

**THE TOWN OF WHITEHALL
PUBLIC HEARING 7pm ON 2021 TOWN BUDGET
AND 2021 FIRE CONTRACT
REGULAR MEETING TO FOLLOW
57 SKENESBOROUGH DRIVE.**

OCTOBER 21, 2020

BOARD MEMBERS PRESENT: John Rozell, Supervisor
David Hollister, Councilperson
Christopher Dudley, Councilperson
Stephanie Safka, Councilperson
Timothy Kingsley, Councilperson

OTHERS PRESENT: Patti Gordon, Town Clerk; Highway Superintendent Louis D. Pratt II,; Town attorney Erika Seller-Ryan; Rec Leader, Julie Eagan; Martin Rocque, Town Compliance Officer; Joel Carpenter, CPA; Jay Mullin, Whitehall Times; Chris Krahling, A.S.A.; Rob Kingsley; Brian Brooks, Deputy Fire Chief WFD; William Stafford, Don Mead, Jean Mead.

Supervisor Rozell opened the meeting with the Pledge of Allegiance to the flag.

Supervisor Rozell called the Public Hearing to order at 7:02 pm.

Supervisor Rozell asked if there was anyone who would like to speak on the Preliminary Budget.

Supervisor asked three times if there was anyone who would like to speak, there were no comments and Supervisor Rozell closed the Public hearing on the Preliminary Budget at 7:03 pm.

Resolution #41

Motion to adopt to Tentative Budget as the Preliminary Budget made by Councilperson Hollister and Seconded by Councilperson Dudley

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley
 NAYS 0**

Resolution will be filed in the Resolution Book and with the minutes.

Resolution #42

Motion to adopt 2021 Preliminary Budget as the 2021 Town Budget made by Councilperson Safka and Seconded by Councilperson Hollister

**ADOPTED AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley
 NAYS 0**

Resolution will be filed in the Resolution Book and with the minutes.

Supervisor Rozell opened the Public Hearing on the Fireman's Contract at 7:09 pm.

Supervisor Rozell asked if there was anyone who would like to speak on the Public Hearing on the Fireman's Contract.

Deputy Chief Brian Brooks asked what the amount was of the contract. Supervisor Rozell stated that they received a 2% raise and every one else stayed flat except the Town Clerk and Highway Supervisor. Supervisor Rozell stated they went from \$1.03 to 1.05 per thousand, the amount of the contract is \$130,875.00 and the First Responders also received a 2% increase as well which comes out to \$11,249.00.

Supervisor Rozell asked if there were any more comments on the Fire Contract. Supervisor Rozell asked for a third time for comments, no more comments.

Supervisor Rozell closed the Public Hearing on the Fire Contract 7:11 pm.

Motion to accept the 2021 Fire Contract made by Councilperson Kingsley and Seconded by Councilperson Safka.

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

Supervisor Rozell opened the Regular meeting at 7:12 pm.

Deputy Fire Chief, Brian Brooks would like to address the Board concerning the Death of Fire Fighter James Brooks, Second Assistant Chief and the Workers' compensation situation at the County Level. The claim is currently being controverted by Washington County. They are saying it was a pre-existing injury, but according to other experts it was not. Jim also suffered from other medical issues while hospitalized due to the injury and has extensive medical bills. Chief Brooks is concerned about controverted claims for Volunteer men does not bode well for the fire service and how it will affect current members and recruitment. He does not understand how the County has taken this position is beyond him especially since their own expert has said there is no way it was pre-existing, it had to have happened, at the scene of the fire. The Volunteer Fireman's Benefit Law was set up to protect volunteer fireman and it is not and it is a real problem. He has contacted Washington County Board of Supervisors and spoke with the Chairman, they said there is nothing they can do for Jim. Deputy Chief Brooks is concerned that this will make recruitment even harder. He believes we need more programs like LOSAP which will give members an incentive to stay active. Deputy Chief Brooks would also like to Town to reconsider the creation of a Fire District. Attached with the minutes is letter from Deputy Chief Brooks to the Board and notes as well as a letter to the Village Mayor and Board reporting Second Assistant Chief James Brooks injury and an expected PESH audit.

Supervisor Rozell stated that he has looked into this matter on the County level he has spoke with a couple Supervisors at the County, but at this point it is in the lawyer's hands.

Supervisor Rozell asked if a fire district was necessary for the LOSAP program (it is a retirement program for fire fighters). Deputy Chief Brooks so no but it is a good funding mechanism for it.

Code Compliance Officer

Code Compliance Officer Rocque received a call from Mrs. Mead on 9/10/2020 complaining about rubbish and other items at Mr. Will Stafford's house. Compliance Officer Rocque contacted Mr. Will Stafford and discussed the issue and Mr. Stafford assured Compliance Officer Rocque he would get it taken care of. He then called Mrs. Mead back to inform her of the conservation he had with Will and that he would give him a couple weeks to get everything cleaned up. That call was on 10/10/2020. On the 28th Compliance Officer Rocque did a follow-up and spoke with Mr. Mead and he informed Compliance Officer Rocque that there was good progress made and most of the rubbish had been cleaned up; the bulk of the debris was picked up and removed. Mrs. Mead stated that Compliance Officer Rocque stated that Mr. Stafford would be getting a dumpster, which is what Mr. Stafford told Compliance Officer Rocque. Mrs. Mead stated that there is not a dumpster there as of yet. Mr. Stafford replied that he has a tri-axle dump truck and took three dump truck loads out of there which cost \$985.00. Mrs. Mead opinions was that the trash that was removed should have never come there to start with and Mr. Stafford explained that it was trash that was already there when he bought the house from the previous owner. Mr. Stafford has pictures of the trash that was on the property when he purchased it. Mr. Stafford did state that over the last year and half some stuff has accumulated on his

property. Mr. Mead feels that if Mr. Stafford is bring debris from the work site he should have a dumpster there to put the debris in and pick up the rest of garbage around the house when he had the tri-axle there, if not he feels it should stay at the worksite until recycling opens up. Mrs. Mead stated that the Town changed the driveway to road "Rylie Way", it is not however a Town Road it is private road and Mr. Mead stated he plows it not the Town. Supervisor Rozell asked Mr. Stafford if he would be in agreement to putting a dumpster there for when Mr. Stafford brings debris home. Mr. Stafford stated he has a 5 X 8 trailer and nothing is dumped on the property that is hazardous, it is clean fill, slate with nails and cedar shakes. Mr. Stafford explained that sometimes he has piles of items from a job and it gets picked up on a rain day. Mr. Rozell asked Compliance Officer Rocque his opinion of the situation. Compliance Officer Rocque stated that Mr. Stafford has cleaned it up drastically, apparently it is not up the Mead's standards. Compliance Officer Rocque said that he did not see anything that was toxic on the property. Compliance Office Rocque told them if they were going to continue to be neighbors' they need to work with each other and co-exist. Mrs. Mead did state she was a "neat freak". They did take three dump trucks full away, but it continues to come and come, how do we know if it's good or bad, could he be contaminated our wells. Councilperson Safka asked why Mr. Stafford doesn't just get a dumpster and he stated because he has a 5 X8 trailer and the debris stays on the trailer that isn't clean fill. Mr. Mead suggested again to leave the debris at the work site until recycling opens up and Mr. Stafford stated when the Job and completed and he gets final payment the garbage goes to his house for no more than a week until he has time to dispose of it.. Supervisor Rozell stated we have heard both sides of the story and he does not feel it is going to be satisfied, but he does not believe, the Town should be involved in the next step. Mr. Mead feels the Town is involved in this step and would like to know what the results are going to be. Supervisor Rozell stated that the results are what Compliance Officer Rocque said that he is trying. If he keeps on trying, there is nothing the Town can do with this situation.

Mr. Mead asked about Mr. Stafford getting a burn permit. Supervisor Rozell stated Mr. Stafford needs to contact the County about a burn permit and the county is responsible to checking into what is being burned. Attorney Erika Seller-Ryan said it is a state law so you need to contact DEC and get a permit. Again, Supervisor Rozell stated there isn't anything the Town Board can do in this situation. It has been reported and the Compliance Officer has gone and checked, what has come back is that he is trying to clean up. He has cleaned up some, it might not be as much as you would like but he is showing an effort.

Mrs. Mead approached the Town Board and asked how she would find out about a registered business. She wants to know how she can find out if he has a DBA (doing business as). Town Attorney Erika Seller-Ryan told her to go to the County building just like anyone would have to do for her. (When Mrs. Mead left the meeting, she went over to Compliance Officer Rocque and said "Thanks for the set up".)

Chris Krahling with the Adirondack Stewardship Association

First of all, he would like to respectfully request Councilperson Kingsley, who is a relative of the project being introduced to recuse himself do to a potential conflict of interest. ASA is a non-profit land trust with offices in Greenwich, NY. Our division of our organization is farm land protection for Washington and Rensselaer County. Our primary means is through conservation easement which are a form a property deed that rides with the land and restricts or prohibits incompatible subdivisions, developments for purposes that farm land is available to be farmed into the future. It is still privately held property and nothing in the easement dictates type of farm operations. I am here tonight to submit a grant application for the Kingsley Farm. The program is Farm Operations in Transitions. This grant is for farm operations that are not dairy. I would like to request a letter of support to simply submit the grant application, it is a required element to have municipal support. This property will

remain on the tax roll, it does not become public property, the easements with subdivision and development rights are extinguished by the terms of the easement.

The easement insures, that the land will remain available for farming but there is nothing that requires in stays in farming. Attorney Seller-Ryan said the distinction with the Ag. assessment is that this has no impact on taxes and the only way he is able to get a tax reduction for Agricultural is he is still actively farming it; if it is no longer farmed it will be assessed as vacant property. The property is checked annually. There are building envelopes, but outside of the building envelopes agricultural structures are allowed. There is a limit how much can be built, it is 2% by right and 8% with permission.

