

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

**November 28, 2016**

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 7:33 p.m. to set the agenda for the December 12th meeting.

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

**RESOLUTION # 173**

**Abstract of Claims**

Motion by Councilman Gay

Seconded by Councilman Heritage

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract #122, voucher numbers 651 - 688, in the amount of \$29,395.75 and Abstract #12, voucher number 126 in the amount of \$170.49.

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

**RESOLUTION # 174**

**Approval of Minutes**

Motion by Councilman Grasso

Seconded by Councilman Heritage

BE IT RESOLVED that the Town Board has approved the Town Board Meeting Minutes from November 14, 2016.

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

**DISCUSSION**

The Sales Tax report for the month was \$106,089.00 and the Mortgage Tax was \$14,1232.00. The Town has received the semi-annual distribution of Mortgage Tax in the amount of \$86,438.40.

The Board discussed how to move forward with the Exceptional Use Permit (EUP) application received from Stewart's Shops for a proposed new store on the opposite corner of Route 147 and Route 67 from their existing store. Councilman Grasso recommended that the Town Board retain primary jurisdiction over the application so the Board can factor in the disposition of the vacated store. He said that development of the new site will require extensive work including drainage and storm water management. He suggested getting advisory opinions from the ZBA, Planning Board and ECC. He recommended that the Town Board be the lead agent, and after the application makes it past the Town Board, it can go to the ZBA for a variance and the Planning Board for a full site plan review. Attorney Van Vranken confirmed that the Town Board as lead agent would do the SEQR, and also once the other Boards have completed their portion, the application would come back to the Town Board for final approval. Councilman Grasso noted that the project will need a referral to the County Planning Board. He also confirmed that the project does not need a subdivision as one has already been done. Councilman Grasso suggested that the applicant come before the Board to do a presentation of their plans so that questions could be asked and the Board would have a better understanding of the project. It was decided that the Town Board will ask Stewart's to do a 15 minute presentation for the Town Board at the December 12<sup>th</sup>

meeting. Attorney Van Vranken pointed out that this would give the applicant a month to address questions that the Board might have, and they can address them before the Public Hearing. Supervisor Grattidge asked Attorney Van Vranken to develop a resolution to schedule a Public Hearing for the January 23<sup>rd</sup> meeting.

The Charlton Snowmobile Club has asked the Town Board for permission to park vehicles and trailers at the back of the Town Hall parking lot as they have done in previous years. The Board noted that there have not been any problems in previous years, so they had no objection to the use again this year.

**Resolution# 175**

**Resolution authorizing the Charlton Snowmobile members to park vehicles and snowmobile trailers in the back of the Town Hall parking lot**

Motion by Councilman Grasso

Seconded by Councilman Gay

BE IT RESOLVED that the Town Board has authorized the Charlton Snowmobile Club to have its members park their vehicles with trailers in the back of the Town Hall parking lot for loading and unloading of snowmobiles while using the adjoining snowmobile trails for the Winter 2016-2017 season.

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

Charlton Snowmobile Club has also asked the Town Board for permission for their members to ride on two sections of Town Roads. This would need approval by the Highway Superintendent. Councilman Grasso said that his concern would be if they were to have to cross residential driveways, they could tear up driveways and we don't want to cause problems for the residents. Attorney Van Vranken said that whatever the usage is going to be, there needs to be a really good written description of it in the contract. He also suggested checking with the Town's Insurance carrier. The Board decided not to take any action of the request tonight. Supervisor Grattidge said he will ask the Snowmobile Club President to go out with the Highway Superintendent to identify the roadsides being considered.

Supervisor Grattidge said that the BH-BL BPA will be hosting their annual State of the Towns public meeting on January 4<sup>th</sup> at 8:00 a.m. at the Glenville Town Hall. The speakers will be 4 local Town Supervisors from Glenville, Ballston Charlton and Clifton Park.

Councilman Gay said that there were problems with the telemetry system at the pump house this past summer. The contractor that handles the telemetry was not dependable, and on a few occasions showed up over an hour late for his appointments. There was recently a problem with the pump controls where both pumps turned on and overflowed the water tank. The Water Department shut things down, and scheduled an appointment with the contractor from Industrial Instrumentation, who did not show up for the appointment. He said he can not address the problem for a week. Councilman Gay said that he and the Water Superintendents feel that they need a more dependable contractor, and they have recommended using the same contractor that is used by the Town of Glenville. The Board had no objection. Attorney Van Vranken asked if there was a contract with Industrial Instrumentation. Councilman Gay said he did not think so, but he will have the Water Clerk check.

Supervisor Grattidge said that Councilman Grasso has been doing a review of Town data of water quality in previous years. Councilman Grasso said that he had reviewed data back to 2015 but has found additional data back to 2012 that he plans to review. So far he has seen a few sporadic spikes but does not see any trends that would be indicative of a worsening problem.

The Highway Superintendent confirmed that the roofing job on the Highway Garage is supposed to start on Thursday. Many more leaks have appeared in the old roof.

David Pohl, Park Committee Chairman said that the Charlton Freehold Presbyterian Church wants to have a tree lighting and carol singing program at the Gideon Hawley gazebo on Sunday December 3<sup>rd</sup>. The Parks Committee plans to assist with the event and hope to make it an annual Charlton event. Cookies and hot chocolate will be served.

Councilman Grasso said that the Town is an MS4 and operates under the State's general permit for storm water discharges. The permit expires next year. The new draft permit has new requirements. He wanted to make the Board aware so they can be cognizant of changes. One noted change is to the Highway Department compliance and having to prepare special storm water plans for all Highway facilities. Another thing that he noted is that when building lots are being developed, there is a need for erosion sediment controls to be in place

so that when the lots are being re-graded, construction vehicles are not causing a sediment load on the roads. There will be more onuses on the Town to bring enforcement to this type of illicit discharges.

Supervisor Grattidge set up a workshop on December 5<sup>th</sup> at 6:30pm for the Town Board to start working on the 2017 Organizational Resolution.

**MOTIONS, RESOLUTIONS AND AUTHORIZATIONS**

**RESOLUTION #176**

**A Resolution accepting the offer of dedication by Bordeau Builders, Inc. to the Town of Charlton of a certain roadway known as Cosgrove Drive located in the Town approved subdivision known as Deer Run, Phase 3**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

Discussion: Councilman Grasso asked about the timing of the top course, as the resolution says when all lots are built upon. But in this case we have a situation that has taken many years to build out, does the Board need to review every year to decide when that top course goes in? Highway Superintendent Emerich said that he has discussed this with the Builder and he stays involved in the process. A copy of his letter to the Board is attached.

Roll Call Vote: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Heritage: Aye, Councilman Hodgkins: Aye, Supervisor Grattidge: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 176  
November 28, 2016

**A RESOLUTION ACCEPTING THE OFFER OF DEDICATION BY BORDEAU BUILDERS, INC. TO THE TOWN OF CHARLTON OF A CERTAIN ROADWAY KNOWN AS COSGROVE DRIVE LOCATED IN THE TOWN APPROVED SUBDIVISION KNOWN AS DEER RUN, PHASE 3**

WHEREAS, representatives of Bordeau Builders, Inc., the owners and developers of the Town of Charlton approved subdivision known as Deer Run, have submitted a request to the Town Board to accept certain roadways, easements, water mains and storm sewers known as Cosgrove Drive, and

WHEREAS, based on the terms and conditions of an agreement entered into between and among the Town of Charlton, Capitol Real Estate, Inc. and Bordeau Builders, Inc., the owner/developer has provided documentation to the Town of Charlton Town Attorney and Town Engineer, including written proof of satisfactory completion of all public water facilities related to the subdivision, a deed to the Town of Charlton including water mains, storm sewers and easements granting to the Town of Charlton access to all facilities, a title insurance preliminary policy for said roadway (Cosgrove Drive) naming the Town of Charlton as an endorsee of the policy and verifying marketable title to the roadway real property, a tax search indicating all taxes within the subdivision are paid to date, letters from the Highway Superintendent and Town Engineer stating that the proposed road known as Cosgrove Drive has had a final inspection and is ready for acceptance by the Town, a letter of credit incorporating 100% of the value of the top course of Cosgrove Drive and all other previously dedicated roadways within the Deer Run Subdivision, and

WHEREAS, the Town Board did approve a resolution dated November 9, 2015, reducing the letter of credit requirement by Bordeau Builders, Inc. and with respect to securing payment for the

aforementioned top course for all phase three driveways required to be completed by Bordeau Builders, Inc. once all lots in the Deer Run Subdivision have been sold, which resolution reduced the required letter of credit to \$164,262.00 and which letter of credit will be continued until all roadway improvements within the Deer Run Subdivision have been completed by Bordeau Builders, Inc., and

WHEREAS, the Town Attorney has reviewed all submitted dedication documents, including proposed Warranty Deed with Lien Covenant, TP-584, RP-5217 (Equalization and Assessment Form), corporate resolution authorizing Gary J. Bordeau as President of Bordeau Builders, Inc. to sign all required documents necessary to complete the said roadway dedication, proposed Offer of Cession signed by Gary J. Bordeau, letter from Bordeau Builders, Inc. regarding Offer of Cession, Release of Part of Mortgages Premises from the current mortgage held by Ballston Spa National Bank, releasing all of the items being transferred to the Town of Charlton, including description of the roadway known as Cosgrove Drive, a 5 feet wide utility easement located along the proposed dedicated roadway, utility easement affecting Lots 35 - 44 Cosgrove Drive and Homeowner Association lands of the Deer Run Subdivision, utility easements affecting Lots 45 – 49 Cosgrove Drive and utility easement #1 as shown on a map entitled “Subdivision Plat, Deer Run Subdivision, Phase 3, Cosgrove Drive”, and

WHEREAS, the Town Attorney has reviewed the title insurance preliminary title report for the roadway parcel and easements to be conveyed to the Town of Charlton, which includes verification that all current taxes have been paid on all parcels within the Cosgrove Drive section of the Deer Run Subdivision, that all Bordeau Builders, Inc. corporate tax returns and corporate formation documents, including a Certificate of Good Standing, are in proper order, and

WHEREAS, the Town Attorney has conferred with the Town Engineer, Michael McNamara, verifying that all open items identified by the Town Engineer which needed to be completed before the roadway known as Cosgrove Drive would be accepted by the Town of Charlton have now been so completed, and

WHEREAS, the Town Attorney has conferred with the Town Planning Board Attorney, William Keniry, confirming that Attorney Keniry had no issues of concern which would prohibit the Town Board from accepting the dedication of Cosgrove Drive, including roadway and easements.

NOW BE IT RESOLVED, that based upon the documentation and information described in this resolution and as presented to the Town Board of the Town of Charlton, the Deed of Dedication with supporting documentation and required fees, transferring title to the Town of Charlton by Bordeau Builders, Inc. of Cosgrove Drive, together with easements, water mains and storm sewers, are hereby accepted for recording in the Saratoga County Clerk’s Office.

Moved by	Councilman Grasso	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Hodgkins		Councilman Heritage	Aye
			Councilman Hodgkins	Aye
			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: November 28, 2016

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



Town of Charlton Highway Department  
4008 Jockey St  
Charlton, New York  
(518)399-3425  
[Highway@townofcharlton.org](mailto:Highway@townofcharlton.org)

Michael Emerich  
Highway Superintendent

November 22, 2016

Mr. Alan Grattidge, Supervisor  
Town of Charlton Town Hall  
758 Charlton Road  
Charlton, N.Y. 12019

Re: Deer Run Subdivision – Phase 3 Road Dedication

Dear Supervisor Grattidge:

I am writing to inform the Town Board of my observations of the right of way for Phase III of the Deer Run residential subdivision. I visited the site frequently during the construction of the roads and utilities during the summer of 2015. Full time observation of the construction was also provided by representatives of the Town's Engineer.

As is common, the paving of the top course of asphalt has been deferred until a substantial number of the lots within the project are completed. I have been informed by the Town Engineer that the full cost of the top course is included in the funds retained by the Town in the Letter of Credit posted by the developer. The developer has also agreed to complete the paving when directed to do so by the Town.

After the majority of the infrastructure work was done at the end of 2015, I reviewed the property and prepared a check list of issues needing further attention by the developer. On September 27, 2016, I revisited the property with Town Engineer Mike McNamara and ensured that all those final issues had been addressed. It is my opinion that the right of way for Phase III of the Deer Run subdivision is ready for acceptance by the Town.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Emerich", with a long, sweeping underline.

Michael Emerich  
Highway Superintendent

Cc: Bob VanVranken, Town Attorney

Attorney Van Vranken said that the representatives for the Heflin Durst subdivision is working on getting the same core group of documents as mentioned in the preceding resolution. They are hoping to offer a road dedication possibly by the next meeting.

**RESOLUTION #177**

**A Resolution authorizing a further reduction in the Letter of Credit provided to the Town of Charlton by Heflin-Durst for infrastructure costs related to their residential subdivision**

Motion by Councilman Gay

Seconded by Councilman Grasso

Roll Call Vote: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Heritage: Aye, Councilman Hodgkins: Aye, Supervisor Grattidge: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 177

November 28, 2016

A RESOLUTION AUTHORIZING A FURTHER REDUCTION IN THE LETTER OF CREDIT PROVIDED TO THE TOWN OF CHARLTON BY HEFLIN-DURST FOR INFRASTRUCTURE COSTS RELATED TO THEIR RESIDENTIAL SUBDIVISION

WHEREAS, Heflin-Durst has provided a letter of credit to the Town of Charlton in the sum of \$1,040,823.00 as required by the Town Board in order to secure the payment of infrastructure costs associated with the Heflin-Durst residential subdivision, and

WHEREAS, the Town Engineer has received a request from Lansing Engineering, P.C., engineers for Heflin-Durst, requesting an adjustment to the current letter of credit from \$1,040,823.00 to \$351,383.57, which request is shown on the attached Exhibit "A", being a letter from the Town Engineer to the Town Supervisor regarding this matter, and

WHEREAS, the Town Engineer, Michael McNamara of the Environmental Design Partnership has advised that the Supervisor and Town Board by letter of January 6, 2016, that he has reviewed the request from Lansing Engineering, P.C. on behalf of Heflin-Durst and has presented his opinion that the existing letter of credit amount can be reduced to \$351,383.57 and subject to the completion of all requirements related to the Heflin-Durst subdivision, and

WHEREAS, the Town Board did approve by resolution dated January 11, 2016, a reduction in the letter of credit amount to \$351,383.57 based on the requests set forth herein, and

WHEREAS, attached to this resolution are copies of letters from Lansing Engineering, P.C. to Garry Heflin dated October 11, 2016 and a letter from Environmental Design Partnership, LLP, Town of Charlton engineers, to Supervisor Grattidge and dated November 22, 2016 which request and justify a further reduction in the letter of credit on file with the Town of Charlton from \$351,383.57 to \$264,437.50 for reasons set forth in the referenced communication.

NOW BE IT RESOLVED, that the Town Board hereby accepts the recommendation and opinion of the Town Engineer regarding the request to reduce the letter of credit filed by Heflin-Durst with the Town Board from the sum of \$351,383.57 to \$264,437.50 based on items completed by Heflin-Durst with respect to the Heflin-Durst subdivision.

Moved by Councilman Gay

Voting: Councilman Gay Aye  
Councilman Grasso Aye

Seconded by Councilman Grasso

Councilman Heritage Aye  
Councilman Hodgkins Aye  
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: November 28, 2016

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

**RESOLUTION #178**

**A Resolution acknowledging receipt of a Telecommunications Tower Exceptional Use Permit Application from Tellco Partnership d/b/a Verizon Wireless and acceptance by the Town Board of primary jurisdiction of such application pursuant to the Zoning Ordinance of the Town of Charlton**

Motion by Councilman Hodgkins  
Seconded by Councilman Heritage

Discussion: Councilman Grasso said that he would like to ask for an ECC advisory opinion as well. Supervisor Grattidge requested that Verizon be asked to perform a balloon test before the public hearing so that the results can be shown at the hearing.

Roll Call Vote: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Heritage: Aye, Councilman Hodgkins: Aye, Supervisor Grattidge: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 178  
November 28, 2016

A RESOLUTION ACKNOWLEDGING RECEIPT OF A TELECOMMUNICATIONS TOWER EXCEPTIONAL USE PERMIT APPLICATION FROM CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND ACCEPTANCE BY THE TOWN BOARD OF PRIMARY JURISDICTION OF SUCH APPLICATION PURSUANT TO THE ZONING ORDINANCE OF THE TOWN OF CHARLTON

WHEREAS, the Town Board has received an application from Cellco Partnership d/b/a Verizon Wireless, applying for an exceptional use permit for a telecommunications tower to be located at 764 Charlton Road, as required by Local Law No. 1 of 2015 entitled "A Local Law Relating to Telecommunications Towers in the Town of Charlton" and Article VII, Special Exceptions to Designated Land Uses of the Zoning Ordinance for the Town of Charlton as adopted September 14, 2015, and

WHEREAS, the Town Board has reviewed such application, consulted with the Town of Charlton Zoning Enforcement Officer and the Attorney for the Town regarding issues which need to be considered in processing this application and as set forth in the aforementioned Town of Charlton Zoning Ordinance, and

WHEREAS, the applicant has made a presentation to the Town Board on November 14, 2016, providing an overview of such application and a request to move forward as soon as practicable according to the required terms and procedures of the aforementioned legislation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Charlton hereby formally accepts the telecommunications tower exceptional use permit application of Celco Partnership d/b/a Verizon Wireless, a copy of which is attached to this resolution and made a part hereof, and

IT IS FURTHER RESOLVED, that the Town Board will retain primary jurisdiction of this application as authorized and set forth in Article VII, Section 3(A) of the Zoning Ordinance of the Town of Charlton, and

IT IS FURTHER RESOLVED, that the Town Board hereby declares itself as lead agency with respect to all matters involving the requirements of the State Environmental Quality Review Act (SEQRA), and

IT IS FURTHER RESOLVED, that the Town Board will request from the Town of Charlton Planning Board an advisory opinion to the Town Board as set forth in Section 3(g)(iii) of the aforementioned Local Law No. 1 of 2015, and

IT IS FURTHER RESOLVED, that the Town Board shall conduct a public hearing at 6:30 pm on January 9, 2017 as set forth in Article VII, Section 3(A) of the Charlton Zoning Ordinance and related to special exceptions to designated land uses, and

IT IS FURTHER RESOLVED, that the Town Clerk shall publish such notice of public hearing as soon as possible.

Moved by	Councilman Hodgkins	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Heritage		Councilman Heritage	Aye
			Councilman Hodgkins	Aye
			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

Dated: November 28, 2016

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

The Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk