

**DRAFT MINUTES
REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF SARATOGA, 12 SPRING ST.,
SCHUYLERVILLE, NY**

**August 9, 2010
7:00 P.M.**

Supervisor Thomas Wood opened the meeting with the Pledge of Allegiance at 7:00 p.m.

Roll call: Ruth Drumm, Town Clerk, called the roll. Supervisor Thomas Wood- present, Councilman Fred Drumm – present, Councilman Charles Hanehan- present, Councilman Michael McLoughlin – present, Councilman James Jennings - present

Also present: Town Attorney William Reynolds, Justice Jack Ditch, John Deyoe, Clarence Fosdick, Stephanie Ferradino, Greg Beswick, Richard Reeves, Bob Park, Chris Macica, Richard Cummins, Paul Murphy, James Gorham, Wendy Lukas, Tim Koch and other interested persons.

Recognitions/Presentations/ Bid openings/ Public Hearings:

Stephanie Ferradino gave an overview of the changes being made to the Brown Road PUD. She noted that the amendment to the Zoning Ordinance for the PUD included increasing the sizes of the individually owned lots, requiring that the deeds to these lots be subject to a conservation easement restricting the use of the land and requiring that a Homeowners' Association be responsible for the maintenance of roads and storm water systems. The overall development and design plan of the PUD is unchanged with no visible differences.

Supervisor Thomas Wood reported that the SEQR for Local Law #2 of 2010, the Brown Rd. PUD, was reviewed and completed at the agenda meeting. The board concluded that there would be no significant effect on the environment. Supervisor Thomas Wood asked if there were any comments on the SEQR review and no one replied.

After proof of advertising being presented from the *Saratogian* on July 23rd, Supervisor Thomas Wood opened the Public Hearing on Local Law #2 of 2010- Brown Rd. PUD (Saratoga Development LLC) at 7:10 p.m.

Paul Murphy and Chris Macica had questions answered by Atty. Stephanie Ferradino, representative for Saratoga Development LLC.

On a motion by Supervisor Thomas Wood and seconded by Councilman Fred Drumm the public hearing was closed at 7:15 p.m. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings - aye. Carried 5 – 0.

Approval of Minutes: A motion was made by Councilman James Jennings and seconded by Councilman Charles Hanehan to accept the minutes of the July 8th agenda meeting and the July 12th regular meeting as written.

Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings - aye. Carried 5 – 0.

Town Clerk's report for July 2010: Fees paid to the County Treasurer for Dog Licenses \$124.15. Fees paid to the NYS Dept. of Agriculture and Markets for the spay/neuter program \$27.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$87.87. Fees paid to the New York State Health Department for Marriage licenses \$45.00. Dog license fees to Supervisor Thomas Wood \$329.85. Clerk fees to Supervisor Thomas Wood \$151.38. Total State, County, and Local Revenues received were \$765.25.

Zoning Officer's report: Gil Albert's July 2010 report: 14 Building Permits, 13 Building Inspections, 4 Certificates of Occupancy, 0 Junk Yard Permits, 0 Fire inspections, 2 Complaints, 0 Property Maintenance Inspections, 4 Misc., 2 Orders to Remedy, and 5 Building Permit Renewals. A check for \$5,665.35 was given to Supervisor Thomas Wood.

Dog Control Officer's report for July 2010: The report was read by Supervisor Thomas Wood: answered 51 complaints, took 2 dogs to the shelter, 2 bite cases, traveled 231 miles, issued 30 warnings and 7 summonses were issued.

Town Court report for July 2010: The following were closed: 114 Vehicle & Traffic, 10 Criminal/Penal Law, 7 DEC/ENCON, 8 Dog cases, 4 DWI's, 0 Town & Village Ordinance, 0 Small Claims/Civil, 1 Eviction, 0 Bench trials, 0 Divestiture Forms (case transfers) sent to County Court, 8 attended the Science of Speed School, 0 Defendants sentenced to probation, 0 hours of community service issued, 0 days of jail time issued, 1 Order of Protection issued, and \$10,537.00 in fees were paid to the NY State Comptroller.

Historian's report: Sean Kelleher submitted the following report for July: July and August is very busy in the Historian's office with a focus on 18th Century Day at the Schuyler House. Deputy Historian Pat Peck taught a genealogy course at Brookside Museum, Saratoga County Historical Society. In addition, the office developed a brochure for the new canal path trail. The brochure was designed to encourage visitors to the site to be reflective about those that journey down the path before them.

Another interesting project that started for this office in July was a partnership with Saratoga National Historical Park called the Old Saratoga Research Project. This multi-year project is researching the 17th – mid-18th century history of the Frontier at Saratoga. The National Park has a paid internship for a post-graduate student starting in September to compile an overview historiographic essay. This research will guide various projects including interpretation in our community. This is a very important project with new visitors' sites such as walking trails and the Sword Surrender

Site being developed in the next couple of years. This correlates with the announcement last month that the Old Saratoga Washington on the Hudson received \$75,000 for a grant to develop a cultural landscape treatment plan and a site development plan for the Battles of Saratoga Sword Surrender site (the old Germain farm on Route 4).

Assessor's report: Victoria Hayner submitted the following report:
During the month of July we processed 14 sales transfers. The majority of these transfers (13) were valid and the remaining 1 was a non-valid sale. The sales represented primarily residential properties. Values continue to decline or stay level with market values currently set on properties.

We are pleased to welcome Kathleen Canzone as our new clerk for the Assessor's Office. Kathy is training this summer one day/week (Tuesdays) and will begin three days a week in mid-September.

The Assessor's Office is open Tuesday and Thursdays through September 7th and we continue to make ourselves available to property owners that may have a concern regarding the inventory on their property.

Highway Superintendent's report: Highway Superintendent Dave Hall reported:

- ❖ They have started hauling winter sand.
- ❖ They will be ditching and replacing culverts on Burke Road to prepare the road for resurfacing next year.
- ❖ Chestnut Street was resurfaced using a new method called fiber sealing today, Aug 9th.
- ❖ CHIPS check for \$108,258.37 has been received.

Highway Superintendent Dave Hall reported that he met with NYS DOT regarding the closing of the Rt. 9P bridge next month. He stated that Fitch Road will be the emergency detour. They will be striping it with double solid lines. They will be placing speed limit signs (35 mph) along with no truck signs and no passing. The speed limit will be enforced by police patrols.

Supervisor's Financial Report:

SUPERVISOR'S REPORT JULY 2010

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand July 1	\$ 1,257,755.60
July Revenues	+ 30,713.31
July Disbursements	- 74,637.65
Balance July 31	\$ 1,213,831.26

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand July 1	\$ 353,854.28
July Revenues	+ 163.07
July Disbursements	- 4,342.02
Balance July 31	\$ 349,675.33

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand July 1	\$ 885,614.24
July Revenues	+ 216,007.95
July Disbursements	- 240,141.88
Balance July 31	\$ 861,480.31

SCHUYLER PARK CAPITAL PROJECT July 31 \$ 73,406.79

YOUTH RECREATION & SERVICE July 31 \$ 845.72

HIGHWAY EQUIPMENT RESERVE July 31 \$ 12,753.32

BUILDING RESERVE July 31 \$ 149,631.08

SCENIC BY WAYS GRANT July 31 \$ 309.27

- ❖ **Sales Tax Received – July 2010 - \$107,395**
- ❖ **Mortgage Tax – July 2010 - \$12,746**
- ❖ **2011 Budget Workshop – Tuesday, August 24th at 6:00 p.m.**

Public comments on agenda items: Wendy Lukas, Clarence Fosdick, John Deyoe, Gil Albert and Ralph Pascucci addressed the board.

Committee reports:

Landfill: No report.

Insurance: Supervisor Thomas Wood reported that the General Liability Policy with Adirondack Ins. is up for renewal and the premium has dropped by \$500.

Youth: Councilman Supervisor Thomas Wood reported that the Summer Youth Swim Program had 40+ participants at the Christ the King Spiritual Life Center's small lake on Burton Road. The program concluded last Friday and it went well.

Senior Citizens: No report.

The **Quaker Springs Seniors:** No report.

Park Committee:

Schuyler Park: Councilman Fred Drumm reported that the bids for the mowing and trimming at the park for the remainder of the season were opened and the low bidder was Malta Asphalt, Lawn & Landscape for \$4,550.

Office of Emergency Management: No report.

Committee to Honor Volunteer Firefighters & Emergency Medical Service Workers: No report.

GSES, QSFD, SLPID/SLA, SCFB Reports: No reports.

Old business:

Schuylerville Dissolution Committee Update: Mike Fay reported that there will be a public meeting August 18th at 7:00 p.m. at the town hall. At this meeting information on the costs and savings of dissolution will be available. He added that more information can be obtained on the website: www.Schuylerville.ning.com.

New business:

On a motion by Councilman Charles Hanehan and seconded by Councilman Fred Drumm the following **Resolution #10-69 – Negative Declaration – Brown Rd. PUD** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

WHEREAS, the Town Board of the Town of Saratoga, Saratoga County, New York (the "Town") is considering enacting a certain amendment to the Zoning Ordinance of the Town of Saratoga (the "Action"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board as lead agency desires to determine whether this Action may have a significant effect on the environment and therefore require the preparation of an environmental impact statement; and

WHEREAS, there has been prepared a full environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of Action; and

WHEREAS, the Action appears to constitute a "Type I Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SARATOGA, SARATOGA COUNTY, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Town's knowledge of the area and such further investigation of the proposed zoning amendment and its environmental effects as the Town has deemed appropriate, the Town makes the following findings:

- (a) The zoning amendment is described in the EAF;

- (b) The Action constitutes a "Type 1 Action" (as defined in the Regulations);
- (c) No potentially significant effect on the environment is noted in the EAF for this Action, and none are known to the Town;
- (d) This Action will not have a significant effect on the environment; and the Town will not require the preparation of an environmental impact statement with respect to the Action; and
- (e) As a result of the foregoing, the Town has prepared a negative declaration with respect to the Action.

2. The Town Clerk is hereby directed to file a negative declaration with respect to the Action (said negative declaration attached hereto); and a copy of the negative declaration shall be maintained in the office of the Town Clerk in a file that will be readily accessible to the public.

3. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number: 2

Date: August 9, 2010

This notice is issued pursuant to a Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Saratoga Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: Enactment of Local Law Amending Town of Saratoga Zoning Ordinance

SEQR Status: Type 1 X
 Unlisted —

Conditioned Negative Declaration: — Yes
 X No

Description of Action: Enactment of Local Law amending Town of Saratoga Zoning Ordinance by amending Local Law #1 of 1981 – Section 1- Brown Road Planned Unit Development District, Article X-B.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.) Brown Road, Town of Saratoga

Reasons Supporting This Declaration:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

There are no potentially significant effects on the environment noted in the EAF for this action, and none are known to the Town. The action will not have a significant effect on the environment.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Thomas N. Wood, Supervisor
Address: Saratoga Town Hall, 12 Spring Street, Schuylerville, NY 12871
Telephone Number: (518) 695-3644

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town/City/Village of Saratoga
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750
(Type One Actions Only)

On a motion by Councilman Michael McLoughlin and seconded by Councilman James Jennings the following Resolution #10-70 – Adoption of Local Law #2 of 2010

– Brown Rd. PUD was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

WHEREAS, the Town Board has recognized the need to amend the Subdivision Regulations for the Brown Road Planned Unit Development – Article X-B; and **WHEREAS,** the Town Board of the Town of Saratoga has held a public hearing and received input from the townspeople; now therefore be it

RESOLVED, by the Town Board of the Town of Saratoga to adopt Local Law #2 of 2010, amending the Subdivision Regulations. (Local Law #2 of 2010 is attached.)

Local Law Filing

NEW YORK STATE

DEPARTMENT OF STATE

41 STATE

STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Saratoga

Local Law No. 2 of the year 2010

A local law amending the Zoning Ordinance of the Town of Saratoga (LL #1 of 1981) in respect to the Brown Road Planned Unit Development District.

Be it enacted by the Town Board of the (Name of Legislative Body)

Town of Saratoga as follows:

Local Law No. 1 of 1981 of the Town of Saratoga, the Zoning Ordinance, is hereby amended in the following respects:

SECTION 1 – BROWN ROAD PLANNED UNIT DEVELOPMENT DISTRICT:

Article X-B, is hereby amended as follows:

Section 4 – Development Areas

(B) Area B will consist of 70 +/- acres and will consist of 14 single-family dwellings, and one lot to be owned by the Homeowners' Association.

Section 5 – Development Requirements and Construction Specifications

(C) For the purposes of this legislation, a driveway is a roadway which provides vehicular access to one residence. An access road is a roadway within the PUDD which provides vehicular access to more than one residence.

All private access roads and driveways connecting the development areas to Brown Road and within the development areas shall be subject to the following standards:

A driveway over five hundred (500) feet in length must be accessible and able to hold a fifty-thousand (50,000) pound, thirty (30) foot long vehicle as determined by a licensed engineer, with facilities for turning around to be available within one-hundred (100) feet of any structure. A driveway over five hundred (500) feet in length must have a minimum width of eighteen (18) feet and minimum vertical clearance of fifteen (15) feet.

It is understood that the private access roads connecting to Brown Road will be subject to issuance of a permit from the Town of Saratoga Highway Superintendent. There will be a maximum of six private access road points on Brown Road. All private access roads will have a minimum width of 20 feet. All driveways less than 500 feet in length will have a minimum width of 12 feet.

The Homeowners' Association shall be responsible for maintenance of the access roads, management and enforcement of Area B pursuant to the Open Space Plan and the conservation easement, and maintenance of all storm water systems and facilities.

(H) Individual lots will contain two areas. "Area A" shall be a minimum of 10,000 square feet and a maximum of 40,000 square feet and will consist of the area in which the home will be situated. "Area B" will consist of lands which will be governed and restricted by a conservation easement in favor of the Homeowners' Association. The developer shall submit for approval of the Planning Board an Open Space/Land Management Plan and conservation easement language to be included in each deed, which documents shall be subject to approval of the Town Engineer and Town Attorney. For lots 1, 2, 3, 4, 5, 6, 15, and 16, upon planning board approval, Area A can be shifted slightly from the area shown in the sketch plan to allow for better placement of the house within the lot. For all other lots, the house must be constructed within the area designated as Area A.

Section 7 – Revocation

This PUD is subject to Article X, Section 3(J) of the Zoning Ordinance which provides for a revocation of approval and reversion of the zoning of this PUD if construction work on the proposed development has not begun within two years.

SECTION 2 – CONSERVATION EASEMENT

Article X-B, is hereby amended by adding the following:

Section 13 – Conservation Easement

The purpose of the Conservation Easement for Area B in the lots is to protect the rural character and intent of the property and to preserve for the residents of the Planned Unit Development and the town the agricultural land consistent with the development plan attached.

The town seeks to ensure that the open space features of the protected property will be retained and maintained substantially in their current condition for conservation and preservation purposes and to prevent any use or change of the protected property that will significantly impair or interfere with the protected property's conservation and preservation values.

The property subject to this easement shall be for passive outdoor recreation by members of the Homeowner's Association and their guests, and includes, but is not limited to: walking, hiking, cross country skiing, canoeing, fishing, nature observation and enjoyment of the open space, all in accordance with applicable laws, regulations and the conservation easement description contained in each homeowners' deed.

SECTION 3- DEVELOPMENT PLAN

Article X-B, is hereby amended as follows:

Appendix B is amended by substituting a revised Development Plan attached to this local law.

(on file)

SECTION 4 – EFFECTIVE DATE -This local law shall take effect immediately.

On a motion by Councilman Charles Hanahan and seconded by Councilman Michael McLoughlin the following Resolution #10-71- Support for the PDR- Joseph

Lewandowski was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

WHEREAS, Joe Lewandowski, landowner in the Town of Saratoga, intends to participate in the Saratoga County Farmland and Open Space Preservation Program seeking to permanently preserve 92 +/- acres of active farmland on DeGarmo Road in the Town of Saratoga; and

WHEREAS, the Town Board views the preservation of agriculture as vital to the quality of life and economy of the town as evidenced by the Town of Saratoga Comprehensive Plan, Saratoga County Farmland Protection Plan, and Saratoga County Green Infrastructure Plan which recommends the use of conservation easements purchase of development rights as a tool to preserve agriculture and recognizes the importance of protection farmland and open spaces; and

WHEREAS, the Town Board finds that the grant application is worthy and will provide funding to permanently preserve the Lewandowski parcel for agricultural uses only; and

WHEREAS, the Town is an eligible applicant under the grant program and may hold and monitor the conservation easement, now, therefore be it

RESOLVED, that the Town of Saratoga fully supports this application and shall act as the applicant, holding a conservation easement consisting of the development rights of the Lewandowski parcel, and shall periodically monitor conformance with the terms of the easement, and be it

FURTHER RESOLVED, that the Town Supervisor is hereby authorized to contract with Saratoga County and execute any documents necessary to accept and redistribute Farmland Protection funds, should the grant application be successful.

On a motion by Supervisor Thomas Wood and seconded by Councilman Fred Drumm the following Resolution #10-72 – Accept Schuyler Park Mowing Proposal was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

WHEREAS, the Town Board of the Town of Saratoga recognizes the need for mowing and trimming at Schuyler Park; and

WHEREAS, bids were solicited via advertising in the *Saratogian* on July 14, 2010; and

WHEREAS, the Schuyler Park Committee opened all bids on July 27th and unanimously recommends to both the Town of Northumberland and the Town of Saratoga town boards that the lowest bidder, Malta Asphalt, Lawn & Landscape, Round Lake, NY be awarded the contract; and

WHEREAS, the Town Board of the Town of Northumberland met on August 5, 2010 and unanimously approved Schuyler Park Committee's recommendation to award the bid for the mowing and trimming at the Park site to Malta Asphalt, Lawn & Landscape, the lowest bidder; therefore be it

RESOLVED, that the lowest proposal of \$4,550.00 from Malta Asphalt, Lawn & Landscape be accepted for the mowing and trimming for the remainder of the 2010 mowing season at Schuyler Park pending review and approval by Town Attorney William Reynolds that the bid specifications are met.

Supervisor Thomas Wood and the board discussed the changes in the new CDPHP policy coverage's for retirees under 65 years of age. It was decided that a meeting would take place with the retirees before any decision is made regarding the reimbursement of the new policy's deductibles. On a motion by Supervisor Thomas Wood and seconded by Councilman Charles Hanehan, **Resolution #10-73 – CDPHP – Retirees Under 65, was tabled.** Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

Communications:

- ❖ **The Board of Elections will be providing voting machine demonstrations on the new machines at the town hall on August 16, 2010 from 4:00 p.m. to 7:00 p.m. in the Schuyler Room.**
- ❖ **Saratoga Battlefield Landscapes *Tour De Farm* will be Sunday, August 22, 2010. Visit www.agstewardship.org or www.saratogaplan.org for more information and to register for the scenic bike ride.**
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Privilege of the floor: Clarence Fosdick, Wendy Lukas, and John Deyoe addressed the board.

Upcoming meetings:

- ❖ **Budget Workshop – Tuesday, August 24th at 6:00 p.m.**
- ❖ **Agenda meeting – Thursday, September 9, 2010 at 7:00 p.m.**
- ❖ **Regular town board meeting – Monday, September 13, 2010 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #10- 74 Approving the payment of bills in Abstract 8G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

RESOLVED, by the Town Board of the Town of Saratoga that the bills be paid on Abstract #8 (08/09/2010) in the following amounts:

General Fund A	Voucher No. 245 through 273	\$ 48,790.29
General Fund B	Voucher No. 48 through 51	\$ 1,624.35
Highway Outside DB	Voucher No. 170 through 190	\$ 9,107.29
Joint Youth Y	Voucher No. 4 through 5	\$ 4,317.89
HUD CDBG	Voucher No. 19	\$ 3,000.00
Schuyler Park H	Voucher No. 22 through 25	\$ <u>1,777.67</u>
	Grand Total	\$ 68,617.49

A motion to adjourn at 9:05 p.m. was made by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin. Supervisor Thomas Wood – aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin – aye, and Councilman James Jennings - aye. Carried 5 – 0.

Respectfully Submitted,

Ruth Drumm
Town Clerk