

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

**May 11, 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 7:30 p.m.

Supervisor Grattidge led the pledge of Allegiance.

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

**RESOLUTION # 101**

**Approval of Minutes**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the Town Board Agenda minutes from April 27, 2015.

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

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

No one chose to speak.

**ABSTRACT OF CLAIMS**

**RESOLUTION #102**

**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. 108, voucher numbers 267 – 294 in the amount of \$15,593.05.

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

**TOWN CLERK'S REPORT**

The Town Clerk's office took in \$1,190.00 for the month of April. \$835.71 was paid to the Supervisor's Office, and 354.29 was paid to other Governmental agencies.

**RESOLUTION #103**

**Acceptance of the Town Clerk's Report**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

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 April, I attended 3 Town meetings and 6 County meetings. Some of the highlights of the month:

- Attended normal Town and County meetings
- Held a Public Hearing on the Zoning Update
- Worked on the insurance claim for the Town Hall

Supervisor Grattidge confirmed that the Board has received the Key Bank Custodial statement, the normal monthly financial reports as well as a Trial Balance that shows where the Town budget is for the first three months of this year.

Budget transfers will need to be done to balance the Highway Salt budget. CHIPS money from the State will help to cover the extra expense.

Party in the Park event planning is moving forward. The Town has collected \$4,575.00 so far for the event. He thanked those businesses and individuals that have made donations so far.

This past week there was a pre-construction meeting with the Water Department, Highway Department, Town Engineer and Bordeau Builders for the 3rd phase of Deer Run. They reviewed the various issues associated with putting in a new Town Road.

Supervisor Grattidge said that he anticipates a similar meeting regarding the Heflin Durst project on Swaggertown Road, as he believes that they have received their necessary approvals. Attorney Van Vranken said that he has received information regarding their Letter of Credit, and he will let the Board know this week when that is in place, probably by Wednesday.

### **RESOLUTION #104**

#### **Acceptance of the Supervisor's Report**

Motion by Councilman Lippiello

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has accepted the Supervisor's Report as presented.

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

**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 April, 2015:

DATED: May 11, 2015

\_\_\_\_\_  
SUPERVISOR

	Balance 03/31/2015	Increases	Decreases	Balance 04/30/2015
<b>A GENERAL FUND - TOWNWIDE</b>				
CASH - CHECKING	10,893.43	72,871.20	61,334.67	22,429.96
CASH - SAVING	269,297.96	28,360.57	72,869.87	224,788.66
PETTY CASH	600.00	0.00	100.00	500.00
Park Fees Reserve	86,289.82	7.28	0.00	86,297.10
<b>TOTAL</b>	<b>367,081.21</b>	<b>101,239.05</b>	<b>134,304.54</b>	<b>334,015.72</b>
<b>DA HIGHWAY FUND</b>				
CASH - CHECKING	0.00	32,266.86	22,620.95	9,645.91
CASH - SAVINGS	126,129.86	113,397.23	32,266.86	207,260.23
CASH, SPECIAL RESERVE	15,467.46	0.00	0.00	15,467.46
<b>TOTAL</b>	<b>141,597.32</b>	<b>145,664.09</b>	<b>54,887.81</b>	<b>232,373.60</b>
<b>F WATER #1 FUND</b>				
CASH - CHECKING	0.00	8,038.77	6,470.70	1,568.07
CASH - SAVINGS	241,240.96	739.40	8,038.77	233,941.59
WATER SERIAL BOND	34,285.24	1.41	0.00	34,286.65
CASH, SPECIAL RESERVES	121,201.18	4.98	0.00	121,206.16
<b>TOTAL</b>	<b>396,727.38</b>	<b>8,784.56</b>	<b>14,509.47</b>	<b>391,002.47</b>
<b>SW WATER #2 FUND</b>				
CASH - CHECKING	0.00	153.42	102.28	51.14
CASH - SAVINGS	26,558.34	2.43	153.42	26,407.35
<b>TOTAL</b>	<b>26,558.34</b>	<b>155.85</b>	<b>255.70</b>	<b>26,458.49</b>
<b>TA TRUST &amp; AGENCY</b>				
CASH - CHECKING	1,958.08	32,822.83	33,422.83	1,358.08
DEER RUN SUBDIVISION	151,335.79	0.00	0.00	151,335.79
<b>TOTAL</b>	<b>153,293.87</b>	<b>32,822.83</b>	<b>33,422.83</b>	<b>152,693.87</b>
<b>H CAPITAL PROJECTS</b>				
	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL ALL FUNDS</b>	<b>1,085,258.12</b>	<b>288,666.38</b>	<b>237,380.35</b>	<b>1,136,544.15</b>

## **ANNOUNCEMENTS**

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

The Town Offices will be closed May 25<sup>th</sup> for Memorial Day. The Town Board Agenda Meeting is Tuesday, May 26<sup>th</sup>.

The Charlton Historical Society Memorial Day ceremony is on Monday May 25<sup>th</sup> at 2:00 p.m. at the School House on Maple Avenue.

Grievance Day is Tuesday May 26<sup>th</sup> from 2 - 4 pm and 6 – 8 pm.

## **COMMUNICATIONS**

The Town of Ballston Community Library has sent copies of their Annual Report. Copies are available at the Town Clerk's Office.

Mary Kadlecek sent a letter to the Board with comments about the Zoning proposed changes.

## **DEPARTMENT & COMMITTEE REPORTS**

Maintenance – Don Smith reported that he swept and vacuumed the vault and server room, ordered and installed new lock for lateral file in Court office, and adjusted door closer speed on 2 doors. The gate on dumpster enclosure had been damaged this winter. Removed gate doors, adjusted them and installed new hinges. Performed weekly cleaning of the Community Center.

Dog Control – In April there were 11 complaints, contacted 2 dog owners to follow up on expired Dog Licenses.

Constables – In April there were 25 patrols, 19 complaints, 9 911 calls, 1,752 miles traveled, 48 tickets issued, and 3 accidents and 4 EMT calls responded to. The report listed 2 EID calls. Councilman Lippiello said he would follow up to see what EID stood for.

Party in the Park – There will be a planning meeting on May 12<sup>th</sup> at 7pm.

Water – Mr. Morgan is having the radio telemetry system installed at the end of this month.

Zoning – For the month of April, there were 17 building permits issued and \$2,731.24 in fees collected. The permit value was \$2,111,300.00.

Parks – Councilman Lippiello reported that the Committee is still in need of estimates for putting in the pad for the new gazebo.

Historian – Mr. Livingston gave the Board a proposed policy for recommended records collection for the Historians office as well as a proposed Deed of Gift Agreement. He said that the May 9 decorating of the Veteran's graves went well. A group of 17 students, 7 parents and 2 teachers helped replace the flags in Jeremiah Smith, Sweetman and Scotch Church cemeteries. On May 5, the Saratoga County Historian meeting was held at the Charlton Town Hall. He thanked Supervisor Grattidge for the introduction and the Town Clerk for giving a tour. On April 15<sup>th</sup>, he met with the Pine Grove Cemetery Supervisors and they plan on putting a historical marker on the cemetery. A few weeks prior to that he spoke at a Charlton Senior's meeting.

Highway – In April, they serviced all of the Department's trucks. They performed brush pick-up, patched roads, worked on stone for the walking path at the park, finished the footbridge, re-sanded around children's play equipment, and are gearing up for road season. He said that the Town did get the tub grinder from the Surplus program, but they were not awarded the bid on the excavator.

ZORC – Marv Schorr said that he and a few former members have met with a few Town Board members to help answer some of the questions from the public regarding the proposed changes.

Mr. Schorr said on a side note, the Historian Marv Livingston met with the Charlton Seniors and informed them of the many interesting projects that he is working on. He has a lot of people involved in doing this. He said Charlton has an amazing history and Mr. Livingston is doing a great job of preserving it and bringing it to light.

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

### **RESOLUTION #105**

**Resolution accepting an Irrevocable Standby Letter of Credit and authorization to return funds to project developer Bordeau Builders, Inc. with respect to the Deer Run Subdivision, Town of Charlton, Saratoga County, New York**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

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

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 105

May 11, 2015

**A RESOLUTION ACCEPTING AN IRREVOCABLE STANDBY LETTER OF CREDIT AND AUTHORIZATION TO RETURN FUNDS TO PROJECT DEVELOPER BORDEAU BUILDERS, INC. WITH RESPECT TO THE DEER RUN SUBDIVISION, TOWN OF CHARLTON, SARATOGA COUNTY, NEW YORK**

WHEREAS, Capitol Real Estate as property owners and Bordeau Builders, Inc. as property developers, obtained subdivision approval for the development of certain real property located in the Town of Charlton, Saratoga County known as Deer Run Subdivision located along the northerly boundary of Crooked Street and the westerly boundary of Swaggertown Road, and

WHEREAS, as a condition of the subdivision approval, Bordeau Builders, Inc. was required to deposit funds with the Town of Charlton necessary to secure certain obligations as set forth in the approval of the Deer Run Subdivision and its three phase project, and

WHEREAS, on November 17, 2011, the Town of Charlton Town Clerk did receive from Bordeau Builders, Inc. a check in the sum of \$621,754.65 as an initial deposit as required by the Deer Run Subdivision approval, and

WHEREAS, from time to time, Bordeau Builders, Inc. has requested release of a portion of such funds based upon completion of required commitments by Bordeau Builders, Inc. as part of the subdivision approval, and

WHEREAS, following each request, the Town of Charlton Planning Board, Planning Board Attorney William Keniry, Town Engineer Michael McNamara of the Environmental Design Partnership and the Town Board did review such requests in order to determine if the requested release of funds was consistent with the original obligations Bordeau Builders, Inc. owed to the Town of

Charlton, and

WHEREAS, to the date of this resolution the current fund balance of the Bordeau Builders, Inc. payments is \$151,373.52 as of March 31, 2015, representing the balance held by the Town of Charlton from the original deposit as required and referenced in this resolution, and

WHEREAS, Bordeau Builders, Inc. has requested as part of its final approval for Phase 3 of the Deer Run Subdivision that any required funds to be held by the Town of Charlton as a condition for such Phase 3 approval be received by the Town in the form of an Irrevocable Standby Letter of Credit, which letter of credit would include any remaining escrow funds required for Phases 1 and 2 Deer Run Subdivision and for all required funds for Phase 3, and

WHEREAS, Town Engineer McNamara has advised the Town Board that the funds required in the Irrevocable Standby Letter of Credit shall be in the sum of \$335,238.00, which sum covers all escrow requirements for all three phases of Deer Run Subdivision which remain to be completed by the developer, and

WHEREAS, Bordeau Builders, Inc. has obtained such Irrevocable Standby Letter of Credit issued by Ballston Spa National Bank on April 24, 2015 naming the Town of Charlton as the beneficiary and which letter of credit is in the required amount of \$335,238.00, and

WHEREAS, Town Attorneys Van Vranken and Keniry have reviewed the letter of credit, received it on behalf of the Town of Charlton and presented it to the Town Clerk of the Town of Charlton for placement in the Bordeau Builders, Inc./Deer Run Subdivision account, and

WHEREAS, the purpose of this resolution is to set forth the facts and circumstances related to this matter, to accept the Irrevocable Standby Letter of Credit and to authorize the Town Clerk to return all funds held by the Town Clerk and with respect to the Deer Run Subdivision escrow.

NOW BE IT RESOLVED, that the Town Board hereby accepts for filing the referenced Irrevocable Standby Letter of Credit as issued by Ballston Spa National Bank as required to be presented by Bordeau Builders, Inc. with respect to the Deer Run Subdivision and in the sum of \$335,238.00, and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to return to Bordeau Builders, Inc. all sums being held by the Town Clerk in the Bordeau Builders, Inc./Deer Run Subdivision escrow account.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilman Lippiello	Aye
Seconded by	Councilman Hodgkins		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: May 11, 2015

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

**RESOLUTION #106**

**Authorizing the appointment of a Temporary Highway Employee with the Town of Charlton Highway Department**

Motion by Councilman Lippiello  
Seconded by Councilman Hodgkins

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

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 106

May 11, 2015

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF A TEMPORARY HIGHWAY EMPLOYEE WITH THE TOWN OF CHARLTON HIGHWAY DEPARTMENT**

WHEREAS, Highway Superintendent Michael Emerich has requested that he be authorized to appoint a temporary employee for a period commencing May 13, 2015 for a period of three (3) months, in order to effectively provide the services required to the residents of the Town of Charlton by the Town’s Highway Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Highway Superintendent, Michael Emerich, to make the appointment of Michael Armitage as a temporary highway employee in order to provide necessary Town services, commencing on May 13, 2015 for a period of three (3) months and which temporary appointment shall be paid at the rate of \$12.00 per hour and which temporary appointment shall provide no other benefits to the temporary employee.

BE IT FURTHER RESOLVED, that this temporary appointment shall include no vested rights to this position.

Moved by	Councilman Lippiello	Voting:	Councilman Grasso	Aye
			Councilman Lippiello	Aye
Seconded by	Councilman Hodgkins		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: May 11, 2015

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

Supervisor Grattidge said that he has received an estimate from Northeast Spray Foam to have foam insulation sprayed into the 3<sup>rd</sup> floor attic space in the Town Hall where part of the heating system is housed. The cost would be \$6,800 for the spray foam, of which the Town’s insurance carrier has already agreed to pay

approximately \$1,200 to replace the fiberglass insulation in the space. The Board discussed the need to insulate soffits and dormers and will look into an automatic glycol system for the heating coils.

**RESOLUTION #107**

**Authorizing the Supervisor to enter into an agreement with Northeast Spray Foam.**

Motion by Councilman Grasso

Seconded by Councilman Lippiello

Discussion: Councilman Hodgkins asked if other quotes were received. Supervisor Grattidge said that he asked at least five people to recommend companies, and they all recommended this company.

BE IT RESOLVED that the Town Board has authorized the Supervisor to enter into an agreement with Northeast Spray Foam to insulate the 3<sup>rd</sup> floor attic of the Town Hall with spray foam insulation at a cost of \$6,800.00.

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

Town Historian Marv Livingston had presented the Board with two new documents that he requested be put in place for use by his office. The documents were a Historical Record Collections Policy and a Deed of Gift Agreement. Attorney Van Vranken said that he had reviewed the documents. He stated that Mr. Livingston did a nice job with the documents and he feels that they will be helpful to the Town.

**RESOLUTION #108**

**Approving the Historical Record Collection Policy and Deed of Gift Agreement for Town Historian Use**

Motion by Councilman Hodgkins

Seconded by Councilman Lippiello

Discussion: Councilman Grasso asked if this was increasing the liability of the Town. Attorney Van Vranken said no, that it actually lowers the liability.

BE IT RESOLVED that the Town Board hereby approves the Historical Record Collections Policy as presented by the Town Historian which will include a Deed of Gift Agreement as part of the policy. The policy will be implemented for use by the Town of Charlton Historian's Office.

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

Councilman Grasso said that the Herb Smith family would like to cover the cost of the pedestrian bridge project at the Elmer Smith Park, in memory of their son Glen Smith. They would like to have a memorial plaque installed at the bridge. The Councilman received a quote from Bronze Memorials for \$443.99. The memorial would read: Donated by the Smith family in memory of Glen L. Smith, grandson of Elmer Smith. Councilman Grasso thanked the Highway Department for the great job that they have done on the bridge project, and said that he would like to have the Highway Department install the bronze memorial when it is received.

**RESOLUTION #109**

**Authorizing the purchase of a memorial plaque from Bronze Memorials for Elmer Smith Park**

Motion by Councilman Grasso

Seconded by Supervisor Grattidge

BE IT RESOLVED that the Town Board has authorized the purchase of an 8 x 10 bronze memorial plaque from Bronze Memorials at a cost of \$443.99, to be placed at the Elmer Smith Park footbridge, in memory of Glenn L. Smith.

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

Councilman Grasso asked the Board to set the time for the dedication ceremony of the new bridge, so that the Smith family can invite their family and friends. The Board set the dedication time of 5:00 p.m. on June 6<sup>th</sup>, at the beginning of Party in the Park.



## **COUNCILMAN REPORTS**

Councilman Grasso said that he received a notice from Saratoga County Soil and Water Conservation District they are holding their annual fish purchase program. They are accepting orders for fish until May 18<sup>th</sup>.

Councilman Grasso said that the Board had received comments from Ag & Markets on April 30<sup>th</sup> in regards to the proposed Zoning changes. The comments are currently under review. He is working on a draft of the reasons for the ZORC zoning recommendations, and hopes to have it to the ZORC members and Town Board in a few weeks.

Supervisor Grattidge confirmed that Sandra Verola has resigned her position on the Town Board after serving 11 ½ years as a Board member, and he thanked her for her service. Councilman Lippiello thanked her for her bubbly personality, knowledge and input.

Councilman Hodgkins said that he has been in contact with a resident who had an issue with her driveway after the Highway Department cleaned out the culvert under her driveway. The driveway is cracked, but further discussion by the Board and Highway Superintendent, revealed that the problem is caused by the shallow ditch, lack of covering on the pipe, cold weather and short distance between the edge of the asphalt and the ends of the pipe. Councilman Hodgkins said that the only remedy that the Town could offer would be if the resident wanted to buy a new culvert pipe, the Highway Department would install it. The resident would be responsible for repaving.

## **PRIVILEGE OF THE FLOOR**

Marv Livingston said that at previous Board meetings, a few residents questioned why the Town was replacing the gazebo in Gideon Hawley Park. The reason is because Gideon Hawley Park is a memorial park, not a play park. He said that the official name of the park is the Gideon Hawley Memorial Park and quite often called the Veteran's Park. He read the following article that was presented by Frank Laforthun on November 30, 1981.

### The Gideon Hawley Memorial Park

Ammi Hoyt had his home where the gazebo now stands. It was destroyed by fire, as discovered when the cellar was cleared from debris and stone, to place the foundation of the gazebo.

In 1971, the town board purchased this lot from the state. Not a simple matter, for Mr. Fred Droms had to introduce a bill in the Assembly to make the sale possible. Over the years, the lot had become overgrown with scrub brush and wild cherry bushes. The lot was cleared in 1973, and work was commenced to create a nature park. The building of the gazebo was followed by the erection of an honor roll, liberty pole, gravel paths, a well-sweep, and beds of flowers. The wild flowers were gathered from the surrounding fields and the domestic flowers were donated by interested citizens. Mrs. Donald Waite, of Charlton Road, was the guiding spirit in planting the flowering plants.

At the park dedication, on May 26, 1974, the park was named "The Gideon Hawley Memorial Park", in honor of our neighbor Gideon Hawley, Jr. After Mr. Hawley graduated from Union College in 1809, he went on to be the first State Supt. of Common Schools and was founder of this school system in his tenure of office. In his honor, the trustees of Union College donated a bronze plaque, and it was unveiled by Frances Hawley Finch and Dr. Gardner Ketchum, both descendants of the Connecticut Hawley clan.

Attorney Van Vranken added as a side note, that during his first year in law school, he was a legislative aide for Assemblyman Droms, and it was Attorney Van Vranken that drafted that document.

Dan Maynard, BH-BL student said that he looked up the meaning of EID and it stands for Electronic Identity.

The meeting adjourned at 8:29 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk