

**Town of Charlton  
Saratoga County  
Town Board Agenda Meeting**

**March 26, 2018**

The Agenda Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall, 758 Charlton Rd, Charlton, NY and called to order by Supervisor Grattidge at 7:30 p.m. to set the agenda for the April 9th meeting.

Present: Councilman Grasso, Councilman Hodgkins, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

Excused: Councilman Ranaletto

**RESOLUTION #76**

**Abstract of Claims**

Motion by Councilman Hodgkins  
Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in **Abstract #106**, voucher numbers 183 - 226, in the amount of \$298,603.46.

Vote: All Ayes, No Nays. **CARRIED.**

**RESOLUTION #77**

**Approval of Minutes**

Motion by Councilman Grasso  
Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the minutes from the Town Board Meeting on March 12, 2018.

Vote: All Ayes, No Nays, **CARRIED.**

**ANNOUNCEMENTS**

The Town Clerk's office is accepting donated items for the NYS Yellow Ribbon Day and Freedom Boxes that will be shipped to deployed troops. Donations can be dropped off until April 5<sup>th</sup>.

The Town offices will be closed on March 30<sup>th</sup> and the 31<sup>st</sup> for the Good Friday and Easter holiday.

The Town's spring brush pick-up will be April 23<sup>rd</sup> to April 27<sup>th</sup>. Brush should be curbside by April 22<sup>nd</sup>.

The Town Board's spring newsletter is scheduled to be mailed the first week of April.

The Town Board will hold a workshop with the Town Engineer, Highway Superintendent and Water Superintendent to discuss the MS4 program and water district. The annual MS4 Plan must be done and received by the next Town Board meeting.

There will be a mandatory meeting for Town employees on April 5<sup>th</sup> at 9 a.m. for the annual Workplace Violence Training, which will be followed by an informational meeting about the NYS Deferred Comp program.

## **COMMUNICATION**

The Sales Tax received for the month was \$97,829.00 and the Mortgage Tax was \$9,418.50.

## **DISCUSSION**

Supervisor Grattidge said that the Board had hired a consultant to do an audit of the Time Warner Franchise payments. The audit looked back over the past 5 years and a small difference of \$467 was found to be due to the Town. The Board will be voting on a resolution tonight to accept the audit and sign a settlement agreement.

Councilman Hodgkins said that there will be a planning meeting of the Party in the Park Committee on March 27<sup>th</sup>.

Highway Superintendent is in the process of getting prices on trucks and getting the information together for the bids for a new mower and grad-all.

The Water Department has asked the Board to approve a maintenance agreement for the generator at the Pump House. The Board will be voting on a resolution for this tonight.

Supervisor Grattidge said that he received a letter of concern from a resident about a possible conflict in appointing Penny Heritage to the Town Board, since her husband is the Highway Superintendent. The Supervisor said that he has received an opinion from Association of Towns (Attachment A) and the Attorney General's Office (Attachment B) which ultimately say that the Board is within their rights to appoint Penny Heritage, and noted that she should recuse herself from voting on or determining compensation for the Highway Superintendent. Attorney Van Vranken said that basically the law states that a spouse can not benefit because a spouse is on the Board. For example, she will need to recuse herself from voting on his pay raise. He sees no other prohibitions. If they owned their own business, she could not try to steer the Board to contract with their company. This is not an issue here.

Supervisor Grattidge asked that the letters be attached for the record.

**From:** Suzanne Voigt <[charltondems@gmail.com](mailto:charltondems@gmail.com)>

**Date:** March 26, 2018 at 4:24:42 PM EDT

**To:** <[councilmangrasso@townofcharlton.org](mailto:councilmangrasso@townofcharlton.org)>, <[councilmanranaletto@townofcharlton.org](mailto:councilmanranaletto@townofcharlton.org)>, <[supervisor@townofcharlton.org](mailto:supervisor@townofcharlton.org)>

**Subject: impt info regarding appt of P Heritage to board**

Dear Town of Charlton Board,

I am deeply concerned by the limitations Mrs. Heritage will have, if appointed to the the Town Board, due to the nature of her spouse being our town's Highway Supervisor.

Our state has pretty clear guidelines for municipal board members and potential conflicts of interest. It would appear that her appointment is borderline illegal and definitely questionable for a fair and impartial town board.

At minimum, Mrs. Heritage will have to recuse herself from budget votes and many other important decision making of the board due to her husband's position in town. I hope the board considers this before taking the final vote tonight.

For your convenience I have attached direct, pertinent excerpts from the official state NY Comptroller's Local Government Accountability Concerning Conflicts of Interest of Municipal Officers and Employees.

Mrs. Heritage certainly brings many desired qualifications to the board, but unfortunately she also puts herself and the town in the cross hairs of Comptroller's Office. Do we really want this headache and potential legal hassle?

Sincerely,  
Suzanne  
Carreker-Voigt

**From:** Sarah Brancatella <[sbrancatella@nytowns.org](mailto:sbrancatella@nytowns.org)>  
**Date:** March 26, 2018 at 5:05:32 PM EDT  
**To:** "[supervisor@townofcharlton.org](mailto:supervisor@townofcharlton.org)" <[supervisor@townofcharlton.org](mailto:supervisor@townofcharlton.org)>  
**Subject:** Spouse Inquiry

Hi Supervisor,

It's actually the Attorney General's office that issued the opinion but I have it attached which address the exact situation in your town, where the wife sits on the town board and the husband is the highway superintendent. I have also attached some other opinions where the situations are comparable and they all say the same thing – that the town board member should recuse him or herself from voting on the terms and conditions of employment, but they can vote on general department matters.

I hope this information is helpful, if AOT can be of further assistance please do not hesitate to contact our office.

Best,

Sarah B. Brancatella  
Associate Counsel  
Association of Towns  
150 State St.  
Albany, NY 12207

**ATTACHMENT A**

**State Agency Opinions regarding family members of town board members serving the town**

**1988 N.Y. Op. Atty. Gen. (Inf.) 80  
Office of the Attorney General State of New York  
Informal Opinion No. 88-34  
April 25, 1988**

GENERAL MUNICIPAL LAW, § 806(1).

A town supervisor may take part in the determination of the town highway department budget even though his brother is the superintendent of highways. The supervisor must, however, take no part in the determination of the salary of his brother, the town superintendent of highways.

John M. Reed, Esq.  
Town Attorney  
Town of Pleasant Valley  
75 Market Street  
Poughkeepsie, New York 12601

Dear Mr. Reed:

You have informed us that the newly elected town supervisor and the newly elected town superintendent of highways are brothers. You inquire whether a conflict of interest would result if the town supervisor, as a member of the town board, votes on matters involving the highway department, such as appropriations, the number of employees and salaries of employees.

The governing body of each local government, including towns, is required to adopt a code of ethics setting forth the standards of conduct reasonably expected of its officers and employees (General Municipal Law, § 806[1]). The code of ethics is required to provide standards for officers and employees with respect to disclosure of interests in legislation before the local governing body and generally is to include other standards relating to the conduct of officers and employees of the municipality (*ibid.*). You should examine the town's code of ethics to determine whether there are any regulations applicable to the circumstances you have presented.

In opinions of this office, we have emphasized that public officers must exercise their official duties solely in the public interest (1986 Op Atty Gen [Inf] 101). Public officers should avoid circumstances which compromise their ability to make impartial judgments. In addition to avoiding specific conflicts, even the appearance of impropriety must be avoided in order to maintain public confidence in government.

Significantly, the offices of town supervisor and town superintendent of highways are elective. Thus, in electing the two brothers at the last election, the voters approved the exercise of the respective powers and duties of the offices by these two individuals. We believe that the town supervisor may vote on matters involving the highway department, including appropriations, the number of employees and salaries of employees. The primary concern is the annual determination of the highway department budget. The town board must determine the proper funding level for the highway department taking into consideration the allocation of available funds to all town departments. These are governmental decisions requiring consideration of the interests and needs of all departments of town government. While the supervisor's brother will request a certain funding level for the highway department, this is not a personal interest but a governmental judgment as to what is needed for the department. We believe these are matters on which the supervisor can act impartially, taking into consideration only the overall interests of the town.

You have informed us that the superintendent of highways' salary is determined annually by separate resolution of the town board. This is a matter in which the superintendent has a distinctly personal, as opposed to governmental, interest. We believe that the familial relationship may compromise the supervisor's ability to make

an impartial judgment and at least creates an appearance of impropriety that must be avoided. Thus, we conclude that the supervisor must recuse himself from participating in the determination of the salary of his brother, the town superintendent of highways.

We note that outside of the budgetary process, the town superintendent of highways has considerable autonomy in the repair and maintenance of town highways.

We conclude that a town supervisor may take part in the determination of the town highway department budget even though his brother is the superintendent of highways. The supervisor must, however, take no part in the determination of the salary of his brother, the town superintendent of highways.

The Attorney General renders formal opinions only to officers and departments of the State government. This perforce is an informal and unofficial expression of views of this office.

Very truly yours,  
James D. Cole  
Assistant Attorney General in Charge of Opinions  
1988 N.Y. Op. Atty. Gen. (Inf.) 80, 1988 WL 410574 (N.Y.A.G.)  
END OF DOCUMENT

**1996 N.Y. Op. Atty. Gen. (Inf.) 1043**  
**Office of the Attorney General State of New York**  
**Informal Opinion No. 196-17**  
**Issued on: May 9, 1996**

GENERAL MUNICIPAL LAW §§ 806(1), 808.

The town supervisor must recuse herself from taking actions regarding the town police department which affect the terms and conditions employment of her son, a sergeant in the department.

Laury L. Dowd, Esq.  
Town Attorney  
Town of Southold  
P.O. Box 1179  
Southold, New York 11971

You have inquired as to the extent to which the town supervisor can be involved in decisions regarding the town police department where her son is a sergeant and her husband is retired police officer.

You have explained that the town currently is negotiating contract with the police department. Items being negotiated are the power to supplement the current force with part-time officers, increased leave time, increased salaries, and additional benefits. Your first question is whether the supervisor may participate in deliberations

on this contract and whether, on the contract has been approved, she may make decisions regarding the town budget as a whole.

State law does not prohibit persons from serving in the same governmental unit because they are related by consanguinity of family. Therefore, the employment of the supervisor's son in the police department and the status of her husband as a retired officer do not alone disqualify the supervisor from acting.

We note that the governing body of each local government, including a town, is required to adopt a code of ethics setting forth the standards of conduct reasonably expected of its officers and employees. General Municipal Law 806(1). The code should provide standards for officers and employees with respect to disclosure of interests in legislation and regarding their official and private sector conduct. Id. You should review your code of ethics to determine whether there are applicable provisions.

Public officers have responsibility to exercise their official duties solely in the public interest. 1986 Op Atty Gen (Inf) 101. They should avoid circumstances which compromise their ability to make impartial judgments and must avoid the appearance of impropriety in order to maintain public confidence in government. Id.

We have concluded that members of local legislative bodies should recuse themselves from taking part in any actions concerning the salary and terms and conditions of employment of family members employed by the same local government. 1986 Op Atty Gen (Inf) 101. These are matters in which the legislator would have a personal, rather than governmental, interest. Thus, it seems clear that your town supervisor should recuse herself from negotiations and action on the police benefits contract. Once the contract has been approved, defining the terms and conditions of employment of her son, we believe that the supervisor is not limited in deliberating on the town budget. Other areas of the police department's budget are governmental matters in which the supervisor may participate freely.

You also have stated that the chief of police may retire during the supervisor's term and that his replacement may affect the sergeant positions. You ask whether the supervisor would be disqualified from participating in this appointment. In this instance, the facts are too speculative and undefined for us to give you a view. You may want to present this question to the town or county board of ethics, which can determine the facts and render an opinion. See, General Municipal Law § 808.

Finally, you indicate that the town currently is in litigation regarding the hiring of a police officer from the civil service preferred list. You have asked whether the supervisor may participate in decisions regarding the litigation, and if, generally, she may participate in future hiring of police officers. These items fall under the category of governmental decisions, which you have indicated will have no effect on the salary and terms and conditions of employment of the supervisor's son. Therefore, she may take part in these matters.

We conclude that the town supervisor must recuse herself from taking actions regarding the town police department which affect the terms and conditions of employment of her son, a sergeant in the department.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Written by:

James D. Cole

Assistant Attorney General In Charge of Opinions

1996 N.Y. Op. Atty. Gen. (Inf.) 1043, 1996 WL 401591 (N.Y.A.G.)

END OF DOCUMENT

**1999 N.Y. Op. Atty. Gen. (Inf.) 1052**  
**Office of the Attorney General State of New York**  
**Informal Opinion No. 99-21**  
**July 19, 1999**

UNCONSOLIDATED LAWS § 5711-q.

A member of the Board of Trustees of the Village/Town of Mount Kisco should recuse herself in all respects from participating in a disciplinary proceeding brought by the Mount Kisco Police Department in which her son may be called as a witness.

David A. Menken, Esq.  
Village Attorney  
Village/Town of Mount Kisco  
104 Main Street  
Mount Kisco, New York 10549

Dear Mr. Menken:

You have requested an opinion as to whether a member of the Board of Trustees of the Village/Town of Mount Kisco ("Mount Kisco") should recuse herself from participating in a disciplinary proceeding brought by the Mount Kisco Police Department in which her son may be called as a witness. We conclude that she should.

Section 5711-q of the Unconsolidated Laws governs the employment of village police officers as well as the establishment, organization and operation of police departments in all villages in Westchester County. See, Unconsolidated Laws § 5711-q(1). Pursuant to section 5711-q, members of village boards of trustees serve as police commissioners. *Id.*, § 5711-q(2). In this capacity, the trustees preside over all disciplinary proceedings for police officers. *Id.*, § 5711-q(9).

You have informed us that the Chief of Police of the Mount Kisco Police Department may charge one or more officers with misconduct. These charges must be heard in a

disciplinary proceeding brought before at least a majority of the Board of Trustees. *Id.* You have also informed us that one of the trustees has a son who is a patrol officer in the Mount Kisco Police Department. Although this officer is not one of the officers who may be charged, he may be called as a witness in the disciplinary proceeding.

In the situation you present, the Trustee may not be able to make an impartial judgment solely in the public interest if her son is called as a witness. Although State law does not prohibit persons from serving in the same governmental unit because they are related by consanguinity or family, public officers have responsibility to exercise their official duties solely in the public interest. *Op Atty Gen (Inf) No. 96-17.* Therefore, public officials should avoid circumstances which compromise their ability to make impartial judgments solely in the public interest. Even the appearance of impropriety should be avoided in order to maintain public confidence in government.

As a trier of fact, the Trustee must weigh the credibility of all witnesses. See, *Kerr v Kerr*, 56 AD2d 567 (1st Dept 1977). While the Trustee may believe that she can weigh the credibility of her son fairly and reach an impartial judgment solely in the public interest, there is no objective way to verify this. We believe there is at least an appearance of impropriety under these circumstances. Accordingly, we believe that the possibility that the Trustee's son may be called as a witness and the necessity that the trier of fact evaluate fairly all witnesses, require the Trustee to recuse herself.

\*2 You have also asked our opinion regarding the scope of the Trustee's recusal. We have found that members of local legislative bodies with conflicts of interests in a particular matter before the body should recuse themselves from taking any actions with respect to that matter. *Op Atty Gen (Inf)* In our opinion, the Trustee's participation in deliberations has the potential to influence other Trustees who will exercise a vote with respect to the matter in question. Further, the mere presence of the Trustee at such deliberations holds the potential of influencing other Trustees. See, *id.* Thus, it is our belief that the Trustee should not participate in or be present at the hearing, any deliberations, including deliberations conducted during an executive session of the Board of Trustees, or the determination of the disciplinary proceeding brought by the Mount Kisco Police Department.

We conclude that a member of the Board of Trustees of the Village/Town of Mount Kisco should recuse herself from participating in all respects in a disciplinary proceeding brought by the Mount Kisco Police Department in which her son may be called as a witness.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

YVONNE M. HOVE

Assistant Attorney General

1999 N.Y. Op. Atty. Gen. (Inf.) 1052, 1999 WL 626048 (N.Y.A.G.)



END OF DOCUMENT

**ATTACHMENT B**

Op Atty Gen I No 90 12 Councilwoman related to HS and recusal requirements

1990 N.Y. Op. Atty. Gen. (Inf.) 1020  
Office of the Attorney General State of New York  
Informal Opinion No. 90-12  
March 13, 1990

A member of a town council must recuse herself from participating in any matter concerning the salary and terms and conditions of employment of her husband who serves as superintendent of highways of the town.

James A. Murphy, Jr., Esq.  
Town Attorney  
Town of Greenfield  
Lake Desolution Box 32  
Middle Grove, New York 12850

Dear Mr. Murphy:

You have indicated that the spouse of a town council member has been elected superintendent of highways. You have asked whether the town council member will have any conflicts of interests as a result of her husband's service as superintendent of highways.

Public officers have responsibility to exercise their official duties solely in the public interest (1986 Op Atty Gen [Inf] 101; 1984 Op Atty Gen [Inf] 122). They should avoid circumstances which compromise their ability to make impartial judgments. Public officers must avoid the appearance of impropriety in order to maintain public confidence in government.

In previous opinions of this office, we have concluded that a local legislator must recuse himself or herself from participating in matters affecting the compensation, employment and other terms and conditions of employment of his or her spouse (1986 Op Atty Gen [Inf] 101; 1985 Op Atty Gen [[Inf] 89).

**Specifically, you ask whether the spouse serving as member of the town council may act with respect to the budget. If the salary and benefits of the town superintendent of highways are established through separate legislation apart from the budget, the town council member must recuse herself from participating in these deliberations. We believe, however, that she may vote on a town budget, which includes funds in the highway department portion reflecting the previously established salary and benefits of the superintendent of highways. If, however, salary and benefits for the superintendent of highways are established solely by the town budget, a conflict of interests, or at least an appearance of a conflict may occur if the legislator were to take part in the vote.**

In our view, the town council member may participate in any other governmental matter relating to the operations of the town highway department except those in which she has a personal interest by reason of affinity. Unlike matters affecting the salary and conditions of employment of her spouse, she would not have a personal interest in these matters requiring recusal.

We conclude that a member of a town council must recuse herself from participating in any matter concerning the salary and terms and conditions of employment of her husband who serves as superintendent of highways of the town.

The Attorney General renders formal opinions only to officers and departments of the State government. This perforce is an informal and unofficial expression of views of this office.

Very truly yours,  
James D. Cole  
Assistant Attorney General in Charge of Opinions

Councilman Grasso said that the Planning Board had reviewed the Capital Care plans and requested changes which were addressed at tonight's Public Hearing. The Planning Board reviewed a lot line adjustment for Bruce Hodgkins.

#### **MOTIONS, RESOLUTIONS AND AUTHORIZATIONS**

##### **RESOLUTION #78**

##### **A RESOLUTION TO TEMPORARILY APPOINT PENELOPE A. (PENNY) HERITAGE AS A MEMBER OF THE TOWN BOARD OF THE TOWN OF CHARLTON**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Ranaletto: Absent, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 78

March 26, 2018

##### **A RESOLUTION TO TEMPORARILY APPOINT PENELOPE A. (PENNY) HERITAGE AS A MEMBER OF THE TOWN BOARD OF THE TOWN OF CHARLTON.**

WHEREAS, the Town of Charlton has a duly elected Town Board, comprised of five (5)

members, four councilmen and one supervisor, all elected for staggered terms, and

WHEREAS, one of the elected councilmen, Marshall Heritage, resigned from his office of Town Councilman of the Town of Charlton effective January 31, 2018, leaving an unexpired term which will end on December 31, 2019, and

WHEREAS, pursuant to New York State Town Law Article 4, Section 64(5), whenever a vacancy shall occur or exist in any town office, the town board or a majority of the members thereof may appoint a qualified person to fill the vacancy as set forth in the above-referenced New York State Town Law, and

WHEREAS, Penelope A. Heritage is willing to accept a Town Board appointment to fill that portion of the unexpired term of Marshall Heritage from January 31, 2018 until December 31, 2018, and

WHEREAS, the Town of Charlton is required to fill the unexpired term of Councilman Marshall Heritage which will begin January 1, 2019 and terminate December 31, 2019, which replacement election will be processed with the required legal procedures which apply to the filling of individual councilman positions.

NOW BE IT RESOLVED, that the Town Board hereby temporarily appoints Penelope A. (Penny) Heritage as a councilman of the Town Board of the Town of Charlton, which appointment will take effect April 1, 2018 and terminate December 31, 2018, and

BE IT FURTHER RESOLVED, that the salary for Town Board member Penelope A. (Penny) Heritage shall be at the rate of \$4,800.00 per year, pro-rated from April 1, 2018 until December 31, 2018.

Moved by	Councilman Grasso	Voting: Councilman Grasso	Aye
		Councilman Hodgkins	Aye
Seconded by	Councilman Hodgkins	Councilman Ranaletto	Absent
		Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: March 26, 2018

\_\_\_\_\_  
Brenda Mills, Town Clerk

**RESOLUTION #79**  
**A RESOLUTION APPROVING MINOR CHANGES TO THE STEWART'S SHOPS CORP. EXCEPTIONAL USE PERMIT SITE PLAN FOR THE SOUTHEAST CORNER OF ROUTE 67 AND ROUTE 147 (1334 SACANDAGA ROAD)**

Motion by Councilman Grasso  
Seconded by Councilman Hodgkins

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Ranaletto: Absent, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

Resolution # 79

March 26, 2018

A RESOLUTION APPROVING MINOR CHANGES TO THE  
STEWART'S SHOPS CORP. EXCEPTIONAL USE PERMIT  
SITE PLAN FOR THE SOUTHEAST CORNER OF ROUTE 67 AND  
ROUTE 147 (1334 SACANDAGA ROAD)

WHEREAS, the Town Board did on March 13, 2017 approve an exceptional use permit to Stewart's Shops Corp. site plan for the real property stated in this resolution, and

WHEREAS, following the opening of the Stewart's Shop at 1334 Sacandaga Road, the owner determined that the site needed additional lighting in the vicinity of the dumpster for purposes of employee safety, and

WHEREAS, in addition to the concern stated above, a neighbor to the south of the site raised concerns with the owner regarding overflowing dumpster trash blowing into the neighbor's yard, and also raised questions regarding the possibility of placing some screening between the Stewart's site and the neighbor's residential site, and

WHEREAS, Town Board members advised the Stewart's representative about concern regarding the marking of the Route 67 entrance/exit location and requested consideration for modification to that area, and

WHEREAS, the Stewart's representative, Charles Marshall, met with the Charlton Town Board on November 17, 2017 to review the hereinabove described issues, which included the consideration of changes to improve the safety of the site, addressing issues of screening and elimination of overflowing dumpsters which resulted in a mutual agreement to make some minor changes to the previously approved Stewart's site plan, and

WHEREAS, Stewart's submitted a revised site plan to the Town Board on November 29, 2017 which included amended plans for additional screening, lighting in the vicinity of the dumpster, the planting of 16 blue spruce evergreens in the Spring of 2018 along the common property line between the Stewart's site and the aforementioned neighbor to the south and a rotation of the dumpster enclosure 90 degrees from its current location and which would also be enlarged to accommodate two dumpsters rather than the original one only, and

WHEREAS, the parties also agreed to the addition of one backshielded pole light to be located behind the new dumpster enclosure, placement of reflective delineators and additional striping along the Route 67 curb cut, and

WHEREAS, the Charlton Planning Board has determined that the aforementioned amended site plan of November 16, 2017 adequately addresses all issues raised by Stewart's employees, a neighboring property owner and the Planning Board and has provided the Town Board with a written

recommendation that the Town Board approve the changes.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves the changes and amendments to the site plan of the Stewart’s Shops Corp. previously approved site plan, and

BE IT FURTHER RESOLVED, that due to the limited scope of the amendments to the subject site plan, there were no significant environmental issues that would require another SEQRA review, as the original SEQRA review remains in full force and effect, and

BE IT FURTHER RESOLVED, that should conditions change again to this site in such a manner which would require amendment to the terms and conditions of the original and supplemental site plan approval, no such amendment shall be authorized unless and until applicant Stewart’s Shops Corp. shall request a meeting with the Town Board for purposes of processing any request for any alterations or changes to the approved plan, conditions or requirements as are hereby granted, and

BE IT FURTHER RESOLVED, that the original approval by the Charlton Town Board of March 13, 2017 remains in full force and effect with the exception of the minor amendments to the site plan as referenced in this resolution.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilman Hodgkins	Aye
Seconded by	Councilman Hodgkins		Councilman Ranaletto	Absent
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: March 26, 2018

\_\_\_\_\_  
Brenda Mills, Town Clerk

**RESOLUTION #80**  
**A RESOLUTION ACCEPTING THE CABLE FRANCHISE FEE AUDIT REPORT SUBMITTED BY COMPUTEL CONSULTANTS AND TO AUTHORIZE THE SUPERVISOR TO EXECUTE THE SETTLEMENT AND RELEASE AGREEMENT SUBMITTED BY TIME WARNER CABLE NORTHEAST, LLC a/k/a/ CHARTER COMMUNICATIONS**

Motion by Councilman Grasso  
Seconded by Councilman Hodgkins

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Ranaletto: Absent, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 80

March 26, 2018

**A RESOLUTION ACCEPTING THE CABLE FRANCHISE FEE AUDIT REPORT SUBMITTED BY COMPUTEL CONSULTANTS AND TO AUTHORIZE THE SUPERVISOR TO EXECUTE THE SETTLEMENT AND RELEASE AGREEMENT SUBMITTED BY TIME WARNER CABLE NORTHEAST, LLC a/k/a CHARTER COMMUNICATIONS**

WHEREAS, the Town of Charlton Town Board has received a cable franchise fee audit provided by Computel Consultants, Michael T. Caton, Partner, and

WHEREAS, the Town Board retained the services of Computel Consultants (Computel) to conduct an audit of the cable franchise agreement between Charter Communications (Charter) and the Town, a copy of which audit report dated March 23, 2018 is attached to this resolution and made a part hereof, and

WHEREAS, also attached to this resolution is a communication between Supervisor Grattidge and Consultant Caton setting forth suggestions related to possible revisions of the current agreement between the Town and Computel, and

WHEREAS, the Town Board has also received a proposed Settlement and Release Agreement between the Town of Charlton and Charter setting forth the terms of a settlement and release agreement between the parties and regarding an audit of franchise fee payments between the Town and Charter, and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves the cable franchise fee audit as set forth in the aforementioned March 23, 2018 letter between Computel and the Town of Charlton, and

BE IT FURTHER RESOLVED, the Town Board further authorizes the Supervisor to execute the Settlement and Release Agreement under the terms and conditions set forth in the attached Agreement, which will now conclude all past claims on franchise fees due the Town by Charter.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilman Hodgkins	Aye
Seconded by	Councilman Hodgkins		Councilman Ranaletto	Absent
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: March 26, 2018

\_\_\_\_\_  
Brenda Mills, Town Clerk

**RESOLUTION #81**  
**A RESOLUTION AUTHORIZING THE SEASONAL USE OF THE BASEBALL FIELD IN ELMER SMITH PARK BY THE BURNT HILLS JUNIOR BASEBALL LEAGUE**

Motion by Councilman Grasso  
Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board authorizes the BHBL Junior Baseball League to use the ball fields in Elmer Smith Park from April through June from 5 – 8 p.m. Monday through Friday, and 9 a.m. to noon on

Saturdays. This is conditional upon approval of the field condition by the Highway Superintendent. The park will not be available June 2nd or 3rd because of Party in the Park.

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Ranaletto: Absent, Supervisor Grattidge: Aye. **CARRIED.**

**RESOLUTION #82**

**A RESOLUTION AUTHORIZING THE ANNUAL MAINTENANCE AGREEMENT WITH CUMMINS FOR THE PUMP HOUSE GENERATOR**

Motion by Councilman Hodgkins  
Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board authorizes the Water Department to execute a maintenance agreement for the pump house generator with Cummins for a period of one year and a cost of \$997.43.

Roll Call: Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Ranaletto: Absent, Supervisor Grattidge: Aye. **CARRIED.**

**PRIVILEGE OF THE FLOOR**

No one chose to speak.

**RESOLUTION #83**

**Motion to adjourn the meeting**

Motion by Councilman Hodgkins  
Seconded by Supervisor Grattidge

Vote: All Ayes, No Nays. **CARRIED.**

The meeting adjourned at 7:56 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk