

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

**July 11, 2011
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: Deputy Town Clerk Linda McCabe, Highway Superintendent Dave Hall, Town Attorney Bill Reynolds, Geraldine Freedman, Don Ormsby Jr., Attorney Matt Jones, Sherry Doubleday, Martin Hanehan, Brandon Myers, and Roger Sherman

Recognitions/Presentations/ Bid openings/ Public Hearings:

Saratoga Development LLC, Brown Road Planned Unit Development (PUD)

Presentation – Attorney Matt Jones reviewed the plan for 14 residential lots and 1 Homeowner’s Association lot on the 83 +/- acre development on Brown Road. He stated that the Planning Board has given the plan a positive recommendation with a list of changes that they feel should be made as follows:

To: Supervisor Thomas Wood
From: Ian Murray, Planning Board Chairman

This is to inform you of the Planning Board’s motion for a positive recommendation, with changes concerning the Brown Road Planned Unit Development.

Chairman Ian Murray made a motion, seconded by Robert Park to send a positive recommendation for approval to the Town Board with the following changes as noted:

1. **40 feet height restriction**
2. **No obstruction of view-shed**
3. **Add the dry hydrant on the southeast lakeside**
4. **The 6 farm lots are restricted from having swimming pools**
5. **Add third category of ‘Shared Driveways’**
6. **Clarify road ownership being that of the Home Owner’s Association in perpetuity.**
7. **Change lots 15 and 16 to lots 13 and 14**
8. **Compliance to Site Plan 400-58.4**
9. **Explanation of the septic on property lines where needed**
10. **Add archery under Allowable Uses**
11. **Eliminate the last sentence under 400-58.5 D**
12. **Identify the well of neighboring parcel, the Cogan’s of 114 Brown Rd., on the map.**

Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen- aye, Jennifer Koval- aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. Carried 6-0

Attorney Matt Jones showed where he incorporated their suggestions into the law with his power point presentation. Discussion followed regarding the septic systems straddling the lot lines and Councilman Charles Hanehan and Councilman James Jennings felt that it could cause problems in the future. Matt Jones stated that easements in the deeds would allow for maintenance of the systems. The board later decided that the septic systems could not cross over lot lines and that no further hydrofracking of wells will be allowed. The changes will be forwarded to Town Attorney Bill Reynolds for his review and the local law will be drafted with a public hearing scheduled for the August 8th meeting.

Approval of Minutes: A motion was made by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin to accept the minutes of the June 13th 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 June 2011: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$75.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$86.92. Fees paid to the New York State Health Department for Marriage licenses \$67.50. Dog license fees to Supervisor Thomas Wood \$355.00. Clerk fees to Supervisor Thomas Wood \$118.83. Total State, County, and Local Revenues received were \$703.25.

Zoning Officer's report for June 2011: 12 Building Permits, 13 Building Inspections, 5 Certificates of Occupancy, 0 Junk Yard Permits, 2 Complaints, 0 Fire inspections, 0 Orders to Remedy, 5 misc. appointments, 2 Building Permit Renewals, and 1 Property Maintenance Inspection. A check for \$2,030.00 was given to Supervisor Thomas Wood.

Dog Control Officer's report for June 2011: The report was read by Supervisor Thomas Wood: answered 25 complaints, took 3 dogs to the shelter, 0 bite cases, issued 12 warnings, 8 summonses were issued, and traveled 134 miles.

Town Court report for June 2011: The following were closed: 92 Vehicle & Traffic, 15 Criminal/Penal Law, 8 DEC/ENCON, 10 Dog cases, 1 DWI, 0 Town & Village Ordinances, 1 Small Claim/Civil, 3 Evictions, 2 Bench trials, 2 (case transfers) Divestiture Forms sent to County Court, 11 attended the Science of Speed School, 2 Defendants sentenced to probation, 0 hours of community service issued, 0 days of jail time issued, 3 Orders of Protection issued, and \$8,273.00 in fees were paid to the NY State Comptroller.

Historian's report: No report. The Old Saratoga Happenings for July is on the website.

Assessor's report: Victoria Hayner submitted the following for July 2011:
The month of June found our office finalizing the 2011 Assessment Roll that included entering any changes by the Board of Assessment Review. The Final 2011 Assessment Roll has been received and is available for public inspection and review.

During the month of June we processed sales from March – June. We had 4 valid sales and 8 non-valid sales of which 10 were residential sales, 1 was a vacant land sale and one was a commercial sale.

Data mailers were mailed in mid-June and we have received a good response from those mailers with corrections or with questions regarding the Revaluation project. We will be entering this information on our 2012 assessment roll and then begin the field review of all properties in the Town. Pictures will be updated as necessary and property data will be verified by visual inspection of the property from the road and/or driveways.

Our office is open Tuesday and Thursday from 9:00 AM – 1:00 PM, with the Assessor present at those times to answer property owner's questions.

Highway Superintendent's report for June:

- ❖ Patching of roads will continue.
- ❖ The state will be working on Fitch Road in the next week or two. The state has agreed to fix 3,480' of Fitch Road. The remaining 9,720' will be up to the town to repair. Estimates are being sought.
- ❖ Burke Road has been paved and we are now waiting on the shoulder machine.
- ❖ I would like to buy a plow, on sale, for the new pickup in July. The lowest quote was \$4,600 from Arrowhead Equipment.

A motion was made by Councilman James Jennings and seconded by Councilman Charles Hanehan to authorize the purchase of a plow from Arrowhead Equipment for \$4,600. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

Supervisor's report: SUPERVISOR'S REPORT JUNE 2011

GENERAL FUND – TOWNWIDE (A FUND)	
Balance on hand JUNE 1	\$ 1,210,990.26
JUNE Revenues	+ 10,583.51
JUNE Disbursements	- 44,800.56
May Justice Court Fines on hand	+ <u>8,137.50</u>
Balance June 30	\$ 1,184,910.71

GENERAL FUND – OUTSIDE VILLAGE (B FUND)	
Balance on hand JUNE 1	\$ 422,022.15
JUNE Revenues	+ 3,839.87
JUNE Disbursements	- <u>5,904.24</u>
Balance JUNE 30	\$ 419,957.78

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand JUNE 1	\$1,022,146.22
JUNE Revenues	+ 84,575.61
JUNE Disbursements	<u>- 65,518.31</u>
Balance June 30	\$1,041,203.52

SCHUYLER PARK CAPITAL PROJECT JUNE 30	\$ 98,649.02
YOUTH RECREATION & SERVICE JUNE 30	\$ 1,292.55
HIGHWAY EQUIPMENT RESERVE JUNE 30	\$ 12,811.80
BUILDING RESERVE JUNE 30	\$ 150,317.26
SCENIC BY WAYS GRANT JUNE 30	\$ 310.04
PARK RESERVE JUNE 30	\$ 51,956.55
CDBG2 FUND JUNE 30	\$ 19,180.00

- ❖ **Sales Tax Received – June 2011 - \$84,157.00**
- ❖ **Mortgage Tax –June 2011 - \$6,597.00**

Public comments on agenda items: Geraldine Freedman addressed the board to confirm that the public hearing on the PUD will be held at the August 8th meeting. Supervisor Thomas Wood stated that it will be.

Committee reports:

Landfill: No report.

Insurance: Supervisor Thomas Wood reported on the CDPHP Insurance Renewal Review. Other quotes have been obtained and CDPHP is the most reasonable for the services it provides so the policy will be renewed with a 5.5% increase in premium.

Youth: Councilman Michael McLoughlin reported that 40 students have signed up for the swim program being held at the Christ the King Spiritual Life Center on Burton Road, Town of Easton. The program runs Monday thru Friday from July 5th through August 5th. Thanks went to Councilman Michael McLoughlin, Councilman James Jennings, Town Clerk Ruth Drumm and Supervisor Thomas Wood for their help in getting the program set up.

Senior Citizens: No report.

Park Committee: No report.

Office of Emergency Management: Sherry Doubleday reported that the Public Access Defibrillation Program, “PAD”, requires that at least one person who is trained in CPR be available during meetings and business hours. Sherry Doubleday is setting up the training.

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

GSES, QSFD, SLPID/SLA Reports:

General Schuyler Emergency Squad: Sherry Doubleday stated that they responded to 52 calls last month.

Quaker Springs Fire Department: Marty Hanehan reported that the department has had about 50 calls to date this year. We have had numerous fundraisers to help offset the cost of equipment. The department has been helping with the Regattas as our rescue boat is on the water for all of the regattas. The new fire truck should be delivered soon. After receiving the proper training and qualifying it the truck will be housed at Station 2 on Rt. 9P.

He reported that they have 6 or 7 members signed up to take a condensed FF1 course starting at the end of July. This will be a 2 week course with about 100 hours of training to become a Class A Firefighter.

SLPID/SLA (Saratoga Lake Association): No report.

Saratoga County Farm Bureau (SCFB): Marty Hanehan stated that with one of the wettest springs on record, farmers are pretty well caught up with their planting and harvesting. It was a little more challenging this year. 2011 is showing some better milk prices, which is helpful to offset the fuel and commodity prices.

We are glad to see the 9P Bridge open and see a reduction in traffic. Please remember farm equipment goes slower and takes up more room than a car. There is a lot of travel with farm equipment spring through fall. Let's all be safe.

Old business:

Taras Concerns: Supervisor Thomas Wood reported that the board met in executive session at the agenda meeting to discuss with Assessor Victoria Hayner the issues and concerns that Gail Taras raised. He reported that she is adjusting the coding errors. She is in the process of updating pictures of properties and that will be done fully in the fall. Address corrections are being done and income guidelines are with the Disability Exemptions. The office hours are Tuesday and Thursdays from 9:00 a.m. to 1:00 p.m. and in addition she works from home through her computer and is available after hours by appointment. More information explaining the Revaluation Project is on the Assessor's section of the town website.

New business:

On a motion by Councilman Charles Hanehan and seconded by Councilman James Jennings the following **Resolution #11-59- Purchase of Development Rights – Fred & Ruth Drumm** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 4 – 0, 1 abstained.

WHEREAS, Ruth and Fred Drumm landowners in the town of Saratoga, intend to participate in the Saratoga County Farmland and Open Space Preservation Program

seeking to permanently preserve 34+/- acres of active farmland on Burgoyne 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 Drumm 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 Drumm 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 Councilman Fred Drumm and seconded by Councilman Charles Hanahan the following **Resolution #11-60 – Lease for William Reynolds’ Office Space**

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

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes; and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration; it is hereby

RESOLVED, that approximately 100 square feet of office space and 100 square feet of storage space in the South wing, second floor of the Town Hall be leased to William Reynolds on a month to month basis at a monthly rental of \$150.00, said rent and other terms to be as set forth under a form of lease agreement to be executed by the parties; and it is further

RESOLVED, that the Town is permitted to use a portion of the leased storage space; and it is further

RESOLVED, that the Town Supervisor is authorized to enter into said lease agreement to carry out this resolution.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanahan the following **Resolution #11-61 – Lease for Empire Building Products** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanahan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town has excess space in the Town Hall Annex at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously, and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration, it is hereby

RESOLVED, that Unit 1, of the Town Hall Annex be leased to Empire Building Products on a month to month basis for a monthly rental amount of \$275.00 commencing on July 1st and other terms to be as set forth under a form of lease agreement presently in use for other business tenants in the Town Hall, and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-62 – Lease for Michelle DeGarmo Office Space** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously, and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration, it is hereby

RESOLVED, that approximately 92.5 square feet of space in the north wing, second floor of the Town Hall be leased to Michelle DeGarmo on a month to month basis for a monthly rental amount of \$94.28 and other terms to be as set forth under a form of lease agreement presently in use for other business tenants in the Town Hall, and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin the following **Resolution #11-63 – Lease for Dr. Thomas Rosano** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously, and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration, it is hereby

RESOLVED, that his present lease will terminate and approximately 96.7 square feet of space in Lab 1 and 483 square feet in Lab 2 in the north wing, second floor of the Town Hall be leased to Dr. Thomas Rosano on a month to month basis for a monthly rental amount of \$590.81 and other terms to be as set forth under a form of lease agreement presently in use for other business tenants in the Town Hall, and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following **Resolution #11-64 – Fund Transfer to Youth Recreation & Services Y5031.9** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to transfer \$611 from Joint Youth A7145.4 and \$1,587 from Playgrounds & Recreation Centers Account B7140.4 – to the Youth Recreation and Services Fund Y5031.9.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #11-65 – Authorization for a Settlement Agreement – Burlington Labs** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town and Burlington Laboratories of Saratoga County, LLC entered into a lease commencing on February 10, 2010 for office space in the North wing of the Town Hall building; and

WHEREAS, Burlington desires to terminate said lease, and the Town has determined it to be in its best interest to negotiate a mutually agreeable termination; it is hereby

RESOLVED, that the aforesaid lease be terminated immediately, and that in consideration therefore the Town accept the total sum of \$23,500.00, to be paid by Burlington in five monthly installments, together with the transfer of certain office furnishings to the Town; and it is further

RESOLVED, that the Town Supervisor is authorized to enter into a written settlement agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman James Jennings and seconded by Councilman Michael McLoughlin the following **Resolution #11-66 – Highway Fund Budget Amendment – CHIPS** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – abstains, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, a budget amendment is needed, therefore be it

RESOLVED, by the Town Board of the Town of Saratoga to increase appropriations in the Highway Permanent Improvements (CHIPS) Account # DB 5112.402 from increased CHIPS Revenue Account DB3510 by \$14.98 to reflect 2011 NYS CHIPS allotment.

On a motion by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin the following **Resolution #11-67 – Fund Transfer Assessor Revaluation Contractual** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – nay, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 4 – 1.

RESOLVED, by the Town Board of the Town of Saratoga to transfer \$409.94 from Assessor Contractual Expense Account A1355.4 to Assessor Revaluation Contractual Account A1355.402 to cover expenses.

Councilman Michael McLoughlin on behalf of the Schuylerville Area Food Emergency Relief organization, S.A.F.E.R., requested board authorization to have the power looked at by an electrician to see if it is adequate for an additional cooler in the Annex building. The board agreed and thanked Councilman Michael McLoughlin for securing the cooler for S.A.F.E.R. from Saratoga Clay Arts Center. **Councilman Michael McLoughlin added that the Saratoga Clay Arts Center will be having an Open House on Saturday, July 23rd from 3 p.m. to 5 p.m.**

Communications:

- ❖ **Turning Point Parade – Sunday, August 7, 2011, 1:00 p.m.**
- ❖ **2011 Saratoga County Farmland Protection and Open Space Preservation Grant Applications are now available online at www.saratogacountyny.gov or at the town clerk’s office. The application period runs from Monday, May 2, 2011 through Friday, July 29, 2011.**
- ❖ **A card from Hudson Crossing Park was received thanking the town for their support of the 2nd Hudson Crossing Triathlon.**

Privilege of the floor:

Roger Sherman addressed the board.

Upcoming meetings:

- ❖ **Agenda meeting – Thursday, August 4, 2011 at 7:00 p.m.**
- ❖ **Regular town board meeting – Monday, August 8, 2011 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-68 Approving the payment of bills in Abstract 7G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye Carried 5 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills listed in Abstract 7G (07/11/2011) in the following amounts:

General Fund A	Voucher No. 191 through 223	\$ 16,490.25
General Fund B	Voucher No. 47 through 53	\$ 2,049.51
Highway DB	Voucher No. 137 through 158	\$175,770.21
CDBG CD2	Voucher No. 5 through 13	\$ 70,368.00
Youth Y	Voucher No. 2	\$ 3,920.00
Schuylker Park H	Voucher No. 8 through 12	\$ <u>3,434.25</u>
	Grand Total	\$272,032.22

A motion to adjourn at 9:19 p.m. was made by Councilman James Jennings and seconded by Councilman Fred Drumm. Supervisor Thomas Wood – aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye Carried 5 – 0.

Respectfully Submitted,

Ruth Drumm, Town Clerk