Motion For the Town of Whitehall to Convey its full support for Kingsley Farm application to the state for the Farm operations in Transitions Farmland Protection Implementation Grant Program (Round 17-B) made by Councilperson Hollister and Seconded by Councilperson Safka.

ADOPTED **AYES 4 Rozell, Hollister, Dudley, Safka,**
NAYS 0

ABSTRACT #10 OF 2020

General Fund V#1/27 \$11,434.93
Highway Fund V#1/16 \$21,612.12

Motion to approve the Monthly vouchers for abstract # 10 made Councilperson Hollister and Seconded by Councilperson Kingsley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Motion to approve the minutes of the September 16th & September 30th, 2020 meetings made by Councilperson Hollister and Seconded by Supervisor Rozell.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Heritage Report by Carol Greenough – No Report

Rec Report by Julie Eagan – Verbal

Rec center is open and kids are coming in.

Last week we had a school supply give away, it went well. Fidelis provided some supplies and we had some donations as well.

Next week we will be passing out glo sticks for trick or treating.

The Rec will be closed the November 2nd and 3rd due to voting.

Rec Center will be closed on the 11th for Veterans Day and Thanksgiving.

Working on something for Christmas for the kids.

There are two new employees.

This Saturday there will be a softball tournament fundraiser with no spectators. They went through the approval process and have their paperwork in order.

Supervisor Rozell asked how the kids were respecting the masks and other people. Rec Leader Eagan said they were doing very well. He also asked about precautions being taken when school was closed down due to COVID. Rec Leader Eagan said that neither the County or Dept of Health informed her that she needed to close so she did not. We wipe down all equipment even the out-side equipment.

New t-shirts were ordered for the new employees and we will be receiving a bill.

Dog Control Report by Nancy Quell – No Report

Town Compliance Office by Martin Rocque

Received a couple different call from people inquiring about putting up campers on a couple different properties. One for building and another seasonal.

Jean Mead said "Thank you for the set up" on her way out the door. He does not understand what that is and does not appreciate it, and he wanted that to go on the record. He told both Mr. Stafford and the Mead's to both come to the meeting. He is not a referee.

Town Clerk Report by Patti Gordon – Written

Resolution # 43

Motion to approve the Resolution Authorizing Adoption of Retention and Disposition Schedule for New York Local Government Records (LGS-1) made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Resolution will be filed with the Resolution Book and with the minutes

Town Assessor Report by Bruce Caza – No report

Town Supervisors Report by John Rozell – Verbal

-Washington County unemployment rate dropped down to 4.7% which is approximately 1500 people out of work. Last year the rate was 3.4%.

-Champlain Valley Power Co. that is going through Whitehall is looking for the IDA to give them a PILOT program for all of Washington County. Supervisor Rozell said he would discuss it once they have the figures together.

-The Village asked what they owed for the flood damage. We have already paid the bill. Supervisor Rozell spoke with the Mayor and they agreed on half of the bill. The Mayor was supposed to discuss it with the Village Board at their meeting last night.

Town Budget Officer Report and Transfers by Joel Carpenter

Resolution # 44 Budget Transfer

Motion to pass budget transfer #44 made by Councilperson Hollister and Seconded by Councilperson Kingsley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Kingsley, Safka**
NAYS 0

Resolution will be filed with the Resolution Book and with the minutes

Resolution #45 Budget Transfer

Motion to pass budget transfer #45 made by Councilperson Safka and Seconded by Councilperson Hollister.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Resolution will be filed with the Resolution Book and with the minutes.

Town Planning Board Report by Gregg Chappell – Written

Town Highway Report by Louis D. Pratt II

Received money from SWP Grant

Submitted a letter of intent to apply for a grant for Hollister Road extension for \$45,000 to \$50,000.

Washington County will be doing the work.

Governor Cuomo signed legislation requiring plans to Protect Public Workers in Future Health Emergencies.

Motion made to approve to food for the election workers for the November 3, 2020 election made by Supervisor Rozell and Seconded by Councilperson Dudley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Washington County W.I.C. is requesting the use of the Rec Center for the 2020-2021 physical year with a rental fee of \$900.00.

Motion to accept the contract for Washington County W.I.C. to use the Rec Center for clinic purposes on the 4th Tuesday monthly, from 8:30 to 4:00pm with a yearly rental fee of \$900.00 made by Councilperson Hollister and Seconded by Councilperson Kingsley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Motion made to reappoint Patricia Kingsley to the Board of Assessment Review 10/1/2020 – 9/30/2025 made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

There will be representatives coming from the Whitehall Studios on November 18th, 2020 meeting.

Motion to go into executive session for litigation purposes at 8:40 made by Councilperson Hollister and Seconded by Councilperson Kingsley.

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

Motion to come out of Executive Session made by Supervisor Rozell and Seconded by Councilperson Hollister.

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

Motion to adjourn meeting at 8:55pm made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Adjourned
Respectfully Submitted

Patti Gordon
Town Clerk
