

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

February 10, 2014

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, Councilman Verola, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

RESOLUTION #61

Approval of Minutes

Motion by Councilman Verola

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved the Agenda Meeting minutes from January 27, 2014.

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

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

RESOLUTION #62

Abstract of Claims

Motion by Councilman Verola

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 103, voucher numbers 45-89 in the amount of \$375,095.32.

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

TOWN CLERK'S REPORT

The Town Clerk reported that her office took in \$1,343.75 for the month of January. \$1,239.25 was paid to the Supervisor, and \$104.50 was paid to other Governmental agencies.

RESOLUTION #63

Acceptance of the Town Clerk's Reports

Motion by Councilman Verola

Seconded by Councilman Grasso

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

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

The Town Clerk received two seasonal Park Reservation Applications for the volleyball courts at Elmer Smith Park.

RESOLUTION #64

Approval of Seasonal Park Applications from the Old Timers and the Tuesday Try-Athletes

Motion by Councilman Grasso

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has approved the reservation of the volleyball courts at Elmer Smith Park by the Old Timers for Thursdays, June 26th through September 4th from 6 p.m. to dark, and by the Tuesday Try-Athletes for Tuesdays, April 29th through September 16th from 6:00 p.m. to dark.

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

SUPERVISORS REPORT

The month of January was busy with meetings. I attended a County and Town Swearing in Ceremony, the Organizational meetings for the County and the Town, and attended the Saratoga County Planning Conference. I worked on the Regional infrastructure plan and worked on a County Economic Development Plan. Also, this past week, Councilman Grasso and I attended a Civil Appeals Settlement hearing conference concerning the Town's lawsuit, which will be discussed later this evening in Executive Session.

Supervisor Grattidge thanked the Town Clerk for putting together information about the County's 911 Emergency Contact information, which she put on the website and sent out by e-mail blast. He reminded residents that they can sign up to receive emergency notices on their cell phones. He asked that this information also be put in the spring newsletter.

COMMUNICATIONS

Supervisor Grattidge received a letter from resident Ken Crotty regarding better cell reception in people's homes. He said that Verizon and AT&T both have devices called Cell Extenders or Micro Cell devices that use internet connectivity to increase cell reception. He felt that this information might be useful to other Charlton residents that have poor cell reception. The devices can be purchased through Verizon and AT&T, and prices can be negotiated depending on what plan residents carry.

Supervisor Grattidge received a letter from Mr. Myers on the west end of Charlton Road stating that he was concerned about the speed limit on his road, and wanted to know if the speed limit could be lowered. Supervisor Grattidge said that the Town had a speed reduction request denied by the County about 8 years ago, as they did not see a need for the reduction. Councilman Grasso asked if other roads in Charlton have come up for speed reductions. Supervisor Grattidge said that there have been a few, such as Route 67, Dawson Road, Shadick Road, and Sweetman Road.

ANNOUNCEMENTS

The Town offices will be closed February 17th in observance of Presidents' Day. The Planning Board will still meet in the evening.

DEPARTMENT & COMMITTEE REPORTS

Zoning - Councilman Hodgkins reported that in January, there were 2 building permits issued for \$180.00 and 9 CO/CU's were issued. The 2013 annual report for the Department shows that there were 91 building permits issued for \$22,831.00 and 88 Co/Cu's issued.

Highway – Councilman Hodgkins read the following report that was submitted by Mike Emerich:

Highway Department Report for January 2014

General Operations

Cut Brush on Eastern Ave., Plow, Sand and Salt Roads , Clean shop, wash floors.

Equipment Repair

Replace cutting edges on wing plows, Replace Radiator in truck #16, Replace Fan clutch and rear rims on truck #14, Replace Hydraulic Hose on truck #16

Miscellaneous Items

Building flat bed for truck #10

Highway Superintendent Emerich reported to the Board that he received a check in the amount of \$4,962.00 for items that he had placed for sale on Auctions International. He informed the Board that he may want to use the funds for a new sickle bar for the road mower. He also informed the Board that he is running low on road salt, and has had to get a second load of sand already this season to mix with the salt. His budgeted amount for salt may not be enough. Supervisor Grattidge asked that he keep the Board informed. The Supervisor also said that he received notification from Jim Tedisco's office confirming that the CHIPS amount for this year will be as predicted, \$108,426.00.

Animal Control – Councilman Verola read the report. In January there were 8 dog related complaints filed, 1 dog was seized and adopted, and 1 dog bite was report.

Planning Board – Councilman Verola read that report. On January 20th, a Planning Board meeting was held, there was no Public Hearing, and the Board deliberated on 1 site plan review impacting a lot line change and had deliberations on two subdivision applications.

Internal Controls – Councilman Verola that she has reviewed all of the bank statements and everything appears to be in order. The Supervisor said that as part of internal controls, the Comptroller's Office suggested that the Town have a 3rd party look at the bank statements as they are being reconciled. Doug Salisbury has done that in the past, and Councilman Verola has stepped up to take that over.

Parks – George Eggleston said that the committee is meeting on 2/11 to discuss their plans for the year.

Constables – Councilman Lippiello reported that in January there were 29 patrols, 21 complaints, 6 911 calls, 1 EID call, 1961 miles traveled, 31 tickets issued and 2 accidents responded to.

Newsletter - Councilman Lippiello said that the deadline for departments to get their articles in for the Spring Newsletter is March 18th, with hopes to have the newsletter in the mail by early April.

Discussion:

Mike Emerich asked if there was going to be a Bulk Pick-Up this year. Supervisor Grattidge said that there is money in the budget this year. He has contacted County Waste and is waiting for a confirmation. The Board discussed dates for Roadside Clean-Up, Bulk Pick-up and Brush pick-up. The dates will be set by the next meeting.

Party in the Park – Councilman Lippiello said that it is time to start making plans for this year's event. The Town Board will have a workshop on February 24th at 7:00 p.m. to start the initial discussion.

Water - Councilman Lippiello said that John Morgan has had an initial test done on the water flow through the valves. He is putting together information to give to the Board at the first quarter Water Meeting.

ECC – Marv Schorr said that the Roadside clean-up and tree give-away will be on April 26th.

Seniors – The Seniors will have their Valentine lunch on February 14th and have planned a day to attend a play in Saratoga.

Historian – Marv Livingston said he has acquired a genealogy software package and he has started building the history on this Town. He has found that everyone appears to be related to everyone.

Supervisor Grattidge received a report from the Greater Galway Community Service Association who run the Galway Food Pantry, which Charlton supports. If there are any Charlton residents in need, they can contact them for qualifications and assistance.

Councilman Grasso said that he and Councilman Hodgkins plan to meet with the Zoning Ordinance Review Committee to review their past work to see if there are items that need to be brought to the Board for discussion. Supervisor Grattidge said he recommended that the gentleman from the Southern Chamber contact Councilman Grasso about getting local products out to the public.

Councilman Lippiello said that they are just beginning the initial talks with Time Warner. He has received the service map that the Board requested.

Councilman Hodgkins said that he is working on the bill that the Town has received from Cummings for the generator repair. The generator has had problems right from the beginning, and it appears that it is now working properly since the last repair.

Councilman Grasso asked for an update on the Maloney application. Attorney Van Vranken said that the Cross Easement Agreement which needed updating needs to be completed. Apparently an agreement has been reached between the Maloneys and the Store, and now the agreement needs to be drawn up and sent to the Town. He has spoken with Van Guilder's office about updating the site plan. Supervisor Grattidge said that once everything is in place, the applicant and his consultant will come in and make their final presentation.

Privilege of the Floor

Constable Tom Parks said that the computer in the Constables Office is currently running Windows XP and needs to be updated to Windows 7 to be able to communicate with the Sheriff's Department. He said that the computer is old, and new one with more memory is needed. He received a quote of \$750 from Enable for a new Dell Computer and the price for the same computer on State Contract is \$780.

RESOLUTION #65

Authorize the Constable Department to purchase new Dell pc with Windows 7

Motion by Councilman Verola

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board hereby authorizes the Constable Department to purchase a new Dell computer with Windows 7 from Enable for a price not to exceed \$750.00

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

RESOLUTION #66

Motion to enter into Executive Session with Legal Counsel to discuss pending litigation

Motion by Councilman Verola

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board will now enter into Executive Session to discuss pending litigation with Attorney Van Vranken.

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

The meeting adjourned at 8:05 p.m. and the Board went into Executive Session.

Following the completion of the executive session, the Town Board returned to its regularly scheduled Town Board meeting for February 10, presented and approved the attached resolution entitled, A Resolution Authorizing the Town of Charlton Supervisor to Settle the Schmidt & Schmidt, Inc. v. Town of Charlton Litigation with Respect to the Schmidt & Schmidt, Inc. Construction Contract for the New Town Hall". This resolution was unanimously approved.

RESOLUTION #67

A Resolution Authorizing the Town of Charlton Supervisor to Settle the Schmidt & Schmidt, Inc. v. Town of Charlton Litigation with respect to the Schmidt & Schmidt, Inc. Construction Contract for the New Town Hall

Motion by Councilman Verola

Seconded by Councilman Lippiello

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

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 67

February 10, 2014

A RESOLUTION AUTHORIZING THE TOWN OF CHARLTON SUPERVISOR TO SETTLE THE
SCHMIDT & SCHMIDT, INC. v. TOWN OF CHARLTON LITIGATION WITH RESPECT TO THE
SCHMIDT & SCHMIDT, INC. CONSTRUCTION CONTRACT
FOR THE NEW TOWN HALL

WHEREAS, on February 5, 2014, Supervisor Grattidge, Councilman Grasso and Attorney Joel M. Howard, III attended a Civil Appeals Settlement Conference of the Appellate Division of the Supreme Court, Third Department before Hearing Officer Donald DeAngelis and regarding the Schmidt & Schmidt, Inc. v. Town of Charlton, Saratoga County Supreme Court judgment and the Town of Charlton Notice of Appeal, and

WHEREAS, following an extensive conference with Hearing Officer DeAngelis, the parties agreed to settlement terms for the subject litigation, which would require approval of the Town Board of the Town of Charlton, and

WHEREAS, on February 6, 2014, Attorney Howard sent a comprehensive letter to the members of the Town of Charlton Town Board outlining the facts and circumstances considered during the CASP Conference and also outlined the terms of the proposed settlement as tentatively agreed upon by the parties to the subject litigation, and

WHEREAS, the Town Board of the Town of Charlton, in executive session following appropriate notice and resolution, considered all of the facts and circumstances related to the subject litigation and the proposed terms of settlement as considered during the CASP Conference and as outlined in the aforementioned February 6, 2014 letter from Attorney Howard, and

WHEREAS, following such discussion, the Town Board adjourned the executive session and returned to the regularly scheduled Town Board meeting, in order to present this resolution for review and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes Supervisor Grattidge, as Chief Fiscal Officer, to contact Attorney Joel M. Howard, III and advise him that the terms of the proposed settlement as considered during the aforementioned CASP Conference and as outlined in Attorney Howard's February 6, 2014 letter were acceptable to the Town Board and authorized Attorney Howard to proceed with whatever steps are required to complete this litigation under the proposed terms referenced herein, and

BE IT FURTHER RESOLVED, that the Town Board authorizes Supervisor Grattidge to execute any and all documentation necessary to complete these proceedings which may be required by law and upon the counsel and advice of Attorney Howard.

Moved by - Councilman Verola

Voting:

Councilman Grasso - Aye

Councilman Lippiello - Aye

Councilman Hodgkins - Aye

Councilman Verola - Aye

Supervisor Grattidge - Aye

Seconded by - Councilman Lippiello

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: February 10, 2014

Brenda Mills, Town Clerk

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk