

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

April 13, 2015

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 8:33 p.m.

Supervisor Grattidge led the pledge of Allegiance.

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

Excused: Councilman Hodgkins, Councilman Verola

RESOLUTION # 91

Approval of Minutes

Motion by Councilman Grasso

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has approved the Public Hearing minutes and the Town Board Agenda minutes from March 30, 2015.

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

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

ABSTRACT OF CLAIMS

RESOLUTION #92

Approval of Abstract of Claims

Motion by Councilman Lippiello

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 106, voucher numbers 226 – 246 in the amount of \$19,112.95.

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

TOWN CLERK'S REPORT

The Town Clerk's office took in \$444.25 for the month of March. \$354.13 was paid to the Supervisor, and \$90.12 was paid to other Governmental agencies.

RESOLUTION #93

Acceptance of the Town Clerk's Report

Motion by Councilman Lippiello

Seconded by Councilman Grasso

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 March, I attended 2 Town meetings and 5 County meetings.

Some of the highlights of the month:

- Attended normal Town and County meetings
- Worked on the insurance claim for the Town Hall
- Attended a fundraiser for the Charlton Girls School
- Toured the Single Stream Recycling Center in Albany
- Worked on the Regional Traffic Study for Luther Forest

Supervisor Grattidge said that the Charlton Girls School held a well attended fundraiser. They have put on a large addition that will allow students to attend as a day school. They plan to hold an open house so the public tour the facility.

Supervisor Grattidge said that the County has gone to single stream recycling and he recently toured the County Waste facility in Albany. He said the process is quite fascinating to see how the recyclables are handled.

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 March, 2015:

DATED: April 10, 2015

SUPERVISOR

	Balance 02/28/2015	Increases	Decreases	Balance 03/31/2015
A GENERAL FUND - TOWNWIDE				
CASH - CHECKING	10,887.83	342,668.08	342,662.48	10,893.43
CASH - SAVING	599,539.32	12,421.12	342,662.48	269,297.96
PETTY CASH	600.00	0.00	0.00	600.00
Park Fees Reserve	86,281.87	7.95	0.00	86,289.82
TOTAL	697,309.02	355,097.15	685,324.96	367,081.21
DA HIGHWAY FUND				
CASH - CHECKING	0.00	207,752.41	207,752.41	0.00
CASH - SAVINGS	94,261.02	239,621.25	207,752.41	126,129.86
CASH, SPECIAL RESERVE	15,465.55	1.91	0.00	15,467.46
TOTAL	109,726.57	447,375.57	415,504.82	141,597.32
F WATER #1 FUND				
CASH - CHECKING	0.00	22,967.06	22,967.06	0.00
CASH - SAVINGS	264,184.10	24.83	22,967.97	241,240.96
WATER SERIAL BOND	34,282.53	36,403.82	36,401.11	34,285.24
CASH, SPECIAL RESERVES	121,196.03	5.15	0.00	121,201.18
TOTAL	419,662.66	59,400.86	82,336.14	396,727.38
SW WATER #2 FUND				
CASH - CHECKING	0.00	102.28	102.28	0.00
CASH - SAVINGS	26,658.64	1.98	102.28	26,558.34
TOTAL	26,658.64	104.26	204.56	26,558.34
TA TRUST & AGENCY				
CASH - CHECKING	2,023.08	34,772.33	34,837.33	1,958.08
DEER RUN SUBDIVISION	151,335.79	0.00	0.00	151,335.79
TOTAL	153,358.87	34,772.33	34,837.33	153,293.87
H CAPITAL PROJECTS				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
TOTAL ALL FUNDS	1,406,715.76	896,750.17	1,218,207.81	1,085,258.12

ANNOUNCEMENTS

The Highway Department will do Spring Brush the week of April 27th through May 1st. The Town has property on Route 67 where the brush is made into chips. If residents are interested in chips, they can contact the Highway Superintendent.

Donations are being accepted for the June 6th Party in the Park event and fireworks show. Checks can be mailed in or dropped off at the Town Clerk's office. Donors names will be published in the event program. In the past few years the event has been totally paid for by donations.

COMMUNICATIONS

The Charlton Snowmobile Club is having their annual Landowner's Appreciation Dinner on Saturday April 18th.

Assemblyman Tedisco's office has notified the Town that the Town will be getting their expected CHIPS money of \$108,707.60. Because of the severe winter and additional costs for salt and road materials, the Town will be getting an additional \$15,699.80. Currently, it appears that the Town is about 5 or 6 thousand dollars over in the salt budget.

DEPARTMENT & COMMITTEE REPORTS

Constables – for the month of March, there were 26 patrols, 18 complaints, 7 911 calls, 2,159 miles traveled, 32 tickets issued, and 3 accidents responded to.

Zoning – For the month of March , there were 3 building permits issued and \$1,377.36 in fees collected. The permit value was \$240,000.00.

Dog Control – In the month of March there were 8 complaint calls and follow up on 6 expired licenses.

Water – Mr. Morgan is planning on getting the new antenna for radio telemetry installed once the frost is gone. Water meter reading cards will go out by the beginning of May.

Parks – Councilman Lippiello reported that the Committee is working on the plans for the new gazebo. They are still in need of estimates for putting in the footings. The funding for the gazebo project comes from money that is collected for subdivisions. There is no money coming from the General Fund to pay for the gazebo. The new footbridge at Elmer Smith Park should be ready for Party in the Park.

Historian – Mr. Livingston is looking to put a policy in place for retention of non-essential materials in the Historian's office. He has contacted the County Historian for their policy and he will use it as a guide. Attorney Van Vranken said he will help the Historian with the policy once he gets the information together.

Planning Board - The Board met on February 16th and deliberated on one subdivision application.

MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS

RESOLUTION #94

Authorize the BHBL Little League seasonal use of Elmer Smith Park ball fields

Motion by Councilman Grasso

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board authorizes the BHBL Junior Baseball league to use the ball fields at Elmer Smith Park from April 14th until June 14th from 5pm to 8 pm on Monday through Friday and 9am to noon on Saturdays. Use of the fields is conditional based on approval of the field conditions by the Highway Superintendent.

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

RESOLUTION #95

Resolution amending the Town of Charlton policy regarding returned checks fee

Motion by Councilman Grasso

Seconded by Councilman Lippiello

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

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 95

April 13, 2015

A RESOLUTION AMENDING THE TOWN OF CHARLTON
POLICY REGARDING RETURNED CHECKS FEE

WHEREAS, the Town of Charlton Town government does receive on a regular basis checks from the residents of the Town of Charlton for a variety of matters which the Town government is required to process, and

WHEREAS, infrequently, but from time to time, checks received from residents need to be returned due to lack of authorization from the resident’s bank to pay over the amount designated on such check due to insufficient funds in the resident’s account or for other reasons that make the deposit of such instrument unable to be processed, and

WHEREAS, it has been the policy of the Town government when such checks have been received to charge the resident the sum of \$15.00 as a processing fee in order to receive payment of the required amount specified on the instrument, and

WHEREAS, due to the time involved in addressing such issues, the Town Board has determined that the policy of the Town of Charlton should be amended and that the so-called “returned check” fee be increased from \$15.00 to \$25.00 effective July 1, 2015.

NOW BE IT RESOLVED, that on or after July 1, 2015, any payments by check made to the Town of Charlton Town government which need to be returned to the resident issuer of such check and as described in this resolution shall generate a \$25.00 fee to be paid by the issuer in order to process the correction of the matter.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilman Hodgkins	Absent
Seconded by	Councilman Lippiello		Councilman Lippiello	Aye
			Councilman Verola	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: April 13, 2015

Brenda Mills, Town Clerk

Councilman Grasso said that the Board previously discussed using a consultant for the cell tower installation at the water tower or any other Town owned property. He spoke with other municipalities about their experiences doing it on their own or using the services of a consultant. He has received a quote of \$1,500 for a consultant and he feels that it is a relatively minor cost and if could pay big dividends for the Town.

RESOLUTION #96

Authorizing the Town Board to enter into an agreement with Joe Ross for Consulting Services for a future cell tower antenna installation.

Motion by Councilman Grasso

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has agreed to enter into an agreement with Joe Ross for Consulting Services regarding the future cell tower antenna installation on the water tower, with a fee not to exceed \$1,500.00.

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

PRIVILEGE OF THE FLOOR

Bradley Howe - He said that he does not feel that the gazebo gets used, and he does not feel that spending \$30,000 from the Parks Fund is the best use of money. In regards to what he heard at the public hearing, he does not understand why after 40 years of 3 acres being acceptable for a horse, why 5 acres is now necessary. He finds Councilman Grasso's comment that he does not get into one on one conversation scary. Regardless if it is one on one, two on two or five on five, he feels that any input should be transparent and documented, 54 people attended the Public Hearing, and he spoke to many of them that were not happy with Councilman Grasso's comments, and feel they are getting steamrolled. He said be wary of any speedy democratic process or laws which are created without community involvement.

Councilman Lippiello addressed Mr. Howe's comments about one on one conversation. He said if he and Mr. Howe were standing some place discussing the topic, there would be no record of it, and then the next words out of your mouth were, we should have a record of all of these conversations. That is why we said that if there were to be communications between the Board and residents, we would do it in a public way, rather than in a conversation or an email from an individual to an individual.

Mr. Howe said at the last Town Board meeting he attended, he stated that he is from an e-mail generation. He received a response from one of his most recent e-mails with a request if it should be put on record. He does not feel that Board members should ask him if it should go on record. He brought up using personal email and said that the Town Board should have Town government email addresses that can be foiled. He has less trust in the Board after tonight's meeting and he will be seeking more processes to increase community involvement.

Councilman Grasso said that the Park Committee has been working on the gazebo project for well over a year. They researched repairing the gazebo as well as replacing it. Research was done, multiple quotes were received, and the quote for the unassembled gazebo is just under \$16,000. The Board did not want to represent that the \$16,000 was the total cost of the gazebo replacement, because there is obviously labor costs involved in the foundation work as well as the assembly. The Board has never tried to represent that \$16,000 is the final number. The Board is working on getting quotes for the rest of the project, but thus far has had no luck hearing back from contractors. Once the Board knows the final numbers, they of course will make that available to the public. The \$30,000 cost for the gazebo is just an estimate of the total project. There is approximately \$90,000 in the Parks Fund that will more than cover the cost of the project.

Councilman Grasso said that the minimum lot size for the keeping of 2 horses is going from 3 acres to 5 acres and the minimum lot width is going down from 300 feet to 200 feet. He feels that this is straight out of the ZORC recommendations. It is tough to say what the perfect number is, but he takes a lot of meaning from what ZORC recommended and feels comfortable with their recommendation. It is not to say that you can't have a horse on a 2 acre lot, it is just that there is another process that people will have to go through in order to allow that. They do not want people to avoid the zoning all together. The Board wants to provide clarity and then identify the process for them to get relief and for it to be considered.

Councilman Grasso said that he apologizes for sending the message making people feel they were unheard. The Board has heard a lot of great comments during this process, including from people tonight. For his own sake, a lot of the things that he heard tonight, he has heard in the past and considered. It is not to say that he disagrees with everything that was said, but wants people to understand that there may have been other comments that the Board has heard throughout the past years while the process has been going on that would have been contradictory to the comments that were heard tonight. When you go through zoning changes, it is not just about responding to the last set of comments. You have to take in all of the information that has been brought forth through the course of the whole process. We heard you, the fact we that don't make changes specifically based on what we heard tonight doesn't mean that we didn't hear the comments or are trying to be insensitive or are trying to blow people off. That is not it at all. We appreciate it and we are going to continue to consider it until we vote on it.

Brad Howe said he doesn't feel that there has ever been a meeting as well attended as tonight over the past 4 or 10 years. In his opinion, he feels that it should be treated accordingly. Mr. Howe said in his opinion, he does not feel that just because the gazebo is on our logo, is a good enough reason to spend money on a new one. He said that regarding the acreage for horses, it is not about the number, but it is about the process and that process is failing.

Supervisor Grattidge said that the first Public Hearing on December 1st was at least as well attended. The hot button issue that night was the people were concerned that the Board was *not* following the NYS book on sanitation and septic.

Norm McFarlane said that on page 6 of the ordinance it says any activity not listed as an allowed land use in this ordinance is prohibited. On page 35 it says those uses not specifically permitted are prohibited. He pointed out that use and activity or two different things. He feels that the document is poorly drafted. He suggested that the Board look into height regulations for ham radios. He does not agree with rebuilding of the gazebo or use of the park, size of the Town Hall, outcome of the Town Hall court case, the increase in the code enforcement penalty, 10 days to fix violations, or acreage for horses. He would like to see the Town stay agricultural and rural. He does not feel that the 2 Board members absent tonight should be able to vote on this subject because they did not hear this evening's comments.

Suzanne Voigt commented that by reducing the size of the lot to 200 foot frontage, you can't have a barn with 200 foot frontage. Councilman Grasso gave an example that showed that the 200 foot is less restrictive than the 300 foot. She has not heard any research or data saying why 5 acres is magical. She is concerned with grandfathering and code enforcement.

Gary McClure said he grew up in Westchester County where he had 2 horses, a pony, and a donkey on 2 acres, and there were no complaints. He has been involved in many organizations and negotiations, and what he is concerned with is lawsuits. He feels that what he has read could set the Town up for lawsuits. He said he had heard a rumor that the Board's mind had been made up, and that is the impression that he got after hearing what Councilman Grasso said at the Public Hearing. He hopes that code enforcement will be equal.

Councilman Grasso said to clarify what he said earlier, it is not that his mind is final, but he feels comfortable with the ordinance as it is currently drafted. He is in favor of the zoning amendments. There may possibly be some changes, but he personally is in favor with what has been proposed. He has spent a lot of time studying it, and he is comfortable with it. He said he realizes that this is not the answer that some people want to hear, but his is trying to be painfully honest.

Susan Thomas feels it is arrogant that the Board's mind is made up. She likes not having the gazebo in the park.

Councilman Lippiello said that what Councilman Grasso said about being comfortable with the amendments presented is how the Board felt. It is the end result of many years of work and what the Board presented was what they felt was a good series of changes. The Board has been getting feedback for many months, and before it goes to vote, he is sure that there will be changes made. Although Councilman Grasso said that he is comfortable with what was presented, he did not say that he wouldn't consider any changes. Councilman Lippiello said that he will consider changes, the Supervisor will consider changes as they fine tune it. He feels that what Councilman Grasso said is being mistaken. To say that this is going to be the final draft is assuming too much, and he is certain there will be changes.

Attorney Van Vranken said that the zoning ordinance is only part of the legislation process. There are Federal and State laws that apply as well. When any Board takes this document and implements it, there has to be

flexibility, and sometimes when you try and define something so specific that if there is no flexibility, you wind up putting yourself in a corner. He gave an example of the Exceptional Use Permit, where the drafters of it were pretty clever, because what it does is to say these are the basics but beyond that, work with the applicant. You don't want something so rigid that you have no ability to modify things. He said that what he heard tonight was that the process stunk. He said that is a shame because it was certainly unintentional. One of the things that he will discuss with the Board is what they want to do about the process. What he heard tonight is that the message didn't get out, the explanations weren't made and there is no justification. He feels that the process took too long. The ZORC started in 2004, and probably in hindsight, the Board should have had a workshop with ZORC, open to the public, where the justifications for the recommendations were made. He gave Councilman Grasso a lot of credit for all of his work and expertise in putting this together. He said he was happy that there was a lot of unhappiness tonight and it will probably result in the delay of the implementation of this ordinance. At the end of the day, everyone wants to get it right, however it will not make everyone happy. He also pointed out that there has never been an Article 78 in litigation. It was suggested tonight that there could be litigation, but the only way there could be litigation is to say that the Town Board abused its discretion in passing this legislation. He would suggest that if the Board passed what is out there now, you would lose the lawsuit. There is nothing arbitrary or capricious about this, you just don't agree with a lot of these things. He respects that, and he thinks that the Board respects that. That doesn't mean that they are wrong and you are right. There is a meeting here somewhere. He likes to resolve and arbitrate things, so maybe one side gives a little and the other side gives a little and we all go home happy. That is what happens in the judicial system. Nobody is disregarding what the public has said. He said that there were criticism about this side of the table, but he would criticize that side of the table as well, as there were comments made that were unnecessary. Come forward, make your comments, but don't make emotional statements about motive, because there is no motive here. The Board's motive is to improve this ordinance the best that they can, and a lot of it came from ZORC. The Town Board did not adopt all of the ZORC recommendations, some of them were ridiculous, some of them weren't legally possible. It has been a long process and it will continue. This is one of the most complex things that local governments do. The Town of Ballston hired a firm to have their zoning ordinance revised and it cost them about \$300,000. It is very complicated document, about 250 pages, and it does not work any better than Charlton's. He believes that there are some possible changes coming that he will discuss with the Board and it will be communicated back to the public. Attorney Van Vranken noted that Councilman Verola has gone to Florida and it is expected that she will be submitting her resignation shortly. He also noted that the Board was planning on voting on the ordinance tonight, however, the Board decided that since there was so much interest and concern, they did not need to force this.

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk