

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

JULY 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, Compliance Officer; Genevieve Hollis, Rec Leader; Caton Deuso, Whitehall Times; Samantha Kingsley, Everette Mattison Jr., Vicky Mattison, Tom Trepanier, David Rathbun, Dana Grant, Danielle Jones, Barbara Spoor.

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

PUBLIC COMMENTS:

Samantha Kingsley and David Rathbun came to discuss the Youth League at the Recreation Center. They would like to establish a working relationship between the Youth League and the Town. They also wanted to let the Town know that there is still an issue with nails on the girls' softball field. They are aware that the Recreation Center has been trying to clean it up but they continue to get about a coffee can full of nails every time they rake it. That portion of the field is currently closed but it will be needed for football. Supervisor Rozell stated that they would see what they could do about it. Supervisor Rozell also brought up the concession stand that the Youth League runs out of the Recreation Center. Ms. Kingsley said that they are working on that. They are currently working the NYS Department of Health to get the permit renewed for the concession stand. Once it is approved, they would like to get the approval to get it up and running. Supervisor Rozell stated it would go through the Rec Leader, Genevieve Hollis for approval. Rec Leader Hollis stated that when COVID hit one of the things that needed to be done to reopen the Rec Center was to sanitize the entire building including the concession stand. Mr. Rathbun also stated that when COVID started the whole Youth League board quit and they are starting from scratch with a new board. Supervisor Rozell informed Mr. Rathbun and Ms. Kingsley that the Town is currently repairing the tops of the dugouts. Supervisor Rozell asked what need to be done for football as far as covering the nails. Mr. Kingsley said in the past dirt used to be brought in every year and put on the field. Mr. Rathbun said it hasn't been done in several years. Gould's Landscaping used to use their equipment and do the work. Supervisor Rozell asked Mr. Rathbun if he could find any previous records on how much fill would be needed and would check with Superintendent of Highways, Louis Pratt to see if he has any information as well.

Everett Mattison came to speak to the Town Board about the Nuisance Law. He feels the Town is not enforcing the law. Supervisor Rozell stated that he cannot comment because it is in litigation. Town Attorney Erica-Seller Ryan stated that the last time the Mattison's were here last fall the Town filed a complaint and had it served. When the public hearing was held the Mattisons did not appear for it. She then explained that the Town took action on at their request and it is in litigation. Mr. Mattison then asked about the point system that was put in place between last year and now. Town Attorney Seller-

Ryan explained that she can only be brief because it is in litigation. Last year when the complaint was drafted there were a lot of violations. The point system is based on how many violations there are and they had accrued some points because they were in violation with County Code and we pulled all the police records. We can only prosecute based on convictions, so every time the police are called there if they do not arrest some one or issue something that ends with a conviction that is of no value. We can only work off of actual convictions and that is the point system. It was based on the convictions at the time and the amount, of points accrued because of the violations and the Town went forward with that and that is what is in litigation. Supervisor Rozell stated that there has been one arrest in and seven calls in July. Attorney Seller-Ryan again stated it is a rolling time frame but because it is in litigation, she cannot discuss it. She did state the code violations have been remedied with the County which were a big portion of the points with the Nuisance Law. At this point it is just looking at the criminal convictions, unless the police can get convictions, they will not accrue points. Attorney Seller-Ryan also stated it was her understanding that things had improved over the winter. Both the County and NY State Police said there was a huge improvement. In the complaint the owner was given three months and in that time no one was here complaining and no one indicated any issues. Mr. Trepanier said things had gotten better but in the last month and a half, things have gotten out of hand again. Supervisor Rozell stated one of the excuses used from the Owner was because of COVID they could not evict any of their clients and they still can't until August 31st, 2021. Mr. Mattison said if he has to close the doors to his business, he is going to call any attorney. Attorney Seller-Ryan told Mr. Mattison to contact an attorney for representation.

Danielle Jones came to Town Board to ask about animal control in the Village. She had gone to the Village Board meeting the night before and they referred her to the Town. The Village has a local law "Regulating the Keeping of Animals in the Village of Whitehall" but no one to enforce it. The Village uses the Town's Dog Control Officer Nancy Quell but she only does dogs not other animals. She stated when she has tried to contact Nancy Quell she has not returned phone calls or does not show up when called. Ms. Jones was wondering if we could hire someone who does "other animals" as well as dogs. Supervisor stated that we have an Animal Control Law which is Local Law 1 of 2015 for the Town and that consists of cattle, domestic animals including dogs, horses, cows, birds, fowl, geese, ducks, chicken or reptiles or any other domestic animals. As far enforcement, it can be enforced by the Supervisor and the Town Compliance officer or any law enforcement agency of the Town. Ms. Jones stated that the Village Compliance Officer said animal control was not his responsibility, his duties are buildings and structures. Supervisor Rozell stated their used to be a compound to house animal down near the sewer plant but is no longer in use. Now all facilities need to be inspected by AG & Markets and kept up to NY State Standards. Supervisor Rozell said he will try to get into contact with the Dog Control Officer and invite her to the next board meeting. Supervisor Rozell also stated that he would see if there was anything the Town could do to help.

Barbra Spoor came to ask the Town Board to if they could possible to use the court room for presentations for the Sasquatch Festival. Supervisor Rozell suggested using the meeting instead for security reason.

Motion to allow The Whitehall Sasquatch Festival Committee to use the main meeting for presentation purposes during the festival on Saturday 25th of September 2021 made by Councilperson Dudley and Seconded by Councilperson Hollister.

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

To date, there are approximately 20-25 vendors, six or seven researchers and a bounce house that will be at the festival. Also, Mayor Eagan is in contact with Saratoga Draft Horse, they are a beer, wine and cider vendor to make sure they have all correct permits and licenses in place and they will be at Riverside Park. There will be vendors and music in Riverside Park as well.

Motion to approve the monthly minutes from the June 16, 2021 Town Board meeting and the July 15, 2021 Emergency 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 Genevieve Hollis – Written

-Mattison’s Sport Shop donated \$800.00 toward the purchase of a handicap accessible swing for the recreation center.

-Two new attendants have completed park work and have been placed on the schedule.

Motion to purchase the Little Tikes Inclusive Swing Seat for \$1,294.00 for the recreation center made by Councilperson Kingsley and Councilperson Safka.

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

Town Dog Control Report by Nancy Quell – No Report

Town Compliance Report by Martin Rocque – Verbal

-Received a call from a gentleman from Lancaster PA about a “little house”, sent info about the mobile home law. Supervisor Rozell invited Compliance Officer to stay of executive session do discuss current litigation.

Town Clerk Report by Patti Gordon – Written

Town Assessor Report by Roberta Stone – No Report

Town Supervisor Report by John Rozell – Verbal

-The County is working on a new no smoking law on county premises.

-The Town received \$141,882.00 from APA Coronavirus Local Fiscal Recovery Fund. This is one half of the amount the Town will receive. The first half this summer and the second half will be received next summer. There are several usage requirements for the money and if we can not use it, we will lose it. If it is possible, Supervisor Rozell would like to see if we can give the unused funds to the Village.

-In the process of working with Carol Greenough to see if we can get the Museum open more hours.

Town Budget Officer and Transfers by Joel Carpenter – Written

Town Planning Board Report by Gregg Chappell – Written

Town Highway Report by Louis D. Pratt II – Written

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

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

Incoming Correspondence

Supervisor Rozell received an email from Samuel Hall from the Board of Supervisors stating that The Washington County EMS Vac Team will be recognized as the winner of the Excellence in EMS Quality and Safety Award from the Executive Director Travis Howe from the Mountain Lakes Regional EMS Council. The presentation will be sometime in August.

Business to Discuss

There are four companies trying to supply New York City with power. We will be discussing one of them. This particular company has all the permits necessary, the other ones do not. There are two different payments. The Host Benefit Package which is a one-time payment coming to the Town, Village and School. This cannot be used to levy taxes and must be put into a capital fund. The first year the Town will receive \$115,786.00, the Village will receive \$73,043.00 and the School will receive \$255,517.00. The Pilot Program goes into the budget and can be used freely and will be counted as income. The pilot package is every year for 30 years. The first year the Town will receive \$89,203.00, the Village will receive \$154,740.00 and the School will receive \$255,517.00. The Town will receive a total of \$5,642,000.00 over 30 years and The Village will be \$3,000,000.00.No bond has been put on it because the state feels it will be more destructive to dig it up.

A seven Town and two Village Public Hearing was held on zoom which included Putnam, Dresden, Whitehall, Village of Whitehall, Fort Ann, Hartford, Kingsbury, Fort Edward, and Fort Edward Village. The County will get a share of this as well as the IDA. Cost will most likely go up as the cost materials go up. Each Town and Village included must pass a resolution to move forward.

Motion to approve Resolution #41 to (A) The payment terms and conditions of certain pilot agreement to be entered into between counties of Warren and Washington Industrial Development Agency and CHPE LLC in connection with the CHPE LLC project and (B) the payment terms and conditions of certain host community benefit agreements to be entered into between counties of Warren and Washington Civic Development Corporation and CHPE LLC in connection with the CHPE LLC project made by Councilperson Dudley and Seconded by Councilperson Safka

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

Abstract #7 of 2021 **General Fund V# 1/20 \$ 3,276.93**
Highway Fund V# 1/16 \$158,875.44

Motion to approve the monthly vouchers for abstract #7 of 2021 made by Councilperson Hollister and Seconded by Councilperson Dudley.

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

Motion to approve park request for Racheal Dupuis for September 18th, 2021 for a baby shower made by Councilperson Dudley and Seconded by Councilperson Hollister.

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

Motion to go into Executive Session for litigation purposes made by Supervisor Rozell and Seconded by Councilperson Dudley.

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

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

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

Motion to adjourn the Town Board meeting made by Councilperson Hollister and Seconded by Supervisor Rozell.

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

Adjourned
Respectfully Submitted

Patti Gordon
Town Clerk