**TOWN OF WHITEHALL**

**REGULAR MEETING**

**57 SKENESBOROUGH DRIVE**

**July 17, 2019**

**BOARD MEMBERS PRESENT:** John Rozell-Supervisor

David Hollister-Councilperson

Christopher Dudley Sr.-Councilperson

Stephanie Safka-Councilperson

Timothy Kingsley-Councilperson

**OTHERS PRESENT:** Town Clerk, Patti Gordon; Town Attorney, Erika Sellar-Ryan; Whitehall Times Reporter, Matt Saari; Highway Superintendent, Louis D. Pratt II.; Compliance Officer, Martin Rocque; Matt Waters, Everette Mattison, Vickie Mattison, Pricilla Bhatti.

Call to Order at 7pm

Supervisor led the meeting with Pledge to the Flag.

**PUBLIC COMMENTS:**

-Matt Waters would like to discuss the guide rails that that board agreed to put in place on Beckett Road around his property. After the May meeting the Town had the County survey the proposed project. It stated: It should be noted, based on our survey, guiderail is not required as the slope of the embankment is 1V:4H or greater around the referenced curve. (The letter with the Engineers recommendations is attached.) Mr. Waters was not satisfied with the report. He is going to look into the matter further. The Town Board explained that if the town were to put guide rails up it would make the TOWN liable for any accidents that may occur there, which in turn make the taxpayers liable as well. The town will be installing the recommend signage for that curve referencing documentation from the FHWA (Federal Highway Administration) and suggested by the County

**Motion** was made to proceed with installing the signage at this point in time and to table the guiderails until we get more information made by Councilperson Hollister and Seconded by Councilperson Dudley.

**ADOPTED: AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

-Everette and Vicky Mattison from Mattison’s Sports Shop asked about the petitions they submitted on the Budget Inn and the status on the situation. Supervisor Rozell stated that he brought them to the Public Safety Committee meeting at the County and read the statement from the petition to the other Supervisors. He also stated Code Enforcement and Public Health have helped greatly. The Sheriff, State Police, and Probation have also been at the motel. (Attached are the minutes from the July 2, 2019 meeting at the county.) Supervisor Rozell informed them that there is no news at this time. However, Washington County has stopped placement at the motel until it is duly inspected. Supervisor Rozell expressed that how he would love to have a motel in hotel that visitors can stay while they here. Once the Bike Trail in completed we expect to see a large increase of visitors and there is no where for them to stay. As far as the cliental, the people already staying at the motel that were placed there, were placed there legally and are citizens like everyone else. Their only requirement is that they need to register their status. Mr. Everett is concerned that the currently cliental have some type of criminal record and feels they should not be allowed to be commingling amongst each other; he asked if here was a law pertaining to it. Supervisor asked Ms. Bhatti if they could work together to try and change the cliental but she feels due to technology, business has changed in the whole market place. She stated she needs to pay her bills just as everyone else. She has been trying to improve the property and is very unhappy about the recent article in the Post Star. She has several tenants who have not paid in several months but has little recourse to evict them do to the cost. Town Attorney suggested Ms. Bhatti go online to the Unified Court System to look into the eviction process. The Town Attorney also explain since Ms. Bhatti is not operating like a standard motel, extended stay is a whole different situation. Technically she has a month to month tenancy and can’t resort to self-help.

**Motion** to approve minutes from June 19, 2019 meeting made by Councilperson Safka and seconded by Councilperson Hollister.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAY 0**

**Heritage Report**- No report by Carol Greenough

**Rec. Report** – No report by Julie Eagan

**Dog Control Report-** No report by Nancy Quell

**Compliance Officer Report –** byMartin Roque

Nothing to Report at this time.

**Town Clerk Report –** written by Patti Gordon

**Town Assessor Report-** no report by Bruce Caza

**Town Supervisor Report-** Written report by John Rozell

-Supervisor Rozell read aloud a letter he received from the Fire Company pertaining to establishing a Fire District. Supervisor Rozell had a meeting with the Mayor this week concerning this issue before their monthly meeting. The Mayor told the Supervisor that he wanted to work with the Town on this issue and the Village tabled the matter until after the Town Board meeting. Supervisor Rozell asked the Board members if there were other opinions on the Fire District. Councilperson Dudley stated that he and Councilperson Kingsley attended a meeting last year concerning the forming of a fire district and felt like the idea was done deal due to lack of interest. The Village has to make the first move to begin the process if they want to go forward with creating the district. Councilperson Kingsley would like to entertain the idea of having a fire district. Supervisor Rozell explained that the Fire District would be run by a Board and that Board would be elected; he feels the Fire Company already has a Board and it should be the Village Board because that is who pays the Fire Company. Councilperson Dudley stated that when they attend the meeting last year concerning this, the person who presented the presentation for the Fire Department said by creating a fire district it would not save money in any way shape or form. Councilperson Hollister feels that they would want to spread evenly over the Town and Village which would increase the Village Fire Tax. The Supervisor stated that the Village is already the highest tax entity in Washington County. Councilperson Hollister stated that most tax payers in the village do not realize that their Town taxes pay for a large share of the Fire Department, Rec Center, the Library, the Park, the Town Assessor. Town Attorney Erika Seller-Ryan stated if a Fire District was created the Board would have their own budget and would not come to the Village or Town Board for funds, they would establish their own taxes.

**Motion** made to the table the discussion on creating a Fire District until a meeting can be set-up with the Town Representatives, Village Representatives and the Fire Company to discuss establishing a Fire District made by Councilperson Kingsley and seconded by Councilperson Safka.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

-Veterans Hall Open House will be held 20, 2019 from 10:00 to 2:00 on the Schaghticoke Fairgrounds.

-NYCLASS Report as of July 16, 2019 the Town has made a total of $3,820.22.

