

SPECIAL BOARD MEETING – JUNE 7, 2012

HIGHWAY GARAGE PETITIONS

The Special Board meeting of the Town Board of St. Armand was held on the above date at the Town Hall, Bloomingdale, NY.

PRESENT: Supervisor Joyce W. Morency, Councilmen Samuel A. Grimone, Charles Whitson, Jr., Earl J. Dakin, Jr. and Donald Amell. Town Clerk Cynthia A. Woodson

GUESTS: Sandy Hayes

The Special Board meeting was posted at the Town Hall. A waiver of written notice was signed by all Town board members.

Supervisor Morency called the Special Board meeting to order at 7:15 pm.

PETITIONS

MORENCY: this is the first time we ever had to handle anything like this. The petitions were turned in and we have a five day period to challenge these petitions. I gave out the handouts to everyone about the preamble of the clause on the petition that the attorney gave me. The petitions were ruled out because a clause “present place of residence is truly stated opposite his signature” was out and ruled as invalid petitions. He is going to do paperwork on it and if we are going to do it, do it today as the five days from the time the petitions were turned in is Friday and he wanted to do it today. I told him we don’t have the 24 hours and he said we can do the second way, if all five members are present and have Cindy call them. I called him back and said that we will meet tonight and he proceeded to do the paperwork for tonight.

MORENCY: he suggested we have a resolution to pass the waiver of written notice because of the type of issue we are discussing. Would someone care to move to waive the written notice? Moved by Sam Grimone, seconded by Jim Dakin.

RESOLUTION #48 WAIVER OF THE PUBLIC NOTICE

Councilman Grimone, who moved its adoption, offered the following resolution.

WHEREAS A Resolution of the St. Armand town Board to waive the public notice of this Special Board meeting due to time constraints.

WHEREAS discussion and action on Town Highway Garage Petitions from the five Town Board members have been notified verbally and by e-mail of such meeting.

This resolution was duly seconded by Councilman Dakin, and adopted as follows:

Supervisor Joyce W. Morency	AYE
Deputy Supervisor Samuel A. Grimone	AYE
Councilman Donald Amell	AYE
Councilman Earl J. Dakin, Jr.	AYE
Councilman Charles Whitson, Jr.	AYE

Dated June 7, 2012

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Cynthia A. Woodson  
St. Armand Town Clerk

DISCUSSION

MORENCY: if the resolution passes which is saying we won’t accept the petitions, after that is passed by the board then we do the others. If it doesn’t pass with a resolution then it is done and we won’t do it. If there is a resolution, there is an objection form, which the supervisor has to sign and that document has to go to Dan Manning and he takes it to the Supreme Judge. Why don’t we open it up for discussion?

GRIMONE: I can't vote for that resolution, these people in all good faith signed a petition with hopes of what they wanted. When we passed a resolution of building a garage it said with approval of the voters.

MORENCY: with a public referendum.

GRIMONE: So, let's go along with our original motion.

MORENCY: if a petition was done, then we would. If a petition wasn't done, we would not be in this now.

GRIMONE: well, I didn't see that part in the motion, I apologize, and it said pending approval by the voters.

MORENCY: if a petition done then it has to have a resolution.

GRIMONE: I'm sorry I'm not going to vote for this.

MORENCY: okay. I have some feelings about the petition being done; I had an awful lot of people talking to me about what is being said to them when they signed it. When you hear some things that are not actually true. People that have signed it saying we are never going to have a public hearing; we were always going to have a public hearing. We never said we weren't going to have a public hearing.

GRIMONE: I have a little bit of problem with that Joyce, because at the end of that meeting, you said well we may not have to because this may be an emergency situation.

MORENCY: It was in the beginning.

GRIMONE: you led me to believe that maybe we weren't going to have a public hearing; and I wasn't sure if we were going to have a public referendum, or informational meeting.

MORENCY: as far as I was concerned, we never said we weren't going to have one. We were questioned by it. We will bring it to the public when we have figures of the bids, and alright this is how much it is going to cost you.

GRIMONE: you said we may have to call Dan Manning we may not have to do a meeting because this is an emergency.

MORENCY: I called him in the beginning because it was considered an emergency then but apparently it is not now according to him because I asked him. Can't call it an emergency five months later, at the time of the accident it was an emergency situation. If we do not start the garage on the time schedule we have, we will never get in the garage this winter. We will have to wait 60 whole days because of that referendum, and by then we are into August and there is no way to get in by December or January. Are you will to spend \$100,000 or \$150,000 to repair that garage, to put that much money in that building? That will be the option to be able to use that building this winter. If you leave them outdoors, you can still put in heater blocks and it will heat them up but it won't do anything for the hydraulics, and you can still leave the truck running they still are not going to warm up the hydraulics. It is a problem. Anyone else has anything to say?

DAKIN: usually a rule of thumb of any politician when you write them a letter complaining about something, you got three, four, or five. It's the same thing with petitions. You have 66/67 people signed it usually two or three times the people have questions about it.

MORENCY: I wish 20 or 30 people had called here, or call Charlie who had his number in the paper at the end of the article that was written. Did he get a call? No. Did Roger Oliver get any offer to take a look at the garage? No, his two sons went down. Did I get any phone calls? No. Some people came in and talked to me, they listened to what I had to say and they said they will not sign the petition. Where were they when we had articles in the paper? Maybe we thought of different things, but we thought it out. We are not all happy.

WHITSON: after we got the petitions, I called a few names on the petition and discussed with them what the conversation was about and so forth. The primary concern these people had was that they weren't going to be involved because they didn't know we were going to have a meeting or not, a public hearing to inform. I tried to reassure them that as a board member I am not going to do something under the public who elected me in office that I would do and deal that kind of a hand. I strongly urged them was that the way we were going to do it is get all of our information together, let the bids go through, open the bids, look at them and then we can sit down with the board and pick through them and look at them and we as a board can look at them so we have a total of dollars of what is in the end. At that point in time, we are going to have a public meeting to inform the public and they can come and ask any questions that they were concerned with. If I feel that we are being charged too much, meaning the bottom line number is too high for me, I will be the first one to say okay we're done; we are not going any further unless we can take and find reduction in the garage.

GRIMONE: so, you went through the names and called them.

WHITSON: I didn't call all of them, only a few of them.

GRIMONE: so you went through the names?

WHITSON: yes, I did.

GRIMONE: that brings up a question. Why did Charlie get the names and I get the names?

WHITSON: I just got the names yesterday when I called these people. I am referring to the petitions, not these papers here.

GRIMONE: that's what I'm talking about.

MORENCY: I'm sorry; it was a big oversight by not mailing it.

GRIMONE: do you see what I'm saying Charlie?

WHITSON: yes, I do. The only reason was the day Mr. Hayes delivered them is because I happened to be here in the hall and I was just watching for them that's all.

MORENCY: we looked them over, and Cindy did too. They were not numbered, there was one with no number of petitions on the bottom, two with incorrect address, and one illegible and one was not a register voter.

AMELL: what I am reading when I see these petitions. It appears to me that with this many taxpayers that believe the decision that was made on May 8<sup>th</sup> deserve to be voted on. If it is that big of a deal to them to be able to vote on it, I can't disagree with them. I know the timing is not particularly good.

MORENCY: it is not going to work at all. Somebody is going to have to come to solve the problems with the trucks for winter. They just don't have a place to go. Everybody says how well our highway guys take care of our roads; well it could be less this year. If people have not been out waving the red flag on, there has been a lot of work done and when someone says we are pushing through this, that is not accurate or true and a heck of a way to get signatures. Jimmy do you have anything else to say?

DAKIN: no.

MORENCY: Don?

AMELL: no.

MORENCY: Sam?

GRIMONE: no.

MORENCY: Charlie?

WHITSON: no.

HAYES: Well, I am the instigator in this. Number one, I did not talk to one person who didn't want a new garage and frankly, the price really wasn't a factor. A million dollars, as to what Mike Kilroy said, a couple of dollars a week; nobody objected to it. We really don't care if it is built out of brick, stick or metal, or if it is built out of straw, it is what we want it the best building for the Town. I tell you that Dick Trudeau said he will come to this board with his builder who did two buildings for him; he does not think he has even \$200,000 in either one and will bring that builder to you. He does not feel you have given it reasonable consideration to different types of buildings. He owns equipment that does not stay into buildings. He said hydraulics that he has have a release valve, you can start any type of equipment outdoors and any temperature and if the pressure built up, it will pop a release valve, it will not hurt the hoses. He thinks you have been grossly and erroneously misled by Roger in that regard and he will talk to you about that.

I talked to Basil Johnson and he worked outside for most of his life, and he said loggers do not take their equipment home and leave it in the garages. All sorts of equipment outside and you do not blow hoses. That's not an issue. I'm worry about the snow going into the sand trucks and icing it up; but I don't know much about that. These are people who are concerned and you are rushing into it and not looking at alternatives to different types of building and you are misleading the public by saying the hoses are going to break. Roger made a statement that every day he starts the truck that he is going to blow the hoses.

MORENCY: what type of buildings does he have Sandy?

HAYES: metal buildings. This is a Town garage for equipment. I still think the Judge's office and two other offices should go over there. There will be several people here at the next meeting on Tuesday. I hired a lawyer who will represent us if the petition is challenged.

MORENCY: my objection is still this. Bloomingdale is still a little hamlet; I have no thought of a metal building in this Town. Where are the people who signed the petition and come to the meetings? The meetings are opened to the public and advertised, where are they? This has been discussed for five months now. This is not good, our board members have had some hard feelings over this issue; this is the worse issue we ever had to deal with as a board.

RESOLUTION:

Supervisor Morency read a portion of the resolution that is listed below. She asked for a roll call from the Town Clerk. Roll call from Town Clerk has two ayes, and three nays. The motion is defeated.

***Resolution No. 49***  
***Defeated***

***June 7, 2012***  
***Special Board Meeting***

**RESOLUTION OBJECTING TO THE REFERENDUM ON PETITION PURSUANT TO SECTION 91 RELATIVE TO THE CONSTRUCTION OF A NEW TOWN HIGHWAY GARAGE SEEKING THE REFERENDUM WITH RESPECT TO THE RESOLUTION ADOPTED ON THE 8<sup>TH</sup> DAY OF MAY, 2012 ENTITLED "RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW TOWN HIGHWAY GARAGE, SUBJECT TO PERMISSIVE REFERENDUM" WHICH BOARD RESOLUTION No.**

**46**

The following resolution was offered by Supervisor Morency, who moved its adoption.

**WHEREAS**, the Town of St. Armand passed a Resolution authorizing the construction of a new Town Highway Garage, subjective to permissive referendum on May 8, 2012 bearing Resolution No. 46; and

**WHEREAS**, pursuant to Town Law Section 81, 220 and 224 said Resolution was subjective to permissive referendum; and

**WHEREAS**, the Town of St. Armand duly posted and published in its official newspaper a Notice of Permissive Referendum with respect to said Resolution; and

**WHEREAS**, on the 4<sup>th</sup> day of June, 2012, Francis M. Tuthill, Sandford Hayes, Judith Adell and John P. O'Neil submitted seven Petitions on Referendum two of which were dated June 2, 2012 and five of which were dated June 4, 2012; and

**WHEREAS**, upon examination of the petitions, it has been determined that in the preamble of each of the sheets the petitions failed to state that each voter has stated that "his present place of residence is truly stated opposite his signature;" and

**WHEREAS**, pursuant to Section 81 and 91 of the Town Law of the State of New York, objections to a petition seeking referendum may be made within five days after the filing of such petitions pursuant to written objections.

**BE IT RESOLVED**, that the Town Board of the Town of St. Armand hereby objects to the seven pages consisting of the petitions seeking referendum with respect to construction of the new Town Highway Garage and the herein above referenced Resolution dated May 8, 2012 by virtue of the fact that the preamble of each page of these petitions do not contain the language that the voter's "present place of residence is truly stated opposite his signature" which renders the petition invalid; and

**BE IT FURTHER RESOLVED**, this Board authorizes its Supervisor to file an objection to the petitions for referendum submitted by Tuthill, Hayes, Adell and O'Neil alleging that the petition is insufficient, void and

not in accordance of the Town Law of the State of New York and the Election Law of the State of New York as it is invalid on its face because the preamble fails to comply with the statutory requirements that the voter state that his "present place of residence is truly stated opposite his signature" as required by Election Law Section 6-140(1)(a), Town Law Section 91 and Town Law Section 81(4) and further authorizes its Town Supervisor to file all the necessary paperwork and petitions required by Section 91 with the Essex County Supreme Court objecting to said petitions.

**BE IT FURTHER RESOLVED**, that because one of the pages of the petition did not state the number of signatures thereon that it is invalid and this Board objects thereto and authorizes its Supervisor to file an objection relative to this point.

Councilman Whitson duly seconded this resolution, and **defeated** upon a roll-call vote from the Town Clerk, as follows:

Supervisor Joyce W. Morency	AYE
Deputy Supervisor Samuel A. Grimone	NAY
Councilman Donald Amell	NAY
Councilman Earl J. Dakin, Jr.	NAY
Councilman Charles Whitson, Jr.	AYE

Dated: June 7, 2012

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Cynthia A. Woodson  
St. Armand Town Clerk

A motion was made by Councilman Whitson, and seconded by Councilman Grimone, to adjourn the meeting at 8:04 p.m.

I, Cynthia A. Woodson, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Special Board meeting minutes held on the above referenced date.

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Cynthia A. Woodson  
St. Armand Town Clerk