

**January 27, 2014**

**Regular Meeting**

**Petersburgh Town Board**

**Present:** Supervisor Siegfried Krahforst, Councilman Jack Barnhill, Councilwoman Denise Church, Councilman Neil Geary, Councilman Alan Webster, Library Director Sharon Hodges, Judge Amy Manchester, Board of Ethics Chairperson Deidra Michaels, BOE Member Terry Clyde, BOE Member Craig Levesque, Amy Manchester, Highway Superintendent Ray Harrison, Supervisor's Secretary Ann Crisp

**Guests:** Marianna Krahforst, Emily Harrison, Jane Wesley, Steve Bowman, Mrs. Bowman, Gene Kluck, Sherry Bowman-Kluck, Kim Gundrum, Bill Gundrum, Dave Miller, James Winn, Bill Hammersmith, Mrs. Hammersmith, Tim Allen, Don Paulsen, Genevieve Boguki, Sean O'Donovan, Priscilla Maxon, Elizabeth Barnhill, Terry Neaton, Joe Dunlop, Jeff Knight, Rossie Knight, Mario & Laurie, Don Jones

**Press:** Alex Brooks, The Eastwick Press

**Call to order:** Following the Pledge of Allegiance, Supervisor Krahforst called the meeting to order at 7:00 PM.

#### **PUBLIC ADDRESS**

- **Thomas Berry:** read an extensive letter, clarifying that it was not meant to attack anyone in particular. The intent of his message was to raise awareness in residents in regard to what citizens can do to help prevent tax increase. Mr. Berry has been conducting an unofficial audit through FOIL requests of Town records, and expressed concern with spending practices of the Highway Department. His concern focused on the travel expenses incurred by not making the purchases locally. Mr. Berry stated that his goal is to reduce spending and therefore an unnecessary burden on taxpayers. He also referenced a recent FOIL request in which he discovered that the Town was lacking an agreement mandated by Highway Law Section 284, which involves a contract to be made between the Town Board and Highway Superintendent. This implementation, included under new business of this meeting's agenda, allows the Board to determine repair plans and set financial allowances. Mr. Berry stated that by following this mandate and the Town's Purchasing Policy, it may help to reducing spending within the Highway. Supervisor Krahforst thanked Mr. Berry for his time, and voiced his intent to research and address the issues brought forth in a timely manner.
- **Sherry Bowman-Kluck:** voiced concern in regard to Mr. Berry's insights, inciting based on those numbers, Mr. Berry had identified \$21,000.00 that Town could have saved... Supervisor Krahforst replied that there were other valid factors not taken into consideration with these figures, but the matter would be explored. Ms. Bowman-Kluck also questioned the Board's reason for discussing the Highway Law 284 Agreement in Executive Session, as the law was public knowledge. Supervisor Krahforst replied that there were relating personnel matters to be discussed. Further inquiries from Mrs. Bowman-Kluck were answered by Councilwoman Church, who explained that as it was the specific agreement to be discussed, and not the law in general. Although recent research had confirmed that many surrounding municipalities were unaware and also uncompliant with the Highway Law Section 284 agreement, the fact remains that the

**(PUBLIC ADDRESS, Continued)**

Town did not previously implement this requirement; therefore, matters of pending litigation are a legal justification for a closed session to discuss the Town's agreement.

- With no further comments received from the public, the regular meeting began at 7:19 PM.

**REPORTS**

- Town Clerk: provided the Board with a monthly report, showing a total of \$1,317.74 received in revenue for the month of December 2013.
- Highway Superintendent: informed the Board that the crew was down a truck, as a front wheel had fallen off. The vehicle has been towed to the shop and is due to be repaired tomorrow. Luckily, the other truck has been returned from Delureys, and is back in commission.
- Supervisor: submitted the Supervisor's monthly report to the Board. It showed \$166,711.98 received, \$124,616.07 dispersed, leaving a total of \$78,178.13 as of January 27<sup>th</sup>, 2014. This report is on file in the Town Clerk's office. Supervisor Krahforst also read a letter received from a Berlin High School student and Petersburg Boy Scout, requesting a donation to benefit improvements to the Berlin Free Town Library.
- Board of Ethics: also provided a report to the Board. It mentioned that the Board of Ethics had been meeting on Wednesdays from 9AM – 1PM, but recently have held them at member Terry Clyde's house due to the Town Hall being extremely busy. They have been researching laws, regulations, and duties of Town Officials, verifying if nepotism issues may exist, and investigation a possible complaint.
- Building Department: a letter received from Martin Conboy, who provided confirmation of class reservations for the mandated Code Enforcement Officer training located in Warren County. Mr. Conboy has also been working with current CEO Hull on Monday nights.
- Planning Board: a report was not provide as a December meeting was not held, and the Planning Board Organizational Meeting was occurring simultaneously with this Town Board meeting.
- PVMCC: provided a fourth quarter report to the Board, as well as a financial report for the last two months. Mrs. Bowman-Kluck, as a member of PVMCC's Board, additionally informed the Board that she had been asked to look into current budget for Youth Program, and had met with the Town Supervisor on Saturday to further discuss. PVMCC would like to handle fund raising for Youth Program this year, and were working to plan events for this matter. Requirements were also being researched in regard to State and County reimbursements, specifically the mandates applicable to counselors. Supervisor Krahforst stated that he had planned to schedule a meeting to speak with Youth Program Director Cindi Mars, to be talking with current director- and invited Mrs. Bowman-Kluck to attend.
- Dog Control Officer: a report provided for the month of December showed one complaint that resulted in the issuance of an appearance ticket for Court, and two other calls that were received that month as well.
- Water District: a Special Meeting has been scheduled for Friday, February 7<sup>th</sup> at noon with patrons, so this month's report was tabled until more information is obtained.

**OLD BUSINESS**

- 103 Mill Yard Road: no new information has been received, but a letter was sent to the County requesting that the unsafe structure be secured and demolished as soon as possible.
- Volunteers Needed: the Town is still seeking for participants for Board of Ethics and Planning Board, as members are still needed.

**NEW BUSINESS**

- Transfer Station: Supervisor Krahforst informed the Board that the agreement between Petersburg and Berlin was overdue and in need of attention. However, as Berlin is the lead Town within the contract, a meeting with Berlin Town Board was needed in order to further discuss the agreement. Unfortunately to date a response has not been received from Berlin, but additional correspondence has been sent to the Supervisor and Town Board.
  - Tom Berry again address the Board in regard to the Transfer Station agreement. In his review of the Town's records, his concurrence was that Town of Petersburg is paying for half the costs. Supervisor Krahforst confirmed that this is the case, but would is not to be discussed at this time. Mr. Berry further stated that Petersburg is subsidizing the Town of Berlin, and that the current agreement is unfair. Supervisor Krahforst responded that the matter is being considered and the Town has been researching options, but must first confer with the Berlin Town Board. Mr. Berry was assured that regardless of what is decided, the subject would be brought to the public for referendum.
- Signor Resolution: a resolution was passed to authorize the Deputy Supervisor as a signor for the Town's Trust and Agency bank account.

**RESOLUTION #5. SIGNOR AUTHORIZATION FOR DEPUTY SUPERVISOR**

On motion of Councilwoman Church, the following resolution was adopted. Be it resolved that the Pioneer Bank Municipal Corporate Depository Certificate is hereby accepted as presented (document on file in the Town Clerk's office), and authorization is therefore given to Deputy Town Supervisor Mario Didomenicantonio for the Trust & Agency (Master) Account (#xxxxxxxxx) with Pioneer Bank. Councilman Webster seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

- Kennel Contract: the Board adopted the following resolution in approval of the 2014 contract with Pondview Country Kennels.

**RESOLUTION #6. 2014 KENNEL CONTRACT**

On motion of Councilman Barnhill, the following resolution was adopted. Be it resolved that the 2014 contract between the Town of Petersburg and Pondview Country Kennels is hereby approved as presented (document on file in the Town Clerk's office). Councilwoman Church seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

- Charter Communications: a legal document had been received in regard to the Charter Cable Contract, but was tabled until more information could be obtained in regard to the matter.
- Official Undertaking of Municipal Officers: pursuant to the Public Officers Law, the Board adopted the following.

**RESOLUTION #7. OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

On motion of Councilman Webster, the following resolution was adopted.

**WHEREAS** Siegfried Krahforst, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Supervisor of the Town of Petersburg, and

**WHEREAS** Callie Crisp, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Town Clerk of the Town of Petersburg, and

**WHEREAS** Raymond Harrison, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Superintendent of Highways of the Town of Petersburg, and

**WHEREAS** Amy Manchester, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Justice of the Town of Petersburg, and

**WHEREAS** Richard Snyder, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Justice of the Town of Petersburg, and

**WHEREAS** Emily Harrison, of the Town of Petersburg, County of Rensselaer, New York, has been elected to the Office of Tax Collector of the Town of Petersburg, and

**(RESOLUTION #7, Continued)**

**NOW, THEREFORE** we as respective officers above, do hereby undertake with the Town of Petersburg that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

- This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all monies and property, including special district funds, belonging to the Town and coming into his hands as such Supervisor; and
- This undertaking of the Town Clerk is further conditioned that she will well and truly keep, pay over and account for all monies and properties coming into her hands as such Town Clerk; and
- This undertaking of the Justices of the Town is further conditioned that they will well and truly keep, pay over and account for all monies and properties coming into their hands as such Justices of the Town; and
- This undertaking of the Tax Collector is further conditioned that she will well and truly keep, pay over and account for all monies and properties coming into her hands as such Tax Collector; and

The Town does and shall maintain insurance coverage, presently with Rose & Kiernan Insurance Company, in the amounts of \$20,000.00 for the Supervisor, \$20,000.00 for the Highway Superintendent, \$100,000.00 for the Town Clerk, and \$250,000.00 for the Tax Collector to indemnify against losses through the failure of the officers, clerks, and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks, and employees covered thereunder.

Councilwoman Church seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

- Sand and Gravel Bidding: Highway Superintendent Harrison informed the Board that salt was running low, as the purchase could not be made until the new fiscal year had commenced. Mr. Harrison stated concern over there being insufficient time to put the matter out to bid. Highway Superintendent Harrison requested the Board provide directive to ensure that the decision was made fairly, as the matter has been a conflict before. Numerous distressed audience members then addressed the Board in regard to past and future purchases to be made. Tom Berry questioned the Board in regard to the Town's Purchasing Policy adopted during the

**(NEW BUSINESS, Continued)**

Organizational Meeting. Specifically mentioned was the purchasing limit of \$5,000.00, and the bidding process used last year for sand and gravel. Bids were awarded in 2013 to local gravel bank owners Sean O'Donovan and William Hammersmith, who both were present. Types and quality of materials were discussed at length, and several residents voiced their concern over the effects of poor product causing frequent road deterioration. Mr. Hammersmith stated the most Towns do not use specifications for gravel, and tested product would be unaffordable. Berlin Highway Superintendent Winn was also in attendance and agreed; and it was further stated that bank run gravel, or any material, may differ by location and is also a cause for added travel. Highway Superintendent Harrison justified that the travel expenses had been justified by previous Town Officials, as local providers did not offer washed material. Issues with unwashed sand, containing silica dust, had been a past controversy addressed by residents, and the Highway Department has been using washed material on paved Town roads ever since. As the public voiced their desire to see the bidding process followed again this year, the Board agreed to follow the Town of Berlin's current contract in order to make immediate purchases, and informed the public that the concerns brought forth would be researched. Councilman Webster furthered that he understood their frustrations, but the issues would be addressed. Supervisor Krahforst added that the repercussions from budgeting restrictions were putting the Town at risk, and agreed that a decision would be made in the best interest of the public.

- Executive Session: was on the agenda as discussed during Public Address.

**RESOLUTION #8. MOVE INTO EXECUTIVE SESSION**

On motion of Councilman Webster, the following resolution was adopted. Be it resolved that the Board enter into an Executive Session at 8:59 PM for the purpose of discussing personnel matters and pending litigations in regard to the Highway Law Section 284 agreement. Councilwoman Church seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

**RESOLUTION #9. RETURN FROM EXECUTIVE SESSION**

On motion of Councilwoman Church, the following resolution was adopted. Be it resolved that the Board return from Executive Session at 9:19 PM and resume regular meeting business. Councilman Barnhill seconded such motion, and roll call showed the following results:

**(RESOLUTION #9, Continued)**

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

- Decided actions:

**RESOLUTION #10. HIGHWAY LAW SECTION 284 AGREEMENT**

On motion of Councilwoman Church, the following resolution was adopted. Be it resolved that the Board return from Executive Session at 9:19 PM and resume regular meeting business. Councilman Barnhill seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted. The Board also decided to create a liaison committee to the Highway Department, which will be tasked with overall streamlining, organization, and financial accounts. Councilman Barnhill volunteered to begin compiling financial relating documentation pertaining to the Highway budget, and additional parties interested will be requested as well. The Board then resumed attention to matters outstanding of old business.

- Fund Transfer: as the 2014 budget did not include salary amounts for two Code Enforcement Officers, a resolution was passed to transfer an amount to provide Mr. Hull with compensation for the months of January and February.

**RESOLUTION #11. TRANSFER OF FUNDS**

On motion of Councilwoman Church, the following resolution was adopted. Be it resolved that the Board hereby authorize the bookkeeper to transfer the amount of \$350.00 from Safety Inspection contractual fund 3620.4 to Safety Inspection salary fund 3620.1 in order to provide compensation to Code Enforcement Officer Doug Hull for the months of January and February 2014. Councilman Barnhill seconded such motion, and roll call showed the following results:

**(RESOLUTION #11, Continued)**

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

- Audit of bills:

**RESOLUTION #12. AUDIT OF BILLS 1/14**

On motion of Councilman Webster, the following resolution was adopted. Be it resolved that the bills as listed on abstracts #1/14 be paid in the following amounts:

General:	# 1 – 19	\$ 9,941.74
Highway:	# 1 – 15	\$ 9,803.02
Light District:	# SL1- SL2	\$ 935.85
Water District:	# 1 - 2	\$ 489.41
Library:	# 1	\$ 119.30

Councilman Barnhill seconded such motion, and roll call showed the following results:

Supervisor Siegfried Krahforst	Aye
Councilman Jack Barnhill	Aye
Councilwoman Denise Jacon Church	Aye
Councilman Neil Geary	Aye
Councilman Alan Webster	Aye

Supervisor Krahforst declared that the foregoing resolution was duly adopted.

**Adjourn:** Supervisor Krahforst thanked Berlin Highway Superintendent Winn for attending providing information. With no further business, on motion of Councilwoman Church, seconded by Councilman Geary, the meeting was adjourned at 9:29 PM.

Respectfully Submitted,

Callie Crisp, Town Clerk