

**TOWN OF WHITEHALL
REGULAR BOARD MEETING
57 SKENESBOROUGH DRIVE
WHITEHALL, NY 12887**

APRIL 21, 2021

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

OTHERS PRESENT: Patti Gordon, Town Clerk; Erica Seller-Ryan, Town Attorney; Martin Rocque, Town Compliance Officer; Barbara Spoor, Whitehall Chamber of Commerce; Cheryl Putorti, Whitehall Chamber of Commerce; Laura Chadwick, Washington County Real Property; Lori Barber, Washington County Real Property; Michael Barber, Brian Brooks Sr., WVFD; Caton Deuso, Whitehall Times

Supervisor Rozell opened the meeting at 7:00pm with the Pledge of Allegiance to the flag.

Supervisor Rozell opened the mowing bid(s) for Sciota Cemetery. Only one bid was received from Ethan Davis of Champlain Valley Lawn Care for the maintenance of the Sciota Cemetery for the price for \$3,600.00 for 2021. Councilperson Kingsley asked what the cost was last year, Supervisor Rozell stated it was \$3,600.00 as well.

Motion made to accept the bid of \$3,600.00 from Champlain Valley Care for maintenance of the Sciota Cemetery for 2021 made by Councilperson Hollister and Seconded by Councilperson Safka.

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

PUBLIC COMMENTS:

Cheryl Putorti, a board member of the Whitehall Chamber of Commerce, approached the board about a beautification project in the park. Cheryl Putorti and Eric Ross walked the grounds to see what needed to be done. The Chamber of Commerce would like to remove all current shrubs and landscaping and replace it with all new landscaping. They had Gould's Lawn and Landscape come down and give them an estimate to do the work and annual maintenance. The estimate came in around \$4,600.00 to do the work. The cost will be paid by the Whitehall Chamber of Commerce to maintain it in the spring and fall. This project will also be sponsored by many local businesses through donations. Just some of the sponsors are Lake Champlain Coal Co., Lake Champlain Beef, Putorti's, Maplewood Ice, MacLeod's Lumber, and Hometown Chevrolet. There are also several other businesses the Chamber plans on contacting to help out with the cost. Ms. Putorti asked the Town Board if it would be possible to move forward with this project to give back to the Community so they can hopefully have it completed before their event in May. Supervisor Rozell asked if it would help the Chamber of Commerce save any money if the Town helped in removing the shrubs and hauling them away and Ms. Putorti said it would be a great help.

Motion made to allow the Whitehall Chamber of Commerce to move forward with the beautification project in the park made by Councilperson Hollister and Seconded by Councilperson Safka.

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

Attorney Erica Seller-Ryan stated that the Town would need prepare a waiver for the Chamber of Commerce for to do the work because they are doing the work on municipal property and that she would draft it.

Barbra Spoor from the Whitehall Chamber of Commerce asked the Board if they could use the Park in May for the Spring Craft Fair. The event will run from 11:00 am and conclude at 9:00pm with a fireworks display supplied by the Whitehall Festival. There will be approximately twenty vendors participating in the event as well as two bands playing in the amphitheater. They will be following all social distancing guidelines currently in place and will require masks. There will also be additional masks available for the people who do not have them. They have received a donation of 20 gallons of hand sanitizer from Great Meadow Correctional Facility. Each vendor will have sanitizer at their booth and there will be sanitation stations set up throughout the park. Vendors will also be encouraging cashless pay.

Motion to allow the Spring Craft Fair for the Chamber of Commerce made by Councilperson Hollister and Seconded by Councilperson Dudley.

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

Laura Chadwick the Director from Washington County Real Property gave a presentation to the Board about shared services for part-time sole assessor position. Washington County Real Property is currently working in two towns, the Town of Cambridge and Fort Ann and is currently doing data collection in the Town of Argyle. They are also currently involved in a re-evaluation in, another Town in Washington County that is not at 100%. Whitehall is currently at 100% full assessment. Laura introduced Lori Barber who would be the assigned part-time sole assessor in Whitehall if the Town chose to go with Washington County and the shared services agreement. She currently works in Lake George as well as the Town of Cambridge and Fort Ann. There is clerical staff in place that does the clerical work for the Towns and a data collector who goes out in the field every day taking pictures, looking at new builds, analyzing all the properties in the Town and updating records. There will be staff available five days a week from 8:30-4:30 every day at the office at Washington County. The way we work the with towns, we are in there will be someone sitting the office, it may not be the assessor, it may be the clerical staff or the data collector, but someone will be in the office once a week stated Director Chadwick. They will try to keep it consistent with the current schedule of Monday's that Bruce Caza is normally in the office. The assessor will also be available by cell phone or email. The current rate charge for this service is \$12.00 per parcel and there are 2416 parcels in the Town so that comes out to an annual fee of \$28,992 annually. Currently with budgeted amount for the clerk for the Assessor the Town is paying \$14.07 per parcel which this will cut that down a little bit. The Town will still supply stationary, envelopes, and postage but the County will supply the computer, lap top and other equipment and other upgrades if necessary.

Supervisor Rozell asked if there were any questions:

Compliance Officer Martin Rocque asked how they would assess the Amish. Director Chadwick stated that she has worked with Bruce a lot on them. She has helped with the Agricultural Exemptions; their houses are a little different because they don't have electrical or water. They still have a common size or of blueprint, it is the improvements that are different. Supervisor Rozell stated they do get assessed

more if they have a well on the property than the properties that do not. Bruce has a formula he uses to compute the assessment.

Councilperson Kingsley asked about the contract period and Director Chadwick said it was annual contract. Supervisor Rozell clarified that someone will be here one day a week with Director Chadwick, and Councilperson Safka wants the contract to specify that it will continue to be on Mondays. Director Chadwick stated when the data collector is out in the field, she will identify herself as a data collector and will be driving a County Car.

Supervisor Rozell also asked if their Assessor would stand up for "Whitehall" for any discrepancies that may arise between the Town and the County for example with the PILOTS, she stated that she would. Supervisor Rozell stated with the "Lake Champlain Power Line" coming through he would like to get the properties assessed that they are going through to and see what the full assessment would be without a pilot and see if we will be losing with a PILOT or gaining.

Councilperson Hollister inquired about if we are at 100% full assessment why has the Town been hit with article 7's in the last few years. The County stated it could be for many reasons such as missing inventory or adjustments, no building permits or it could have been assessed higher and they have not kept up with upkeep of the property. There has to be some kind of change to the property to change the assessment. Pictures are usually updated twice a year but the County would like to start updating them quarterly.

Supervisor Rozell asked Lori Barber, the part time assessor for the County, how thin can she spread herself with Lake George, Fort Ann and Cambridge and Whitehall? She stated she has been working full time in Lake George as well as Fort Ann and Cambridge but with the team at Washington County it has been very seamless, she has been able to get all three of her rolls completed before the due dates. She is available by phone seven days a week as well. Ms. Barber stated she is very familiar with water front properties and article 7's. Director Chadwick stated that there are assessors that due cover multiple towns, it is very common. Director Chadwick also stated she did place an ad on the nyassessor.org website for a sole part time assessor per Supervisor Rozell request.

Motion to approve the monthly minutes from the March 17, 2021 Town Board meeting made by Councilperson Safka and Seconded by Councilperson Hollister.

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

Town Heritage Report by Carol Greenough – No Report

Town Recreation Report by Julie Eagan – No Report

Town Dog Control Report by Nancy Quell – No Report

Town Compliance Report by Martin Rocque – Verbal

-On 3/26 received a call from Supervisor Rozell about the property located on county Route 12 and the corner of Green Mountain Cemetery Lane. Spoke with the occupant about the condition of the property and asked permission to take photos. Took several photos and told him he need to make some visible changes. He gave him 60 days to clean up. Returned on 4/14 and there was no progress.

Supervisor Rozell asked the Compliance Officer if he had checked on the camper ordinance, whether or not someone can stay in a camper while they are building. Compliance Officer said yes, they can with approval from the Town Board.

Supervisor Rozell asked Town Attorney Seller-Ryan if Kitty's Collectibles was still "in Court"? Attorney Seller-Ryan stated it was technically not in court, the only thing that needs to go back to court was to stay whether or not she had complied and if she had not complied, we would get a judgement. We do not have a judgement in that court because there is no equitable relief from it. We do have a judgement where we can clean it up, we just have a judgement that we can lien the property for that cost, and it is recoverable on her taxes. Councilperson Safka stated she believes she is also living on the property in a camper, there appear to be two campers being lived in on the property.

The property on State Route 4 "The old dump" has several cars, he's running a business with an open and closed sign which Councilperson Safka does not believe he has a license for. He has built a building and did not get a building permit. Supervisor Rozell said Washington County is looking at all of the cars currently on the property. Supervisor Rozell asked what avenue we take now.

Attorney Seller-Ryan asked Town Compliance Officer Rocque about the property located on County Route 12 and Green Mountain Cemetery Lane what type of notice did he give them, if it was written or not. Compliance Officer Rocque said he gave a verbal but stated that he can write one up and Seller-Ryan instructed him to do so and to send it certified receipt requested. There are prerequisites in both laws that need to be followed before we can bring action. One is the one where it is just garbage and a mess the prerequisites is the Compliance Officer goes to give a notice to clean up whether it is 30 or 60 days at the conclusion is when attorney Seller-Ryan can file in local court. Once 60 days is up if nothing has been done attorney Seller-Ryan will draft a complaint, it gets signed and filed. With the campers, because that is a different law they have to come to the Board. Compliance Officer Rocque asked where we stood with Miss Kitty's at this point. Attorney Seller-Ryan stated we have a judgement with that in local court, the only thing left in court is to say she didn't do it and give them a judgement that he will sign. The Town's decision was whether or not they were going to go ahead with the full judgement because on paper it was approximately \$28,000.00 and the judgement would just be levied against her property which gets filed with the County Clerks Officer. The Town Board chose local court instead of Supreme Court because they did not want to end up with the affirmative obligation for the Town to go in and clean it up and levy her property. For the other property we can go to Supreme Court and in Supreme Court we can get equitable relief which means your going to get an order from a judge that means if he doesn't clean it up by a certain date the Town will pay someone to go in and clean it up and then put a lien on the property. Attorney Seller-Ryan asked the Board which they prefer. Supervisor Rozell asked if we go in and clean what does she sell the property. When she sells it, any judgement sits against her property and when it sells, she will need to pay the town; its just like a mortgage. Unless, it is foreclosed for tax sale in which case county trumps everything and the judgement is no good. Supervisor Rozell asked if we go in and clean it up and remove the trailer that she is living in what happens. If she is living in the trailer there are two issues, one is the mobile home where we would have to give her notice and she would need to come here to the Town Board and then we need to do everything we have done with other people who have come here before such as putting in a septic with other mobile homes. There are two ways to go about it and yes you would need to get a very specific order from a judge in Supreme Court that would tell you that you have the right to either remove the trailer or not remove the trailer and could haul everything out tomorrow and put a lien against the property and she could then bring more stuff back in stated Seller-Ryan. Councilperson Safka stated what she is hearing is that we have laws on the books which we cannot enforce. Seller-Ryan said no that is not correct, the Town Board needs to decide how they want to spend their money. Either to clean up someone else's property and lien the property or there is a way to do eminent domain. Seller-Ryan stated again we are able to enforce the laws. A remedy under law is that if we go to Supreme Court we are entitled to fines and then your entitled to get an order that the contamination is so bad that the Town

can pay to clean it up and lien the property. The problem is if somebody does not have any money and we spend \$20,000.00 to clean it up is it worth that amount of money. Councilperson Kingsley said we need to focus on one property at time at this point. Councilperson Safka asked if the other property (the old dump on Route 4) is off the tax roll what can we do. Supervisor Rozell stated it is on the tax roll. The tax bill this year was approximately \$152.00 and the School Tax was 0.14. Seller-Ryan stated the County has a policy but does not know if they have changed it but it has always been if there is a environmental contamination on the property whether they collect taxes or not they will not take it back. Councilperson Safka asked what would the recourse be on that property they. Seller-Ryan stated that the recourse would be accepting the fact the municipality would have to clean it up. Some municipalities have started funds just for this purpose. Councilperson Safka asked beyond the clean up what about all the cars located on the property. Supervisor Rozell stated the County is working on all the cars as of last week. Councilperson Safka also asked about the all the trash blowing around. Seller-Ryan asked about getting the DEC involved. Supervisor Rozell asked if Compliance Officer Rocque went up there what does he need to give them a verbal warning first or does he give him a written one. Seller Ryan says he need to give verbal warning first. He just needs to fill out the compliant with all the appropriate information and give to him with either 30 or 60 days which ever is appropriate. Once that time period is up, we can bring it to court. Supervisor Rozell asked what the specifics of the compliant would be, Seller-Ryan said it would be easy to determine once you review law. Compliance Officer Rocque stated the Junk Yard Violation is definitely one that will work. Councilperson Safka stated he is also living in a mobile home and had built a building on the property that she doesn't believe he has a permit for. Step two: once Compliance Officer Rocque writes up the owner, he gives the information to attorney Seller-Ryan and proves it was mailed pursuant to the local law and then Compliance Office call Town attorney Seller-Ryan on day 30 or 60 and states what has been and discuss the condition of the property and the pictures he took. If nothing has been done attorney Seller-Ryan will write up the compliant and draft an affidavit to be signed by Compliance Officer Rocque. It will be emailed to the Town of Whitehall, Martin will sign it in front of a notary and return it to the attorney to be filed. Before it is filed however, attorney Seller-Ryan will need to know if they are filing in Supreme Court for conjunctive relief or Local Court and we are looking for a monetary judgement and then him he needs to clean it up. Supervisor Rozell asked "what does the Board want Compliance Officer Rocque to do"? Compliance Officer Rocque stated he will start all the necessary paperwork in the next few days to get things going. Councilperson Dudley asked if there was any way we could issue an appearance ticket in local court for a fine. Attorney Seller-Ryan said we can it just depends on what the Town Board wanted to do. If they board does not want to go and clean up we can go to local court an get an appearance ticket and the judge will tell them to clean it up by and a certain date or they will get fined. Fines accrue weekly as the violation continues. At this point the Board wants Compliance Officer Rocque to write up the property located at County Route 12 and Green Mountain Cemetery Lane and Charles the old dump on State Route 4.

Brian Brooks Sr. President, Whitehall Volunteer Fire Department addressed the Board pertaining to NYS Compensation Board Division of Regulatory Affairs and the inefficiency of Benetech Inc. President Brooks would like to see Benetech out of Washington County and hire a third-party administrator. President Brooks has not yet presented this report to Washington County directly. Correspondence and report are attached with the minutes.

Town Clerk Report_by Patti Gordon – Written

Town Assessors Report by Bruce Caza – No Report

Town Supervisors Report by John Rozell

There will be a vaccination clinic in Granville Thursday 22, 2021 from 1:30 - 3:15 at the Granville Rescue Squad.

There has been some vandalism in the park with graffiti. We do have it on video and it has been turned over to the police and they are working on it.

Met with Jim Aiken about the gutters on the museum. They are not adequate and need to be replaced. He has a price for new gutters. Councilperson Kingsley asked what the issue was with the gutters. They had been cleaned out in the past and was wondering why they just couldn't be cleaned out. Supervisor Rozell explained that he was told after the new roof was put on the gutters were not adequate for the pitch. Due to the cost, it will need to go out to bid. Councilperson Safka asked if it would be open this year? Supervisor Rozell stated the Jim Aiken said the museum isn't capable of being COVID compliant due to the way it is set up plus there is some painting that needs to be done.

Ads will be placed in the Whitehall Times for Recreation Leader and Recreation attendants that will run for the next two weeks. Applications will be available at the Town Office.

We have had an application from Roberta Stone, she is an assessor for Pittstown, for the Sole Assessor position. There is an ad currently in the Whitehall Times for the position of Sole Assessor. The Board discussed the interview process. Applications need to be in by the May 19th meeting. If they interview before the May 19th meeting, a special meeting would need to be called. Councilperson Dudley did look into what the requirements are to be an assessor from the New York State Website and shared it with the Town Attorney. The Board decided to wait for the next couple weeks to see how many resumes they receive and vet them before the next meeting.

Town Budget Officers Report by Joel Carpenter – Written

Resolution #34 Budget Transfer

Motion to approve Resolution #34 for a budget transfer made by Councilperson Hollister and Seconded by Councilperson Dudley.

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

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

Town Planning Board Report by Gregg Chappell – No Report

Town Highway Report by Louis D. Pratt II

Motion to approve the monthly reports made by Councilperson Safka and Seconded by Councilperson Hollister.

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

BUSINESS TO DISCUSS

Park Requests:

The Farmers Market would like to request the pavilion on Tuesday from 1:00pm to 4:00pm beginning 6/8/2021 thru 10/19/2021.

Motion made to approve the park request for the Farmers Market on Tuesday's 6/8/2021 thru 10/19/2021 with no driving on the grass made by Councilperson Hollister and Councilperson.

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

Morghan Coltey on 5/23/2021 for a Birthday Party from 12:00pm to 6:30pm.

Diane Vight on 6/19/2021 for a baby shower from 3:00pm to 7:00pm.

Motion to approve park requests for Morghan Coltey on 5/23/2021 and Diane Vight on 6/19/2021 made by Councilperson Hollister and Seconded by Councilperson Dudley.

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

ABSTRACT #4 of 2021

General Fund V# 1/29 \$33,304.45

Highway Fund V# 1/18 \$12,716.24

Motion to approve the monthly vouchers for Abstract #4 of 2021 made by Councilperson Hollister and Seconded by Councilperson Dudley.

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

Supervisor Rozell asked before we adjourn if the Board need to go into executive session for negotiations for the Union contract. Councilperson Dudley said no it was not necessary. There has not been any movement on the contract. Arrangements had been made via conference calls with the Union representative which, were cancelled due to other engagements on his behalf. The last cancellation was made because he was in Florida on vacation until the 26th of April. He has cancelled three times in the last month, the Town however has been trying to uphold their end to negotiate with him. Councilperson Dudley did state that they are really close to reaching an agreement and would just like to get it finished.

Motion to adjourn the Town Board meeting 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