

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

January 29, 2013

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 7:32 p.m. to set the agenda for the February 11th Town Board Meeting.

Present: Councilman Gardner, Councilman Lippiello, Councilman Salisbury, Councilman Verola, Supervisor Grattidge, Town Clerk Brenda Mills, (Attorney Van Vranken entered the meeting at 7:50 p.m.).

APPROVAL OF ABSTRACT

A motion was made by Councilman Verola and seconded by Councilman Lippiello to accept the claim numbers 20 - 43 as set forth in Abstract 102 in the amount of \$396,888.88, and claim numbers 2 & 4 as set forth in Abstract 1 in the amount of \$43.00.

Discussion: Supervisor Grattidge noted for the record that Abstract 102 includes the 2013 tax levies for the 3 fire departments, which is why the amount is higher than normal abstracts.

Vote: All Ayes, No Nays. CARRIED

APPROVAL OF MINUTES

A motion was made by Councilman Verola and seconded by Councilman Salisbury to accept the meeting minutes from the Town Board Meeting on January 14, 2013.

Vote: All Ayes, No Nays. CARRIED

DISCUSSION

The Sales Tax amount was \$117,212.00 and the Mortgage Tax reported was \$9,110.50.

Supervisor Grattidge said that the Town is required to provide Driver Safety training every three years to the Town's employees that drive Town vehicles. In the past, the Town has opened up the course to other Town employees that want to take the course and the Town pays the cost of the course for employees. Vic Ferrante has reserved the date of February 14th to hold the course at the Town Hall. The cost is \$35.00 per person with a class size of a maximum of 36. Spouses of employees are allowed to take the course but must reimburse the Town for the cost. The Supervisor asked the Town Clerk to handle the reservations for the course and to arrange a lunch for the employees.

A **motion** was made by Councilman Verola and seconded by Councilman Lippiello to approve the Driver Training Course to be held on February 14th at a cost of \$35 per employee and to have the Town provide lunch to the employees.

Discussion: Councilman Lippiello asked to clarify if the Town picked up the cost for all employees. It was confirmed.

Vote: All Ayes, No Nays. CARRIED

The Board set a date of February 11th at 10 a.m. to meet with the Town's Insurance Agent to do an annual review of the Town's insurance coverage.

Supervisor Grattidge said that he will contact the company that wrote the Employee Handbook for the Town to have them meet with the Board to discuss possible changes.

The Saratoga County Chamber of Commerce has asked the Town for permission to put a link on their website to the Town of Charlton's website. The Board had no objection.

Supervisor Grattidge said he received an email from Torben Aabo asking to resign from the Technology Committee if there was no need for the Committee. The Supervisor said that he was going to ask the Committee to look into sound/acoustic solutions for the meeting room. He is going to ask Mr. Aabo if he wants to assist the Committee with this, before he accepts his resignation.

The County has invited Board members to the January 30th Planning Conference between 1:30 and 2:30 p.m. to hear Elliot Elsinburg speak about how new construction costs effect municipalities.

The Charlton Freehold Church has asked the Town if they could borrow the room partitions that have been stored in the old Town Hall attic for over 20 years.

A **motion** was made by Councilman Verola and seconded by Councilman Lippiello to allow the Charlton Freehold Church borrow the room partitions that are stored in the attic of the old Town Hall.

Vote: All Ayes, No Nays. CARRIED.

Supervisor Grattidge said that the Town has been notified that the CHIPS (Consolidated Highway Improvement Program) money will be the same as the amount received last year.

Councilman Salisbury confirmed that the Williamson Software Water program will be able to be used this year for processing water bills. He will contact Williamson and arrange training of the new Water Clerk.

(Attorney Van Vranken joined the meeting)

The Board has received a report from the Greater Galway Community Service Association regarding the Galway Food Pantry and their 2012 report.

MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS

Supervisor Grattidge said that Attorney Van Vranken has notified the Town that Ballston Spa National Bank is willing to refinance the interest rate on the BAN renewing in February, from 1.85 to 1.25%.

A **motion** was made by Councilman Verola and seconded by Councilman Lippiello to have the Town Attorney prepare the paperwork to refinance the BAN at a lower rate.

Vote: All Ayes, No Nays. CARRIED

A **motion** was made by Councilman Verola and seconded by Councilman Salisbury to approve the seasonal Park Permit Applications from Ellie George and Pat Marrone to use the volleyball courts at Elmer Smith Park on Tuesday and Thursday evenings as requested.

Vote: All Ayes, No Nays. CARRIED

A **motion** was made by Councilman Verola and seconded by Councilman Gardner to authorize the Supervisor to sign the Annual Agreements with Attorney Van Vranken and with Attorney Keniry.

Vote: All Ayes, No Nays. CARRIED

A **motion** was made by Councilman Lippiello and seconded by Councilman Verola to authorize the Supervisor to sign the Annual Agreement with the Galway Ambulance.

Vote: All Ayes, No Nays. CARRIED

Councilman Gardner said he has discussed the possible purchase of a wood chipper with Highway Superintendent Mike Emerich and received a paper from Mr. Emerich about piggybacking. Councilman Gardner is not comfortable authorizing the purchase without 3 competitive bids for the chipper. Mr. Emerich said he would like to purchase a 15 inch drum style Morbark chipper from the Federal GSA Contract. The department's current 13 inch chipper was bought in 1998 and has 30,000 hours on it. He would like to list the old chipper on Auctions International and hopes to get \$3,000 for it. More discussion ensued. Councilman Gardner said his concern is that the cost is over \$45,000 and he worries that we need 3 bids. Attorney Van Vranken said that he is not sure that the piggyback paper eliminates the need for competitive bidding. The Board will try to get clarification before the next meeting. No authorization was done.

The Town Clerk was notified by the New York State Retirement System that the 2012 resolution done for retirement purposes did not list a term for Court Clerk Beverley Pashley.

A **motion** was made by Councilman Verola and seconded by Councilman Gardner that Resolution No. 53 – A RESOLUTION AMENDING RESOLUTION NO. 90 WHICH WAS APPROVED AT THE TOWN BOARD MEETING ON JULY 30, 2012 be approved.

Roll Call: Councilman Gardner: Aye, Councilman Lippiello: Aye, Councilman Salisbury: Aye, Councilman Verola: Aye, Supervisor Grattidge: Aye. CARRIED

A **motion** was made by Councilman Verola and seconded by Councilman Gardner that Resolution No. 54 – A RESOLUTION AUTHORIZING THE PAYMENT IN ADVANCE OF AUDIT FOR CERTAIN ITEMS SET FORTH IN TOWN LAW SECTION 118 be approved.

Roll Call: Councilman Gardner: Aye, Councilman Lippiello: Aye, Councilman Salisbury: Aye, Councilman Verola: Aye, Supervisor Grattidge: Aye. CARRIED

Councilman Verola brought forth and read the following proposed resolution that she drafted. She said what the resolution would do is make it very clear to everyone that the Town has their own land use program, the Farmland Protection Act, Comprehensive Plan, Recycling Plan, encourages conservation of resources and other methods that do not infringe on the property rights of our residents. She said that this is to let people know that we are respectful of the environment and property rights, and we don't want Albany or any other form of regional government telling us what we should or shouldn't do with our property.

Whereas, the United Nations held an Earth Summit in Rio De Janeiro in 1992; and

Whereas, the program known as Agenda 21 was a product of that summit: and

Whereas, the term "Sustainable Development", coined by the United Nations in 1987, was used extensively in Agenda 21: and

Whereas in 1992 President George Bush signed the administrative implementation of Agenda 21: and

Whereas, in 1993, President William Clinton, by executive Order, created the President's council for sustainable Development and,

Whereas, the Presidents Council for Sustainable Development adopted a written action plan to implement Agenda 21 in the United States under the title of " Smart Growth:" and,

Whereas, the Capital Region Sustainability Plan is tasked with implementing Agenda 21 at all local levels of government: and

Whereas, recognizing the threat to liberty, local governments around New York State have begun withdrawing their support for Capital Region Sustainability Plan: and

Whereas, the Charlton Town Board considers Agenda 21 and the Capital Region Sustainability Plan as potential threats to liberty and the autonomy of Town governance: and

Whereas, in an effort to address land use planning at the local level, the Charlton Town Board adopted its own Comprehensive Plan addressing land use, the preservation of green space and the protection of bodies of water and waterways: and

Whereas, the Town desires to preserve and maintain the authority and autonomy of local governments to manage land use planning at the local level, and to preserve the private property rights and interests of Town residents, goals which are inconsistent with those espoused by Agenda 21 and the President's Council for Sustainable Development,

Now Be It Resolved that:

The Charlton Town Board hereby rejects Agenda 21, the President's Council for Sustainable Development and the Capital Region Sustainability Plan as infringing on private property rights of private citizens: and

Be it Further Resolved That;

The Charlton Town Board encourages and supports the protection of our environment through conservation of resources, recycling, local land use planning and other methods that do not infringe upon the liberties and property rights of its residents.

Discussion ensued. Supervisor Grattidge said that he has been trying to learn about the contents of this resolution. He has not been able find the linkage with the Capital Region Sustainable Plan and Agenda 21. He said he looked at their website. He said that NYSERDA does the research and development for energy use in this state. NYSERDA gave a grant to each of the regions that are in Gov. Cuomo's Economic Development Council. He has researched where the funding came from and he cannot find a linkage to Agenda 21. He said he is not comfortable with linking this resolution to a plan that is being worked on in this region for the purpose of being greener or sustainable. He has not seen anything embedded in this program where they would be coming in and trying to change people's zoning or behavior, other than the fact that there will be grants for communities that want to apply. The Director of the County Planning Board, Jason Kemper, was on the Executive Committee for the sustainable Plan. Supervisor Grattidge asked for Mr. Kemper's opinion and received an email that said that he is on the committee, and he emphasized that this is a voluntary process for Saratoga County. In reviewing the materials, Mr. Kemper and 2 other County Supervisors, Wood and Daly, thought it would be beneficial for Saratoga County to participate in the plan. The Capital Region Sustainable Plan is a toolbox for communities that want to pursue sustainable initiatives, and if it fits their needs, they can apply for funding. Communities that participate are not being forced to adopt or participate in the plan.

Councilman Verola said the Heritage Foundation in 2011 published an article that disagrees with the County. They agree that this is a very anti-American perverted type of legislation. They agree that Albany would be the leader, it is right in the plan. If you read the plan, it is in there. She feels that Albany would be directing land use policies.

Councilman Gardner said that this has happened in other parts of the country; Westchester, Florida, California, Oregon and Utah. This whole project is funded by NYSERDA. A portion of everyone's power bill goes to NYSERDA, who gives money to people for projects and it is a way to redirect energies on how we are going to use our land, where people are going to live, and what kind of transportation they will use.

Councilman Verola said it could also require us to have minority housing, HUD housing in town. This could lead to us having a Town tax.

Supervisor Grattidge said that we are a home rule state. This is not saying that they are imposing a whole set of rules and regulations.

Further discussion ensued. Councilman Gardner said that he feels that the Town needs to be proactive and take a stand against government taking over land owner's rights.

Supervisor Grattidge said he would like to get more information about how the plan was put together. Councilman Gardner, Councilman Lippiello and the Supervisor said they have not been able to open the link to read about it.

A ***motion*** was made by Councilman Verola and seconded by Councilman Salisbury that Resolution No. 55 – A RESOLUTION TO REJECT AGENDA 21, THE PRESIDENT'S COUNCIL FOR SUSTAINABLE DEVELOPMENT AND THE CAPITAL REGION SUSTAINABILITY PLAN be approved.

Discussion: Councilman Lippiello said that he spoke with Sandy about this and some of the things about

Agenda 21 are scary. He would also like to have more time to look at the things that nobody has been able to open.

Councilman Verola told him there is nothing to stop him. She said he can go look at them anytime because she has sent him a ton of links.

Councilman Lippiello said he thinks that he needs some time to read them. He said the point of her resolution is pretty clear, in making people aware that we want to keep the control here. He said he would really like to get some more background information about how we could be affected by some of these things.

Councilman Verola said that there is a motion on the floor and it has been seconded.

Councilman Gardner said that he has spent a lot of time reading about this, and there is a ton of information out there.

Supervisor Grattidge said that Councilman Gardner is condemning a plan that he is admitting that he hasn't read. He said he didn't understand the urgency, the helicopters haven't started landing yet. We have time to be able to talk about it. I am just asking for do-consideration as anyone would do. I want to know what I am voting on. I don't understand what I am voting on here. I don't understand what the Town of Charlton has to do with something that happened in Rio de Janeiro in 1992 and this link that is being made now, to a plan that is being used on a regional basis, but it is being done with a purpose to see how we can be more efficient on how we use energy. He cannot find anyone that worked on this plan to say that there is any connection to Agenda 21. The Supervisor said that he would like to have someone come out and speak to us about what is in the plan and how it was put together. He said he is not asking for anything different than what is asked for when they talk about resolutions to be set on the agenda.

Councilman Gardner said he can't get any information about this plan other than the headings. He asked if there is any other information that is substantial, and would it change his mind knowing the things that he knows.

Supervisor said that is all he is asking. Let's judge the plan on how it is written and then decide from there.

Councilman Lippiello said he agrees with Bruce. He would like to see that as well before we make this vote.

Councilman Verola said that she sent the guys so many links, she was able open all of them and she was able to read the whole plan.

Supervisor Grattidge said that he was not able to open them. He asked the County if they have a hard copy and he asked his clerk to print out a copy.

Councilman Verola said she would like to bring this motion and a second, to a resolution. .

Supervisor Grattidge said he would ask that they at least wait until the next meeting to vote on it.

Councilman Verola said there is a motion and it has been seconded.

Councilman Salisbury said that we have had ample time, and he does not have a problem if we vote on it tonight.

Councilman Lippiello asked Attorney Van Vranken is he could make a motion to table the vote.

Attorney Van Vranken said no. The only way that the motion can be tabled is if the person that made the motion would withdraw it.

Councilman Lippiello asked Councilman Verola if she would be willing to withdraw the motion.

Councilman Verola said she would be willing to remove the first six whereas paragraphs if they can't make the link to Rio De Janeiro.

Supervisor Grattidge asked how she can make the connection that Albany is tasked with making the plan. He said that this is not a fair statement.

Councilman Verola said that she read it. It is in the plan, Albany is tasked with implementing the plan.

Councilman Lippiello asked Councilman Verola if she would consider giving the Board the opportunity to read what she is referring to.

Councilman Verola told him to go ahead and read it. She said she has sent them all the information she could find on this and she has spent weeks on this.

Councilman Salisbury said we should vote on it.

Councilman Gardner said that he feels very comfortable in passing this and bringing it forward. It is just a statement of the position as a Board on how we feel about this regional plan.

Councilman Lippiello said he would appreciate the opportunity to see the plan and look for some of the things that Sandy says are in there.

Supervisor Grattidge said he would appreciate it if they could postpone the vote until the next meeting.

Councilman Verola asked Attorney Van Vranken if that was possible.

Attorney Van Vranken said that what she would have to do is withdraw the motion.

Councilman Verola said no, she was not going to do that. She said there is a motion on the floor and it has been seconded. She asked for the vote.

Roll Call: Councilman Gardner; Aye, Councilman Lippiello; Nay, Councilman Salisbury; Aye, Councilman Verola; Aye, Supervisor Grattidge; Nay. CARRIED

Supervisor Grattidge asked for a motion to go into Executive Session to discuss a personnel issue.

A **motion** was made by Councilman Verola and seconded by Councilman Gardner to go into Executive Session to discuss a personnel issue.

The meeting adjourned at 8:48 p.m. and the Board went into Executive Session.

The Board came out of Executive Session at 9:35 p.m. No action was taken.

Respectfully submitted,

Brenda Mills
Town Clerk

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 53

January 29, 2013

A RESOLUTION AMENDING RESOLUTION NO. 90 WHICH WAS APPROVED AT THE TOWN BOARD MEETING ON JULY 30, 2012

WHEREAS, the Town Board did approve Resolution No. 90 at its Agenda Meeting held on July 30, 2012, which resolution is a document entitled "Standard Work Day and Reporting Resolution No. 90" which is in the form requested from and required by the New York State Employees Retirement System Examiner V, Pension Integrity Bureau and which document now sets forth six Town of Charlton employee titles, names, standard work days, terms and other required data which needs to be approved by the Town Board and resubmitted to the Employees Retirement System Examiner V, Pension Integrity Bureau.

WHEREAS, the New York State Comptroller's Office has notified the Town of Charlton that no term was listed for the Court Clerk, a copy of said notice is attached, and requires that the Town Board of the Town of Charlton publish this resolution for 30 days stating the term of Beverley Pashley, Court Clerk was 1/1/12 to 12/31/12, and

BE IT FURTHER RESOLVED, that this resolution be attached to Resolution No. 90 of the Town Board as approved on July 30, 2012.

Moved by	Councilman Verola	Voting:	Councilman Gardner	Aye
			Councilman Lippiello	Aye
Seconded by	Councilman Gardner		Councilman Salisbury	Aye
			Councilman Verola	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: January 29, 2013

Brenda Mills, Town Clerk

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 54

January 29, 2013

A RESOLUTION AUTHORIZING THE PAYMENT IN
ADVANCE OF AUDIT FOR CERTAIN ITEMS SET
FORTH IN TOWN LAW SECTION 118

WHEREAS, the Town Board of the Town of Charlton has determined that a resolution should be approved pursuant to Section 118 of the New York State Town Law in order for the Board to authorize payment in advance of audit of claims for public utility services, postage and freight and express charges, which claims shall be presented at the next regular meeting of the Town Board for audit, and the claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Town Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Charlton authorizes the payment in advance of audit as set forth in this resolution, and which authorization shall be effective immediately.

Moved by	Councilman Verola	Voting:	Councilman Gardner	Aye
			Councilman Lippiello	Aye
Seconded by	Councilman Gardner		Councilman Salisbury	Aye
			Councilman Verola	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: January 29, 2013

Brenda Mills, Town Clerk

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 55

January 29, 2013

A RESOLUTION REJECTING AGENDA 21, THE PRESIDENT'S COUNCIL FOR SUSTAINABLE DEVELOPMENT AND THE CAPITAL REGION SUSTAINABILITY PLAN.

Whereas, the United Nations held an Earth Summit in Rio De Janeiro in 1992; and

Whereas, the program known as Agenda 21 was a product of that summit: and

Whereas, the term "Sustainable Development", coined by the United Nations in 1987, was used extensively in Agenda 21: and

Whereas in 1992 President George Bush signed the administrative implementation of Agenda 21: and

Whereas, in 1993, President William Clinton, by executive Order, created the President's council for sustainable Development and,

Whereas, the Presidents Council for Sustainable Development adopted a written action plan to implement Agenda 21 in the United States under the title of " Smart Growth:" and,

Whereas, the Capital Region Sustainability Plan is tasked with implementing Agenda 21 at all local levels of government: and

Whereas, recognizing the threat to liberty, local governments around New York State have begun withdrawing their support for Capital Region Sustainability Plan: and

Whereas, the Charlton Town Board considers Agenda 21 and the Capital Region Sustainability Plan as potential threats to liberty and the autonomy of Town governance: and

Whereas, in an effort to address land use planning at the local level, the Charlton Town Board adopted its own Comprehensive Plan addressing land use, the preservation of green space and the protection of bodies of water and waterways: and

Whereas, the Town desires to preserve and maintain the authority and autonomy of local governments to manage land use planning at the local level, and to preserve the private property rights and interests of Town residents, goals which are inconsistent with those espoused by Agenda 21 and the President's Council for Sustainable Development,

Now Be It Resolved that:

The Charlton Town Board hereby rejects Agenda 21, the President's Council for Sustainable Development and the Capital Region Sustainability Plan as infringing on private property rights of private citizens: and

Be it Further Resolved That;

The Charlton Town Board encourages and supports the protection of our environment through conservation of resources, recycling, local land use planning and other methods that do not infringe upon the liberties and property rights of its residents

Moved by	Councilman Verola	Voting:	Councilman Gardner	Aye
			Councilman Lippiello	Nay
Seconded by	Councilman Gardner		Councilman Salisbury	Aye
			Councilman Verola	Aye
			Supervisor Grattidge	Nay

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: January 29, 2013

Brenda Mills, Town Clerk