

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

December 12, 2016

The Regular 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 7:31 p.m.

Supervisor Grattidge led the pledge of Allegiance.

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

APPROVAL OF MINUTES

RESOLUTION #179

Approval of Minutes

Motion by Councilman Heritage

Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the minutes of the Town Board Agenda Meeting on November 28, 2016.

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

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

ABSTRACT OF CLAIMS

RESOLUTION #180

Approval of Abstract of Claims

Motion by Councilman Hodgkins

Seconded by Councilman Heritage

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 123, voucher numbers 689-725 in the amount of \$26,161.93.

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

TOWN CLERK'S REPORT

The Town Clerk's office took in \$1,051.00 for the month of November. \$764.92 was paid to the Supervisor's Office as revenue, and \$286.08 was paid to other Governmental agencies.

RESOLUTION #180A

Acceptance of the Town Clerk's Report

Motion by Councilman Gay

Seconded by Councilman Heritage

BE IT RESOLVED that the Town Board has accepted the Town Clerk's report as read.

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

SUPERVISORS REPORT

For the month of November, I attended 3 Town meetings and 5 County meetings.

Some of the highlights of the month:

- Attended normal Town and County meetings
- Worked on the 2017 Saratoga Co. Budget

Supervisor Grattidge confirmed that the Board has received the Key Bank Custodial Statement and financial reports for the month.

(see Supervisor's financial report on next page)

Supervisor Grattidge said that the Town participates in the National Flood Insurance program, and DEC has notified him that they would like to meet with our Floodplain Administrator/Zoning Administrator to see how we administer the program. The Supervisor said that he believes there are a couple of properties in Charlton that participate in the program.

Supervisor Grattidge said that he received notification from the NYS Department of Public Service that National Grid has filed an application to construct a new substation on Lasher Road (in the Town of Ballston). There will be a Public Informational Meeting in the Town of Milton on December 19th at 6 p.m., followed by a time for public statements.

Supervisor Grattidge said that the Saratoga County Public Health Department has put out a booklet titled "Saratoga County 2016-2018 Community Health Assessment and Community Health Improvement Plan". The Booklet will be available on the County website and at the Town Clerk's office.

12/08/2016 10:11:34

MONTHLY REPORT OF SUPERVISOR**TO THE TOWN BOARD OF THE TOWN OF CHARLTON :**

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of November, 2016:

DATED: December 8, 2016

SUPERVISOR

	Balance 10/31/2016	Increases	Decreases	Balance 11/30/2016
A GENERAL FUND - TOWNWIDE				
CASH - CHECKING	11,337.23	66,434.61	66,457.67	11,314.17
CASH - SAVING	429,964.27	139,742.26	66,432.67	503,273.86
PETTY CASH	500.00	0.00	0.00	500.00
Park Fees Reserve	60,403.57	4.75	0.00	60,408.32
TOTAL	502,205.07	206,181.62	132,890.34	575,496.35
DA HIGHWAY FUND				
CASH - CHECKING	0.00	134,506.89	134,506.89	0.00
CASH - SAVINGS	60,805.87	67,803.15	134,506.89	-5,897.87
CASH, SPECIAL RESERVE	15,479.08	0.00	0.00	15,479.08
TOTAL	76,284.95	202,310.04	269,013.78	9,581.21
F WATER #1 FUND				
CASH - CHECKING	0.00	10,273.41	10,273.41	0.00
CASH - SAVINGS	266,274.24	641.70	10,273.41	256,642.53
WATER SERIAL BOND	34,313.06	1.41	0.00	34,314.47
CASH, SPECIAL RESERVES	121,297.39	4.97	0.00	121,302.36
TOTAL	421,884.69	10,921.49	20,546.82	412,259.36
SW WATER #2 FUND				
CASH - CHECKING	0.00	287.52	287.52	0.00
CASH - SAVINGS	26,156.89	2.04	287.52	25,871.41
TOTAL	26,156.89	289.56	575.04	25,871.41
TA TRUST & AGENCY				
CASH - CHECKING	6,678.22	38,108.96	37,536.46	7,250.72
TOTAL	6,678.22	38,108.96	37,536.46	7,250.72
H CAPITAL PROJECTS				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
TOTAL ALL FUNDS	1,033,209.82	457,811.67	460,562.44	1,030,459.05

ANNOUNCEMENTS

There will be a Public Hearing on January 9th at 6:30 p.m. regarding the Exceptional Use Permit Application for the Verizon cell antenna at 764 Charlton Road.

Town offices will be closed December 23th through 26th in Observance of the Christmas holiday. The Town Board Agenda Meeting will be held Tuesday, December 27th.

Supervisor Grattidge said that the 2017 Organizational Resolution will be done at the January 9th Town Board meeting.

DEPARTMENT & COMMITTEE REPORTS

Dog Control – In November, there were 8 complaints, 3 were no dog related, and 5 expired dog licenses were followed up on.

Constables – In November, there were 29 patrols, 27 complaints, 13 911 calls, 4 EMT calls and 5 accidents responded to. 2,369 miles were traveled and 51 tickets were issued (of which 28 were issued on Route 67).

Planning Board – Councilman Grasso reported that Board met in November and approved the Lee subdivision, corner of Cook Road and Route 67, Ward subdivision, corner of Maple Avenue and Route 67 and the Fisher application on Swaggertown Road.

Highway - Councilman Hodgkins said that repair of the Highway Garage Roof has been started.

Building/Zoning –In November, \$1,430.96 was collected in fees and the total value of the permits is \$552,400.

Water – Councilman Gay reported that there are problems with the recorder at the Pump House, and the conclusion is that it is old. He said that they worked on it for about 3 hours and got it working, but they are not certain how long it will work without more problems. They are not sure if the problem is with just with the recorder or if also with additional parts of the system. He said that he hopes to know more by the January meeting and what will be the best way to proceed.

Charlton Seniors – There annual Christmas party is Wednesday December 14th.

A presentation was made to the Board by Chuck Marshall from Stewart's Shops. They have applied to the Town for an Exceptional Use Permit to build a new store on the Southeast Corner of Routes 147 & 67. Mr. Marshall stated that the current store on the northwest corner of the intersection is small and does not fit their business footprint going forward. They plan to build a 3,675 square foot store on the new property which will be a total of 3,729 square feet with a water treatment system. They will sell gas, diesel and kerosene, and they will have parking for 2 tractor trailer trucks. He showed the Board plans of the site and proposed look of the new store. They plan to have stone on the bottom of the building and gooseneck lighting to keep a look that fits with the Town. He said that they are aware that they will need to seek several variances for the project, including for the LED sign, setbacks and signage.

Supervisor Grattidge asked what their plans are for the existing store. Mr. Marshall stated that they are not sure yet, but are open to leasing it to a non-competing business or even demolition. He confirmed that they will be removing the gas pumps as soon as the new store opens. The deed to the old property will have deed restrictions for non-compete. The Supervisor asked if they would be willing to incorporate a Welcome to Charlton message on their sign. Mr. Marshall said they would.

Councilman Gay said that he hopes that there will not be traffic problems with the new location.

Councilman Heritage asked if there will be 2 driveways and how long it will take to build out. Mr. Marshall said that there will be driveways on Route 67 and Route 147. Their hopes are that tractor trailers will exit the lot on Route 147 and go to the light. He said that they anticipate 6 weeks to build the new building.

Councilman Grasso said that he has reviewed the application and feels it is a good location. He said that the disposition of the old building would be important to the Town. He feels that the Town Board should consider

that as part of the EUP application. He agrees that the sign could be a nice gateway to the Town. He likes the accommodation for the large trucks to get them off of Route 67 and 147. He said that there is a residence to the south of the new location, and possibly some buffering could be done to mitigate impact on the residence. He asked if there were any future plans for the remainder of the new lot. Mr. Marshall said that there is no intention to do anything with the remainder of the lot at this time. Mr. Grasso said that lighting levels are important as the property is rural and he doesn't want it to seem out of place. The Councilman recommended that the Town Board keep jurisdiction of the EUP process. It will require variances and will need a referral from the ZBA. He would recommend an advisory opinion from the Planning Board and he would suggest a joint public hearing before the Agenda Meeting in January.

Councilman Hodgkins asked if Mr. Marshall felt that there was ample visibility for people coming east through the light if tractor trailers were making a left into the parking lot off Route 67. Mr. Marshall said that the NYS Department of Transportation has to issue a permit for the driveways and they will not do that if they feel that the sight is limited.

MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS

RESOLUTION #181

A RESOLUTION ACCEPTING THE OFFER OF DEDICATION BY GARRY R. HEFLIN AND JUDITH B. HEFLIN TO THE TOWN OF CHARLTON OF A CERTAIN ROADWAY KNOWN AS PINE HOLLOW DRIVE AS SET FORTH ON A SUBDIVISION MAP ENTITLED "HEFLIN-DURST RESIDENTIAL CLUSTER SUBDIVISION", TOGETHER WITH ALL REQUIRED STORM WATER MANAGEMENT EASEMENTS AS SET FORTH IN THE PROJECT APPROVAL

Motion by: Councilman Hodgkins

Seconded by: Councilman Gay

Discussion: Councilman Gay asked if the Homeowners Association had primary jurisdiction of the storm water management or is it the Highway Department. Attorney Van Vranken said that the Homeowners Association owns the land and it their obligation. Supervisor Grattidge said that this should be part of the Homeowners Association documents so as people buy lots, they understand that it their Association that will be responsible for maintaining these features.

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. 181

December 12, 2016

A RESOLUTION ACCEPTING THE OFFER OF DEDICATION BY GARRY R. HEFLIN AND JUDITH B. HEFLIN TO THE TOWN OF CHARLTON OF A CERTAIN ROADWAY KNOWN AS PINE HOLLOW DRIVE AS SET FORTH ON A SUBDIVISION MAP ENTITLED "HEFLIN-DURST RESIDENTIAL CLUSTER SUBDIVISION", TOGETHER WITH ALL REQUIRED STORM WATER MANAGEMENT EASEMENTS AS SET FORTH IN THE PROJECT APPROVAL

WHEREAS, Garry R. Heflin and Judith B. Heflin, together with Dean H. Durst, the owners and developers of the Town of Charlton approved subdivision known as Heflin-Durst Residential Cluster Subdivision, have submitted a request to the Town Board to accept a certain roadway and easements and the easements are shown on the above-referenced subdivision map which was filed in the Saratoga County Clerk's Office on May 29, 2015 as Instrument No. M2015084, which roadway is

known as Pine Hollow Drive, and

WHEREAS, the proposed subdivision has been presented to all appropriate boards of the Town of Charlton, including most particularly the Planning Board and received approval for the development of the subdivision according to the agreed upon terms and conditions as approved by the Town Planning Board, and

WHEREAS, the owner developers have provided documentation to the Town of Charlton Town Attorney, Town Engineer and Planning Board Attorney, including written proof of satisfactory completion of all public water facilities related to the subdivision, storm water management easements and a deed for the roadway now known as Pine Hollow Drive, and

WHEREAS, the owner developers have provided the Town of Charlton with a title insurance preliminary policy for said roadway 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 parcel are paid to date, letters from the Highway Superintendent and Town Engineer stating that the proposed road has had a final inspection and is ready for acceptance by the Town Board, a continuing letter of credit incorporating 100% of the value of the top course of said roadway, as-built drawings of the subject roadway, certification by a New York State licensed professional engineer indicating inspection of the improvements and that such roadway and other improvements are installed according to the Planning Board approval, and an offer of payment of all required fees due, including park fees, 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), proposed Offer of Cession signed by Garry R. Heflin and Judith B. Heflin, letter from Garry R. Heflin and Judith B. Heflin regarding Offer of Cession, a storm water management deed of easement entitled

“Homeowners Association of Pine Hollow, Inc. to the Town of Charlton”, granting and releasing to the Town of Charlton an easement and right-of-way over, through and across all of the lands of Heflin as described in certain deeds recorded in the Saratoga County Clerk’s Office as Instrument Nos. 201531629 and 201531630, said easements to be used by the Town of Charlton for storm water management and for the purpose of inspecting and maintaining such storm water management system, especially in the event the Homeowners Association herein described fails to maintain such system, which easement authorizes the Town of Charlton to take such action as necessary to maintain such portion of the premises necessary to assure proper storm water control and which costs of such service by the Town shall be reimbursed by the Homeowners Association as set forth in the easement document, 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 Heflin Durst Residential Cluster Subdivision, 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 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 the roadway and easements as herein described.

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, including the Deed of Dedication, supporting documentation and required fees transferring title to the Town of Charlton by Garry R. Heflin and Judith B. Heflin of the roadway known as Pine Hollow Drive, together with storm water management easements also conveyed to the Town by the Homeowners Association of Pine Hollow, Inc., are hereby accepted for recording in the Saratoga County Clerk’s Office by Garry R. Heflin, Judith B. Heflin and the Homeowners Association at Pine Hollow, Inc., including all costs for such recording.

Moved by	Councilman Hodgkins	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Gay		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: December 12, 2016

Brenda Mills, Town Clerk

RESOLUTION #182

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN EXCEPTIONAL USE PERMIT (EUP) APPLICATION FROM STEWART’S SHOPS CORP. 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 Heritage
Seconded by Councilman Hogkins

Discussion: Councilman Grasso said that he would like the ZBA and ECC to get copies.

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. 182

December 12, 2016

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN EXCEPTIONAL USE PERMIT (EUP) APPLICATION FROM STEWART’S SHOPS CORP. 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 Stewart’s Shops Corp., applying for an exceptional use permit for the development of the southeast corner of Route 67 and Route 147 (Sacandaga Road) in order to relocate the company’s current store operation located at the northwest corner of the subject intersection, 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 desires to make a presentation to the Town Board at a time to be determined between the applicant and the Town Board so that this application may move forward with all required procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Charlton hereby formally accepts the application of Stewart’s Shops Corp. dated November 15, 2016, 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 23, 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 Heritage	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

Dated: December 12, 2016

Brenda Mills, Town Clerk

COUNCILMAN REPORTS

Councilman Grasso said that a letter was received from the Palanzas on Vine Road. They would like to request a stop sign at Vines Road and Hickory Ridge. The Councilman said that he physically inspected the site. It is posted as 30 mph, and he can see that people could be going faster. He checked the manual of Uniform Traffic Control Devices stipulates when and where stop signs should be used and that they are not to be used as a speed control mechanism. He said because it is a 3 way T-intersection, he does not feel that it would be an appropriate use of a stop sign. He did, however, recommend the use of the speed wagon to get some measurements and see if there is a chronic speed problem. He asked the Constables to patrol Vines Road for speed control. He will communicate back to the Palanzas.

Aaron Dyer from the Charlton Snowmobile Club addressed the Board with a request to allow snowmobile operators in the Club to run their machines on Division Street. He said that the stretch of road requested is about 1,500 feet and would be on the road just south of Eastern Avenue. He said that the goal is to use the road this season and possibly next, until a better solution can be worked out. He gave the Board a copy of a map showing the trail use on Division Street. He stated that the club currently uses sections of roads in other Towns and there have not been problems. He said that he will provide the Town with an Insurance Certificate.

Councilman Grasso said that Division Street is very narrow and there is little shoulder. He confirmed with Mr. Dyer that they would be running in the ditches, and possibly both sides of the road. Councilman Grasso said that he is very concerned about affected property owners that are not familiar with having snowmobiles passing over their driveways. He said however, he is in favor of a solution.

Supervisor Grattidge asked Mr. Dyer to draft a letter to homeowners to let them know that snowmobiles will be on the road. He is also concerned that no damage be caused to the road. Mr. Dyer confirmed that the club will close the trails as soon as conditions change that might have impact on the roads.

The Board did not have objection to allowing the snowmobiles to run on Division Street. The annual Snowmobile Agreement will be amended prior to being presented to the Town.

PRIVILEGE OF THE FLOOR

Riley Holzman, student, asked the Board if they would be lowering taxes soon. Supervisor Grattidge explained that Charlton does not have a Town tax or a Highway tax, so there is nothing to lower.

RESOLUTION #183

Motion to adjourn

Motion by Councilman Hodgkins

Seconded by Councilman Heritage

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

The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk