

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

**May 27, 2014**

The Agenda meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall and called to order by Supervisor Grattidge at 7:35 p.m. to set the agenda for the June 9th Town Board Meeting.

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

Excused: Councilman Verola

**RESOLUTION #108**

**Abstract of Claims**

Motion by Councilman Hodgkins

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 110, vouchers number 298 - 331 in the amount of \$34,407.90 and Abstract No.5, voucher number 8, in the amount of \$1,894.15.

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

**RESOLUTION #109**

**Approval of Minutes**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the Town Board minutes from May 12, 2014.

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

**ANNOUNCEMENTS**

The Town's Party in the Park will be on May 31<sup>s</sup> from 5pm to dark. The 5k run will be the same day, starting at 10 a.m. Founder's Day will be on Sunday June 1<sup>st</sup> with activities in the morning by the Historical Society and then the parade at 2:00 p.m. There will be an ice cream social after the parade. Supervisor Grattidge asked Councilman Lippiello to present the Proclamation at the Museum after the parade.

The Sales Tax revenue for the month was \$99,372 and the Mortgage Tax for April was \$2,466.50, The semi-annual distribution of the Mortgage Tax was \$70,037.55.

The annual Sundae on the Farm will be on June 15<sup>th</sup> from noon to 5 p.m. at the Welcome Stock Farm in Northumberland. The farm is owned by Bill Peck.

**DISCUSSION**

Supervisor Grattidge said that, regretfully, the Town has received the resignation of Joann Bouchard, the Town's Account Clerk. He stated that she was done a great job handling the Town's accounting. She has agreed to help train a new hire. The Board discussed the number of hours needed to do the job and the process of hiring a new Account Clerk. Supervisor Grattidge said that he feels that there is enough work to

support a 20 hour work week. The Board has interviewed a possible candidate, and the job has been posted at the County as well as on the Town's website and bulletin board.

The parade coordinator has received permission from the County to march on a County Road. There will be a Saratoga County Veterans Float, and Charlton Veterans are welcome to ride on the float.

Supervisor Grattidge said that Ralph Rudolph has informed him that this is his 40<sup>th</sup> year of participating in the Charlton Founder's Day parade with the fife and drum band.

Councilman Grasso said that he attended the Memorial Day Ceremony at Gideon Hawley Park. He said that the event was well attended, with about 50 people present, and it was a great event. He also mentioned that there were many bees swarming in the gazebo, and that the gazebo is in very rough shape. Councilman Lippiello said that the Parks Committee is working on proposal for the gazebo.

Councilman Lippiello said that everything is lining up for Party in the Park. They are in need of a tent to put over the warming hut. Supervisor Grattidge said that he will donate his tent. The expenses for the event are \$7,675 and donations of over \$7,000 have been received. Supervisor Grattidge said that he expecting a donation from Saratoga Raceway and Casino very soon which will cover all expenses. Councilman Grasso asked about an email from Laurie Kruppenbacher saying that she needs helpers for the children's craft. Councilman Lippiello said that he has asked the BHBL Honor Society for volunteers. He will follow up.

Highway Superintendent Emerich said that the gearbox on the zero turn mower has gone bad. He stated that it will cost about \$900 to repair.

Supervisor Grattidge said that the Board has received a packet of information from Attorney Van Vranken about the Maloney Amended Exceptional Use Permit Application, which includes and update of the Site Plan. Councilman Grasso asked about the two light poles to be modified with directional lighting. Duane Rabideau said that the old neighbors liked the lighting, but the new neighbors did not, so the lights were modified to reflect on the parking lot and blocked from the neighbor's parcel in the back. Councilman Grasso asked about the cross access agreement between the Maloneys and the General Store. Attorney Van Vranken said that it is done, and he has informed Attorney Englert to tweak it, have it signed and get it recorded with the County Clerk's Office. He will provide the Town Board with copies once filed.

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

### **RESOLUTION #110**

**Founder's Day Resolution to honor Marvin D. Livingston, Charlton Town Historian, Ransom J. & Irene (Livingston) South, Mill Owners and the numerous and diverse mills of the Town**

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

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

## **TOWN OF CHARLTON**

### **Resolution No. 110**

#### *Founder's Day Resolution to Honor*

## **MARVIN D. LIVINGSTON, CHARLTON TOWN HISTORIAN, RANSOM J. & IRENE (LIVINGSTON) SOUTH, MILL OWNERS AND THE NUMEROUS AND DIVERSE MILLS OF THE TOWN**

**June 1, 2014**

WHEREAS, since the founding of the Town of Charlton in 1792, agriculture has been a critical and primary activity for the members of our community, and

WHEREAS, a vital factor in the support of the Town's agricultural heritage was the construction and use of multiple mills attached to the various water resources located within the Charlton boundaries, and

WHEREAS, the mills of Charlton were numerous and diverse, including grist mills for grinding grains into flour and animal feed, bark mills needed for the tanning of hides necessary to make leather products, fulling and carting mills to convert wool and flax into cloth, cider mills and saw mills for the production of lumber, and

WHEREAS, the construction and use of mills along a brook or stream often resulted in a gathering of residents who, while waiting for raw materials to be converted into useable products, developed friendships, discussed politics and exchanged news with one another, and

WHEREAS, one of the Charlton mill owners was Ransom (Ren) South, who owned and operated South Mill located on Peaceable Street, north of Route 67, which was a grist and saw mill which started operation in 1909 and was the first local mill to be driven by a steam engine (later a gasoline engine), and

WHEREAS, the current Town of Charlton Historian, Marvin D. Livingston, is a nephew of Ransom South who, as a young boy growing up in the 1940's and early 1950's, spent hours exploring what was left of the South Mill, and

WHEREAS, being honored as Grand Marshall of the 2014 Founders Day Parade, Historian Livingston understands the major contribution which these mills made possible for the success of the farms and agricultural activities which took place within our historic and agriculturally based communities, and

WHEREAS, on Sunday, June 1, 2014, the residents of Charlton will celebrate the 46<sup>th</sup> annual Founders Day with a parade, which will celebrate the exceptional agricultural history of the Town of Charlton, recognize the many farm families as represented by Ransom South and commemorate the special heritage shared by Town residents of the contributions made to our community by the construction and operation of what we will call the "Mills of Charlton".

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Charlton hereby designates June 1, 2014, as

**"THE MILLS OF CHARLTON DAY"**

In grateful appreciation of the Town's long term agricultural history.

So moved and approved by the Town Board on May 27, 2014.

|             |                     |         |                      |        |
|-------------|---------------------|---------|----------------------|--------|
| Moved by    | Councilman Grasso   | Voting: | Councilman Grasso    | Aye    |
|             |                     |         | Councilman Hodgkins  | Aye    |
| Seconded by | Councilman Hodgkins |         | 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: May 27, 2014

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

**RESOLUTION #111**

**A Resolution authorizing Expenditure of Town Funds to celebrate Founder's Day weekend in the Town of Charlton**

Motion by Councilman Lippiello  
Seconded by Councilman Grasso

Discussion: Supervisor Grattidge stated for the record, that all of the Party in the Park expenses are being paid for with money that was received as donations for the event.

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

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 111

May 27, 2014

A RESOLUTION AUTHORIZING EXPENDITURE OF TOWN FUNDS TO CELEBRATE  
FOUNDERS DAY WEEKEND IN THE TOWN OF CHARLTON

WHEREAS, the Town of Charlton annually conducts a Founders Day Weekend and which includes an event called "Party in the Park", to be held this year on May 31, 2014, and

WHEREAS, as part of the event, there are various entertainers and services necessary to effect the events that comprise Party in the Park, and

WHEREAS, the Town Board desires to authorize the following expenditures for this event:

1. "Sparkles" the Clown and Magic Dan - \$500.00
2. Charlton Septic Services - \$675.00
3. Empire Fireworks - \$5,250.00
4. Band - \$400.00
5. Aaron Mittler (music) - \$150.00
6. Rock Solid Fun (climbing wall) - \$500.00
7. Face painting - \$150.00
8. Sky Diver - \$50.00

Total expenditures = \$7,675.00, and

NOW BE IT RESOLVED, that the Town Board hereby authorizes the expenditure of Town funds for the eight specified expenses set forth in this resolution, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to retain and effect the payments of the eight component activities approved by this resolution.

|             |                      |         |                      |        |
|-------------|----------------------|---------|----------------------|--------|
| Moved by    | Councilman Lippiello | Voting: | Councilman Grasso    | Aye    |
|             |                      |         | Councilman Hodgkins  | Aye    |
| Seconded by | Councilman Grasso    |         | 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: May 27, 2014

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

**RESOLUTION #112**

**A Resolution amending the Exceptional Use Permit granted by the Town of Charlton Town Board to Michael J, Maloney and regarding the site known as 745 Charlton Road**

Motion by Councilman Lippiello

Seconded by Councilman Hodgkins

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

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

Resolution No. 112

May 27, 2014

A RESOLUTION AMENDING THE EXCEPTIONAL USE PERMIT GRANTED BY THE  
TOWN OF CHARLTON TOWN BOARD TO MICHAEL J. MALONEY AND REGARDING  
THE SITE KNOWN AS 745 CHARLTON ROAD

WHEREAS, the Town Board did at its August 12, 2013 meeting, approve a resolution entitled "A Resolution Acknowledging Receipt of a Special Exception Permit Application from Michael Maloney Regarding Amending the Existing Exceptional Use Permit dated April 27, 2009 and Acceptance by the Town Board of Primary Jurisdiction of such Application Pursuant to the Zoning Ordinance for the Town of Charlton", and

WHEREAS, the Town Board determined to retain primary jurisdiction of the said Michael J. Maloney application as authorized by Article VII, Section 3(A) of the Town of Charlton Zoning Ordinance, and

WHEREAS, the Town Board further declared itself as lead agency with respect to all matters involving the requirements of the State Environmental Quality Review Act (SEQRA) with respect to this application, and

WHEREAS, on October 21, 2013, the Town of Charlton Planning Board and Zoning Board of Appeals held a joint public hearing on the proposed revised site plan, which included a review of the project by the Charlton Town Engineer and which resulted in a written document submitted to the Charlton Planning Board on October 18, 2013 outlining the Charlton Town Engineer's questions or concerns relative to the proposed amended exceptional use permit, and

WHEREAS, the applicant has submitted additional and amended documentation for consideration by the Town Board, Planning Board and Zoning Board of Appeals, and

WHEREAS, members of the public in attendance, members of the Zoning Board of Appeals and members of the Planning Board were able to ask questions of the applicant and his representatives regarding the proposed amended site plan for the Charlton Tavern site

WHEREAS, at the conclusion of the public hearing it was determined that the Zoning Board of Appeals would be addressing the issue of the required lot line adjustment for this project at a Zoning Board of Appeals meeting to be held on November 13, 2013, and

WHEREAS, the Zoning Board of Appeals did meet on November 13, 2013 and approved a resolution granting the lot line adjustment as proposed in the amended site plan for the Michael J. Maloney property located at 745 Charlton Road, a copy of which resolution is attached to this resolution and made a part hereof, and

WHEREAS, the Town Board has now considered all of the documentation submitted to it with respect

to the requested amendment to the exceptional use permit granted in 2009 and which documentation includes an updated site plan titled "Site Plan - (Existing Condition) - Charlton Tavern for Amended Exceptional Use Permit", prepared by Gilbert Van Guilder Land Surveyor, PLLC, originally dated July 30, 2013 and last revised May 22, 2014, and which amended site plan indicates adjoining owners Green, Taylor, Dougherty and Battenhausen; an area of 27,202+/- square feet prior to the lot line adjustment, an area of 26,095+/- square feet following the lot line adjustment; current dumpster locations on both the Maloney parcel and the adjoining parcel owned by M & D Adventures, LLC; topographic lines showing parcel elevations; location of crushed stone and gravel parking lot; two light poles to be modified with directional lighting; handicapped parking area location with handicapped signs; handicapped ramp location; building sidelines and front setbacks; and all other aspects required by the Town Board to be shown on said amended site plan, and

WHEREAS, acting in its capacity as lead agency for the SEQRA review, the Town Board has determined that this amended exceptional use permit application is properly classified as an unlisted action, that the Town Board did make a negative declaration relative to the environmental significance of the proposed land use subject of the application and that a copy of such resolution is attached to this resolution and made a part hereof, and

WHEREAS, Article VII, Section 1 of the Charlton Zoning Ordinance sets forth six criteria to be considered by the Town Board in determining whether or not the requested amended exceptional use permit should be granted, and

WHEREAS, the Town Board hereby determines that the granting of the requested amended exceptional use permit will not substantially endanger the health, safety, morals or general welfare of the neighborhood, nor adversely affect the environment (reference SEQRA review), and

WHEREAS, this project is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, and

WHEREAS, the off-street parking spaces are adequate to handle expected public attendance, and

WHEREAS, the neighborhood character and surrounding property values are not substantially endangered by the issuance of the requested amended exceptional use permit, and

WHEREAS, the amended exceptional use proposed for the site will not cause undue traffic congestion or cause a traffic hazard, and

WHEREAS, the Town Board has determined that pursuant to Article VII, Section 6 entitled "Consideration of Effect on Neighboring Properties", the applicant has complied with such requirements and notified all property owners within 1,500 feet of the proposed tavern site, and

WHEREAS, the Town Board has in this resolution affirmed each and every one of the six criteria in favor of the application.

NOW BE IT RESOLVED, that the Town Board hereby grants the application of Michael J. Maloney for an amended exceptional use permit subject to the following conditions and limitations:

1. The amended site plan as presented by the applicant and as shown on the VanGuilder site plan dated July 30, 2013, last amended May 22, 2014, currently depicts all existing conditions of the Maloney/Charlton Tavern site.

2. The applicant, Michael J. Maloney, shall not amend this site plan without the express consent and permission of the Charlton Town Board and by obtaining from said Town Board an amended exceptional use permit.

3. The applicant, Michael J. Maloney, shall not use the basement area of the Tavern for any public or private activities, including parties, musical presentations or any other event which would place individual

customers in the basement/cellar area. The only use of the basement/cellar area shall be limited to storage of Tavern materials and, if necessary, limited food preparation. Access to the basement/cellar area will be limited to the owner, Michael J. Maloney, and/or employees or suppliers of and to the Charlton Tavern.

4. There shall be no outside burning on the site.

5. The use of the Tavern shall be consistent with prior permitted usage, hours of operation and with consideration of minimizing or eliminating any adverse impact on neighboring properties. For example, live or recorded music shall be limited in both volume and time of day. Live music shall occur only on special holidays traditionally celebrated at the Tavern, i.e. St. Patrick’s Day, and shall not be continued beyond 12:00 a.m.

6. There shall be an updated filing in the Saratoga County Clerk’s Office of the Cross Easement Agreement between applicant Maloney and the new owners of the store located westerly of the Charlton Tavern, M & D Adventures, LLC to be completed by no later than July 1, 2014. A copy of the completed document shall be provided to the Charlton Town Attorney and Charlton Zoning Enforcement Officer for review, comment and/or approval. The final approved cross easement agreement shall then be filed no later than ten (10) calendar days from such final approval with the Saratoga County Clerk’s Office.

|             |                      |         |                      |        |
|-------------|----------------------|---------|----------------------|--------|
| Moved by    | Councilman Lippiello | Voting: | Councilman Grasso    | Aye    |
|             |                      |         | Councilman Hodgkins  | Aye    |
| Seconded by | Councilman Hodgkins  |         | 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: May 27, 2014

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

**RESOLUTION #113**

**A resolution authorizing the appointment of a temporary highway employee with the Town of Charlton Highway Department**

Motion by Councilman Grasso  
Seconded by Councilman Hodgkins

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

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 113

May 27, 2014

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

WHEREAS, Highway Superintendent Emerich has requested that he be authorized to appoint a temporary employee for a period commencing on May 28, 2014 and terminating August 28, 2014, in order to effectively provide the services required to the residents of the Town of Charlton by the

Town's Highway Department.

NOW BE IT RESOLVED, that the Town Board hereby authorizes the Highway Superintendent, Michael Emerich, to make the appointment of Nick Marchesiello as a temporary highway employee in order to provide necessary Town services, commencing on May 28, 2014 – August 28, 2014 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, and

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

|             |                     |         |                      |        |
|-------------|---------------------|---------|----------------------|--------|
| Moved by    | Councilman Grasso   | Voting: | Councilman Grasso    | Aye    |
|             |                     |         | Councilman Hodgkins  | Aye    |
| Seconded by | Councilman Hodgkins |         | 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: May 27, 2014

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

The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk