Winslow
Dept. Supervisor	John Alexander
Councilperson	Linda Baker-Marcella

ABSENT:

Supervisor	Kevin B. Geraghty
Councilperson	Bryan Rounds

OTHERS PRESENT: James Hull, Code Enforcement Officer, Tom Peterson, Town Attorney and Deputy Town Clerk Gail Corlew.

RESOLUTION #139-18

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW #3

On motion of Councilperson Baker-Marcella, seconded by Councilperson Winslow, the attached resolution was ADOPTED by Roll Call Vote:

AYES: Alexander, Baker-Marcella, Winslow

NAYS: None

ABSENT: Geraghty, Rounds

RESOLUTION #140-18

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW #4

On motion of Councilperson Winslow, seconded by Councilperson Baker-Marcella, the attached resolution was ADOPTED by Roll Call Vote:

AYES: Alexander, Baker-Marcella, Winslow

NAYS: None

ABSENT: Geraghty, Rounds

RESOLUTION #141-18 (FAILED)

RESOLUTION AUTHORIZING GRANT APPLICATION FOR COURT IMPROVEMENTS

On motion of Councilperson Baker-Marcella, seconded by Councilperson Alexander, the attached resolution was ADOPTED by Roll Call Vote:

AYES: Alexander, Baker-Marcella

RECUSE: Winslow

NAYS: None

ABSENT: Geraghty, Rounds

DISCUSSION – JCAP GRANT

Deputy Supervisor Alexander thanked Judge Winslow for his efforts in the JCAP grant applications. Deputy Supervisor Alexander said that this grant will be used for flooring

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and for a new PA system; Deputy Supervisor Alexander has been working with Ray Supply for this system.

Discussion ensued on who can vote on this application. Councilperson Winslow abstained because her husband is the Judge writing the grant.

DISCUSSION – IPP PERMITS

Councilperson Baker-Marcella opened discussion asking about IPP permits and if the Town Board had decided to require a copy of Driver's License from the applicants to be attached to the permit application.

Attorney Tom Peterson said yes.

Councilperson Baker-Marcella said that it does not say that. Councilperson Baker-Marcella asked how she can notarize it if you do not have a copy of it, they just need to make sure that the Clerk's Office attaches a copy.

Deputy Supervisor Alexander said you don't know what you are notarizing if you do not have proof of identity. Councilperson Baker-Marcella said right, they have to show something and she just wanted to make sure that the Clerk's office attaches a copy to the application.

Deputy Supervisor Alexander said he had no problem with that. Councilperson Winslow asked if it needed to be on the permit or if they could just note. Councilperson Baker-Marcella said it depended on who you were talking to about it. Councilperson Winslow said to have it say picture id and copy attached.

Attorney Peterson said that if it is written on the form you are less likely to have somebody give you backtalk. Councilperson Alexander said you should not be able to get a permit without some form of ID.

Councilperson Baker-Marcella said if they say failure to post your permit on your booth is a \$100.00 penalty, it doesn't say what happens if they don't. Attorney Peterson said they don't get a permit the next year. Councilperson Baker-Marcella asked if it should say that in parentheses. Attorney Peterson said he did think it needs to say that.

Deputy Supervisor Alexander said they could leave that up to Mr. Hammer to keep taps on who is naughty.

Councilperson Baker-Marcella asked if they could issue fines. Attorney Peterson said it seemed to him that they could because they could use the application form as part of the contract for the Town.

Discussion ensued on who can fine who.

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Councilperson Baker-Marcella said that it has always been her experience in making the rules that if there is no teeth in it, it is not going to happen. Councilperson Baker-Marcella said this does not say what Jim can do, we discussed it but this does not say to those people that signed it that failure to pay the penalty shall result in vendors being able to obtain a permit next year. Councilperson Baker-Marcella said the Clerk's Office said they need to keep these permits, where ever permits go.

Discussion ensued on how to enforce the permit and what they have voted on.

**RESOLUTION #141-18
BUDGET MODIFICATIONS**

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

AYES: Alexander, Baker-Marcella, Winslow

NAYS: None

ABSENT: Geraghty, Rounds

**RESOLUTION #142-18
BUDGET TRANSFER**

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

AYES: Alexander, Baker-Marcella, Winslow

NAYS: None

ABSENT: Geraghty, Rounds

DISCUSSION – IPP PERMITS

Councilperson Baker-Marcella told Jim Hull she was just wondering, that they had discussed having the form of photo ID they are using to the form and asked Jim Hull if it should say on it is copy attached. Councilperson Baker-Marcella said just because who ever was doing it might not know that is what they are requesting. Councilperson Baker-Marcella said they have three or four people who maybe doing the IPP permits and they are not all here, just one of them is here tonight, so, we want the copy attached, the copy of the Driver's License. Councilperson Baker-Marcella asked Jim Hull if they could put on the application failure to pay said penalty shall prevent issuance of permit the following year. Jim Hull asked how anyone is going to collect. Councilperson Baker-Marcella said her thought was he was going to collect it, right then and there, if they do not pay, it shall be marked on this and come back to the Clerk who is going to keep it for next year.

Councilperson Baker-Marcella asked if they had the authority. Deputy Supervisor Alexander said they have the authority not to allow them next year, when they attempt to apply. Councilperson Baker-Marcella said that if this is on the application the Town Clerk should keep the application and she should either collect it or not issue another permit.

Councilperson Baker-Marcella said if it is not on the form, where does it say to them they should do. Deputy Supervisor Alexander told Jim Hull it was his form and asked him if he was going to fix it up. Deputy Supervisor Alexander asked if the spelling would be

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corrected. Jim Hull said that if somebody doesn't do it, he will give the Clerk's Office a list of people who didn't do it.

Discussion ensued on the form and who would pay and the penalty involved.

DISCUSSION –GRANT APPLICATON

Attorney Peterson asked if the Grant Application Project require a vote of the Town Board. Councilperson Baker-Marcella asked if it does. Deputy Supervisor Alexander said they have done one every year.

Attorney Peterson told the Town Board he had a suggestion, when he practiced down in Albany the slightest hint of a conflict of interest would keep a lawyer, a judge or a town board member from having anything to do with the particular issue. Attorney Peterson told the Town Board that when he moved to Ballston Spa he was appalled at the number of conflicts of interests that came in, that were permitted. Attorney Peterson told the Town Board that not all conflicts of interest require someone to recuse themselves from participating, sometimes it is sufficient just to say I have a conflict of interest, I am married to one of the Judge's whose office is going to be applying for this grant.

Councilperson Baker-Marcella said there is no way she is going to benefit. Attorney Peterson said he felt it was sufficient to put it on the record and then go ahead and vote.

Councilperson Baker-Marcella said the only people who would have an issue would be the people who run against us who want things out. Attorney Peterson told the Town Board that once they have a full board they can ratify it.

Deputy Supervisor Alexander said they needed to get Gail back and then they would do a re-vote. Deputy Supervisor Alexander told Gail Attorney Peterson had fixed this for them, Councilperson Winslow was no longer going to recuse herself.

RESOLUTION #140-18

RESOLUTION AUTHORIZING GRANT APPLICATION FOR COURT IMPROVEMENTS

On motion of Councilperson Baker-Marcella, seconded by Councilperson Alexander, the attached resolution was ADOPTED by Roll Call Vote:

AYES: Alexander, Baker-Marcella, Winslow

NAYS: None

ABSENT: Geraghty, Rounds

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Councilperson Winslow stated for the record that she has a conflict of interest but her decision to vote was taken after hearing advice from the Attorney for the Town.

On motion of Councilperson Baker-Marcella, seconded by Deputy Supervisor Alexander, the meeting was adjourned at 4:29 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk