

REGULAR MEETING, WARRENSBURG TOWN BOARD, AUGUST 14, 2019

The regular meeting of the Warrensburg Town Board was held on Wednesday, August 14, 2019 at the Albert Emerson Town Hall at 7:00 p.m. with the following members present:

PRESENT:	Supervisor	Kevin B. Geraghty
	Councilperson	Donne-Lynn Winslow
	Councilperson	Linda Baker- Marcella
	Councilperson	Bryan Rounds
	Councilperson	John Alexander

OTHERS PRESENT: Gail Olden, Deputy Town Clerk; Jacqueline White, Town Attorney; Tracy Benoit, Water Superintendent, Ed Pennock, Highway Superintendent; Steve Parisi, Museum Director, Sandi Parisi, Historian, Joyce Reed, Deputy Town Clerk and numerous town residents.

RESOLUTION #126-19

ACCEPT MINUTES

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

ADOPTED AYES 5 Geraghty, Winslow, Baker-Marcella, Rounds, Alexander
NAYS 0

RESOLVED, that the minutes of July 10, 2019 and July 31, 2019 be approved.

REPORTS OF TOWN OFFICIALS

The reading of the reports of Town Officials were received and read from the following: Town Clerk, Supervisor, Assessor, Justice, Dog Control Officer, Planning Department and Code Enforcement Officer.

COMMITTEE REPORTS

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

COMMUNICATIONS:

- 1) Announcement that a Lyme Disease discussion will be held at the Thurman Town Hall on September 24, 2019 at 6:30 p.m.
- 2) Letter from Catherine LaFond regarding an incident that occurred at 31 Milton Ave. on July 27, 2019.
- 3) Email from Amanda Carpenter regarding a memorial tree for the Recreation Field in Memory of Coach Maryanne Bump.
- 4) Thank you from Dan and Tina Galusha on sewer restoration work.

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DISCUSSIONS

Supervisor Geraghty reported that he has had the first discussion with the Health Insurance Broker on the 2020 Health Insurance rates. Two plans will be offered with modest rate increases.

RESOLUTION #127-19

CHANGE SEPTEMBER BOARD MEETING

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

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

RESOLVED to change the Regular Town Board meeting scheduled for Wednesday, September 11th, 2019 to Tuesday, September 10th, 2019 at 7:00 P.M.

RESOLUTION #128-19

OUTLETS ON NATIONAL GRID POLES

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

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

RESOLUTION #129-19

AWARD OCCUPANCY TAX TO HISTORICAL SOCIETY

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

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

IT IS RESOLVED, to award the Warrensburgh Historical Society \$926.00 for Museum promotions.

RESOLUTION #130-19

AWARD OCCUPANCY TAX TO WARRENSBURG VOLUNTEER FIRE COMPANY

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

**ADOPTED AYES 4 Winslow, Baker-Marcella, Rounds, Alexander
NAYS 0
ABSTAIN 1 Geraghty**

IT IS RESOLVED, to give the Warrensburgh Volunteer Fire Company \$8,026.48 in Occupancy Tax for their advertising for the Smoke Eaters Jamboree.

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RESOLUTION #131-19

SCHEDULE PUBLIC HEARING ON PROPOSED LOCAL LAW REGARDING SEWER AND WATER BILLING AND COLLECTION

On motion of Supervisor Geraghty, seconded by Councilperson Baker-Marcella, the following resolution was

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

RESOLVED, to schedule a public hearing for September 10th, 2019 at 7:00 p.m. on proposed Local Law Regarding Sewer and Water Bill Billing and Collection.

DISCUSSION – 9 SOUTH STREET AND 22 COMMERCIAL AVENUE PROPERTIES

Councilperson Rounds read a message from Austin Markey asking for 60 days to complete his transaction with the previous owner of these properties.

Supervisor Geraghty asked what was the pleasure of the Board, if there was any discussion.

Councilperson Alexander said he was in favor of moving forward with the legal action, that there has been plenty of time given down there, this is just Austin doing due diligence.

Councilperson Winslow said she believed it is too late to turn back on this.

Supervisor Geraghty said that he concurred, that they should move ahead and then if he feels he has ownership he can bring the Town to court. Supervisor Geraghty spoke of pictures that he said had been taken today and said there was not much improvement made. Supervisor Geraghty told Councilperson Rounds that in good conscience he could not sit there and say that this is okay, Supervisor Geraghty said that some of these go back to winter, there has been some clean up but someone was down there today mowing the lawn and said that they are working for the Town of Warrensburg.

Councilperson Rounds said if it was the trailer it was his mowing guy, Austin reached out to him to have somebody come down.

Councilperson Rounds said that with the one house the last time they discussed this there was one boat left there, there was an old van there, the boat and the old van are gone. Councilperson Rounds said there is an effort going on there, his concern is once you turn your back on these houses and look across the street, the houses look the same.

Supervisor Geraghty said that the only thing he was going to say to him was that it is the eleventh hour and they have been doing this for two years, for two years we have begged

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and begged to get someone to clean up those properties. Supervisor Geraghty said they finally took the action to go to Court, which we all agreed to; we brought three parties into Court. Supervisor Geraghty said the Engle brothers signed off in Court, he assumed as the rightful owners because their names are on the taxes. Supervisor Geraghty said he did not feel it was fair to the Town Board to bring this in at 7:00 o clock on a Town Board Meeting night and he does think it should keep going.

Councilperson Rounds said they had passed this Property Maintenance Law because it was sold to him that it was going to cure the zombie property issues where the banks that foreclose on homes don't really care what they do. Councilperson Rounds said they took the right to have the properties mowed and re-levied against the taxes, that was a good idea. Councilperson Rounds said that like all things in government things grown and become worse and now you are thinking of taking someone's property and that is very un-American, property rights are the number one thing that we should all stand for.

Councilperson Alexander asked Councilperson Rounds what the difference is between zombie and slum lord properties. Councilperson Alexander said if you are going to live next to a slum lord it de-values your property and then it goes right up the street.

Supervisor Geraghty told Councilperson Rounds that the only thing he would say was that three people who live on the street said thank you to the guy cleaning up the properties. Supervisor Geraghty said they cannot leave these properties like this, they just can't.

Attorney Hafner said that his understanding of what the Board approved and what they have been working on was not to take ownership of the property but to get authority to go on and clean it and have the costs of that be against the property.

Supervisor Geraghty said right, that is what they agreed to.

Attorney Hafner said the reason they went to court was not to take ownership but because the Town felt the Courts needed to step in because who ever does own it is not maintaining it, so it is not taking somebody's property, it is cleaning up and putting a lien against the property for what the property owner should have done. Attorney Hafner said it is talking about taking their property if they do not pay the taxes.

Supervisor Geraghty asked what the Board wished to do.

Councilperson Baker-Marcella said she would like to know how much time and money has been spent on this issue and trying to determine who the owner was.

Attorney Hafner said he did not know the answer to that, it had been a long process, the person who is titled is not the name of any of the people who were at the meeting, it is the name of the deceased, the decedent's name is not Markey it is Engle, it is in the estate of

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someone who is dead. Attorney Hafner said no one has probated the estate, no one has stepped forward so the Town has been going through this process. Attorney Hafner said that there are two people named Engle who mentioned they might have heard something about maybe Mr. Markey having an interest but there is nothing of record. Attorney Hafner said he did not know how he has the rights to collect the rent when he does not own the property, the people who own the property has the right to collect the rents. Attorney Hafner said you want this property cleaned up, there was a poll vote, we passed that on to my partner Tom Peterson and he has been working on that. Attorney Hafner said he thought that there is some court date in September, on the fifth maybe. Attorney Hafner said this is the Court hearing where the Town is asking for the power to go on the property, clean it up and put it as a lien against the property.

Supervisor Geraghty said he would suggest that Mr. Markey show up to one of these court cases. Supervisor Geraghty said he wished to continue with it, that he understood across the street was just as bad and that they are going to tackle those.

Councilperson Rounds said to start with a heavy hand where there is already a contested ownership and because he did not file his deed does not mean he does not have ownership. Councilperson Rounds said he obviously has something, he should have filed the deed and he did not know why he did not do that.

Supervisor Geraghty told Councilperson Rounds he appreciated him bringing in the information.

Attorney Hafner said he still has plenty of time before the court date to go and prove he is the owner and then he should show he is cleaning it up.

Councilperson Baker-Marcella said he should also have to pay for the attorney fees that we are having to pay to do this. Councilperson Baker-Marcella said in her opinion this is insulting and unfair.

Councilperson Rounds said he disagreed because he does not feel they even have the right to ask who owns the property, if a person chooses not to file a deed or to disguise themselves in an LLC or something like that which happens all the time.

Supervisor Geraghty asked Councilperson Rounds if he could ask him a question. Supervisor Geraghty said that when we send notices legal counsel said that they have to send it to the notice on the tax bill, which we did. Supervisor Geraghty said that one property is in care of somebody else but they were never paid and we never got a response.

Councilperson Rounds said there is nothing there that prevented them from levying against the tax bills for the property.

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Attorney Hafner said that they are getting permission to go on the property, the property clean-up will be on the tax bill, assuming we go forward, will be on January town and county taxes.

Councilperson Rounds said that there is nothing preventing the Town from having done the clean-up and putting it on the property tax just because Cal was deceased, there was a property tax bill still being sent.

Councilperson Alexander said it had nothing to do with Austin, the property was legally belonging to Engle.

Supervisor Geraghty told Councilperson Rounds they could not get both of them to agree, we had to go to court and the third party was also noticed. The Engle's are the ones saying go ahead and clean it up, his fight will be with them.

Councilperson Rounds said he had no problem with that because there is good effort, there has been more progress made on these two places than anywhere else on the street.

Councilperson Alexander said because of this action. Councilperson Baker-Marcella said because of this action. Councilperson Baker-Marcella asked Councilperson Rounds if he did not think it would have been helpful if years ago or a year ago he had applied some pressure to the person who obviously.....Councilperson Rounds said the pressure has to come from the pocket book. Councilperson Baker-Marcella said that this has not been fair to the tax payers, they have been playing games with us. Councilperson Rounds said you can drive all over town and find one of these. Councilperson Baker-Marcella said that if someone else did that she would have to take that position.

Councilperson Baker-Marcella said in her opinion, it is not fair to the neighbors to do this and get away with it because nobody will raise their hand and say I own it and can or can't or will or won't. Councilperson Baker-Marcella said it is also not fair to the neighbors and it is also not fair to the rest of the taxpayers who are paying bills to pay their fee for us to go and find out who owns the darn thing. Councilperson Baker-Marcella said it is not fair.

Jim Hull, Code Enforcement-said how this comes about for us to go onto somebody's property we have to send the property owner, the mortgage holding company, the maintenance company, whoever is in charge of this property. Mr. Hull said when they started this thing the Engle brothers said it was not them so the Town could not serve anybody; that he has letters that just came back to Mr. Markey that was never picked up. Mr. Hull said this whole going to court thing was to determine who legally owned the property.

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Attorney Hafner responded that the Town was not going to legally decide, that the Town is going to have the Court decide; giving notice to these people was sufficient for the Town to go on the property.

Jim Hull said none of these people would come forward to say they were the owner, that is why we went to court.

Supervisor Geraghty said we are going to move ahead with this, we will continue on the course of action.

RESOLUTION #132-19

ACCEPT CONVEYANCE OF PROPERTY AT 47 RIVER ST

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

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

RESOLUTION #133-19

AMEND SEWER BILL FOR ROBERT GRIFFEN

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

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

IT IS RESOLVED, to have the Sewer Bill for Robert Griffin, tax map #210.12-1-13 amended from \$87.75 a quarter to \$25.00 until reconnected due to fire.

RESOLUTION #134-19

AMEND WATER BILL FOR ROBERT GRIFFIN

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

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

RESOLVED, to have the Water Bill of Robert Griffin, tax map #210.12-1-13 amended from \$97.50 to \$0.00 due to fire and meter removal.

DISCUSSION – SHREDDING DAY

Councilperson Baker-Marcella opened discussion explaining there has been several inquiries but it did not seem like there was enough interest this year. Councilperson Baker-Marcella said the Town's cost is about \$450.00 for a three hour shred plus our advertising so we decided to try and do one in October. Councilperson Baker-Marcella said that she also had several people call her from Chestertown asking if they could participate one or

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two of them were town board members. Councilperson Baker-Marcella asked if we should make it available to other towns.

Supervisor Geraghty said shared services.

Councilperson Baker-Marcella asked where they should have it, and explained sometimes it becomes very crowded, she wondered if it would be better to use the landfill.

Discussion ensued on using the landfill on a busy weekend. Councilperson Alexander said he would donate the funeral parlor parking lot.

Councilperson Baker-Marcella said the day she reserved for Shred Day is October 26, 2019 from 9:00 A.M. to Noon and make it available to other towns.

RESOLUTION #135-19

AUTHORIZE SHRED DAY

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

ADOPTED AYES 5 Geraghty, Winslow, Baker-Marcella, Rounds, Alexander
NAYS 0

RESOLVED, to have a Shred Day for Warrensburg on October 26, 2019 from 9:00 A.M. to Noon and it will be available for other Town's use through shared services.

DISCUSSION-BUDGET MODIFICATIONS

Supervisor Geraghty opened discussion explaining to the Town Board that he has been told that the way the Town has been accounting for the shared services agreements with the other towns, we have only been budgeting for our portion of the shared services agreement but according to the Comptroller's Office they want the Town to budget for the full amount of the shared services agreement.

RESOLUTION #136-19

BUDGET MODIFICATION

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

ADOPTED AYES 5 Geraghty, Winslow, Baker-Marcella, Rounds, Alexander
NAYS 0

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RESOLUTION #137-19

BUDGET TRANSFERS

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

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

RESOLUTION #138-19

PAY BILLS

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

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

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RESOLVED, to pay the bills as outlined on Abstract #8-19 in the following amounts

General Fund	\$ 85,469.43
Sewer Fund	\$ 11,077.09
Water Fund	\$ 10,373.55
Highway Fund	\$112,751.88
H-10 Truck Cap.	\$226,946.17
Countryside Cap.	\$ 15,760.87
Lib Ave Sew Cap.	\$ 540.00
Paper Mill Cap.	\$ 5,154.64

PRIVELAGE OF THE FLOOR-PUBLIC CONCERN

Steve Parisi, 46 Elm Street-spoke to the Town Board regarding a situation on Elm Street. Mr. Parisi told the Town Board that Elm Street from the Bridge all the way to the Bandstand is a very nice street, one of the nicest streets in town. Mr. Parisi said there is however a situation developing with a property right across from his house, the owner is deceased. Mr. Parisi said there are two sons who are not living any place near here and have no interest in the house and the property. Mr. Paris said the property is already derelict it became derelict while the owner was still living there. Mr. Parisi told the Town Board he and Sandi thought about buying it and fixing it up but using some common sense it would take a lot more than they are interested in putting into it. Mr. Parisi said that house is going to destroy property values on Elm Street. Mr. Parisi told the Town Board he hoped it would not take three or four years to take care of this kind of thing; whatever the Town has to do, whatever regulations so the Town can get in and prevent the appearance it is now.

Supervisor Geraghty told Mr. Parisi that once a property goes into foreclosure after this sale that is coming up-the purchaser has twenty- four months to bring the property into compliance. Supervisor Geraghty said this all came about because he and Jim and Gene Merlino from Luzerne pushed because a lot of these are County owned properties that

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were sold in auction. Supervisor Geraghty said the rules have been changed now and should help some, he did not know the particulars on this property.

Jim Hull said the wheels for 49 Elm Street are already turning, he was there today.

Discussion ensued on Able Energy property and the condition it is in.

The meeting was adjourned.

Respectfully submitted,

Gail M. Corlew, Deputy