-**County Level**

-NYCLASS Report YTD the County has made $210,180.20

**Budget Officer Report & Transfers–** by Joel Carpenter

Resolution 41, 42, & 43 for Budget transfers to pay for the of purchase the new 2020 Tandem Dump Truck for the Highway Department.

**Motion** to approve budget transfers 41, 24, & 43 to pay for the purchase of the new 2020 Dump Truck for the highway made by Supervisor Rozell and seconded by David Hollister.

**ADOPTED: AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

Resolutions will be filed in the minutes, website and in the Resolution Book.

**Town Planning Board Report-** written report submitted by Gregg Chappell

**Town Highway Report-** verbal report by Louie Pratt

-Extreme Winter Recovery money in the amount of $16,441.00 was returned so the 284 agreement needs to be amended from $173,982.29 to $190,423.91.

-Our New 2020 Dump Truck has arrived.

-I hired a new employee, Dilen Younger who started on 7/15/2019.

-We will be paving Stalker Road next week, 7/22.

-Discussed issues with Spectrum and the condition of the roads after they buried their cables. Several roads are currently in disrepair because of not being properly put back to the condition(s) they were found in before the work. Town Attorney Erika Sellers-Ryan has sent Spectrum a letter putting them on Notice to correct the violation. They have 30 days to dispute the time line and if they do not do that, after 60 days, we can hold a hearing. At that point we can discuss termination of the contract.

**Motion** to approve monthly reports made by Councilperson Hollister and seconded by Councilperson Kingsley.

**ADOPTED** **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

Written reports will be filed with the minutes**.**

**Other Business:**

**Resolution #44 Standard Workday Resolution for Employer’s Retirement System**

Required by the NYS Retirement System to establish work days for newly elected and appointed officials that belong to the retirement system that are being paid salary. A copy will be forwarded to the retirement system and Joel Carpenter who is the reporting officer for the Town. A copy will be also be posted on the Town Clerk’s signboard for 30 days.

**Motion** to approve Resolution #44 for Standard Workday by Supervisor Rozell and seconded by Councilperson Hollister.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

-Nuisance Property Law; Supervisor Rozell asked if everyone had read the proposed Nuisance Property Law and if they have any comments or questions pertaining to it. Chris Dudley inquired as to who has to have a CO (certificate of occupancy) and if we had the ability to revoke said certificate. Attorney Seller-Ryan said it depends on how old the house but, if changes were made such as converting from a one family to a two family you would have to get a building permit and be issued a certificate of occupancy from WASHINGTON COUNTY. In order to revoke the C.O., we would need to go through the County. You can go to Local court for some things without going to Supreme Court depending on the circumstance and risk. Town Attorney Sellers-Ryan informed the board that at this time, these local laws are not in favor now. The reason they are not in favor is because the ACLU and other tenants’ rights groups are heading up the charge against them because people are being displaced, at no fault of their own, but the property owners’ fault instead for being in violation. Supervisor asked how the Board wants to proceed with the Nuisance property Law at this time.

**Motion** to accept the Nuisance Property Law and put it to Public Hearing on August 21, 2019 at 7:00pm made by Councilperson Safka and seconded by Councilperson Kingsley.

Discussion: Councilperson Dudley is concerned that there are already laws on the books that we cannot currently enforce and does not feel another law would solve the problem. Supervisor Rozell stated even though it goes to public hearing it does not mean that the Town has to use it and feels it would actually be more beneficial for the village, however it would be one more tool we could use if we needed to.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

-Lake Champlain sent us a letter asking if the Town would like to pre-buy propane again this year. Pre-buy price is $1.28 gallon. Last year we use 1725 gallons; at last years’ usage it will cost us $2,208.00 for the year.

**Motion** madeto accept the Lake Champlain pre-buy Option one for $1.28 per gallon for 1700 gallons of propane for a total of $2,208.00 for the year by Council person Hollister and seconded by Councilperson Dudley.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

Supervisor Rozell would like to Thank Michael Briggs of Briggs Welding for donating the collection box that was installed near the docks for the boaters.

**ABSTRACT # 7 OF 2019** General Fund V# 19-7 1/29 $3,764.77

Highway Fund V# 19-7 1/14 $243,237.83

**Motion** made to approve the monthly vouchers made by Councilperson Hollister and seconded by Councilperson Safka.

**ADOPTED** **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

-Supervisor Rozell received a letter from the Sciota Cemetery Association. The Cemetery Association has a balance of $933.78. Berkshire Bank has a CD totaling $14280.11 in the Cemetery Association’s name. The Town cannot use the money in the CD only the interest from it. Attorney Seller-Ryan stated if we can get the original designation of it, the Town maybe able to abate the principal. At this point the CD is in a restricted account. The Association requested the cemetery be mowed in the spring when possible, as well as Mothers’ Day, Memorial Day, Fathers’ Day, Fourth of July, Labor Day and any other time as needed. The Association also recommends the Town budgets at least $3,000.00 toward maintenance of it in their budget for next year.

The last week in July, July 29th thru August 2, 2019, the Fire Department will be the holding the Junior Fire Academy in the Park.

Superintendent Louie Pratt requests permission to pay the Peckhams’ Bill before the next board so that the Town can reimbursed by September for paving Stalker Road. All paperwork needs to be in by August 12, if not we will not get reimbursed until December.

**Motion** made to approve to pay the Peckhams’ bill before the next board meeting in-order to get reimbursed by September made by Councilperson Hollister and seconded by Councilperson Safka.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

**Motion** made to adjourn by Councilperson Safka and seconded by Councilperson Hollister.

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**

**NAYS 0**

**Adjourned**

**Respectfully Submitted**

**Patti Gordon**

**Town Clerk**