

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

May 29, 2012

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 11th Town Board Meeting.

Present: Councilman Gardner, Councilman Lippiello, Councilman Salisbury, Councilman Verola, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken

APPROVAL OF ABSTRACT

A motion was made by Councilman Verola and seconded by Councilman Gardner to accept the General Fund claim numbers 362-390 as set forth in Abstract #110 in the amount of \$16,176.48, and General Fund claim numbers 26 - 33 as set forth in Abstract #1205 in the amount of \$1,662.14.

Discussion: Councilman Gardner said that there are two transfers needed for accounts that are overdrawn. Account #1620.411 is overdrawn in the amount of \$393.51 and the second account is F8320.411 and is overdrawn in the amount of \$49.97. Councilman Lippiello asked Councilman Gardner if he verified the amounts with the Bookkeeper. Councilman Gardner said he had not. Councilman Lippiello said that the Bookkeeper is having trouble closing out April in the new accounting software and she does not have a current number for any of the accounts. Councilman Gardner said that if that is the case, the accounts could be overdrawn even more. Supervisor Grattidge said that the Board would make note that there are balances that need to be amended at the Town Board meeting. Councilman Lippiello said that since 2 abstracts have been done through the new software, maybe it would be a good time to review with the people that work with the software, how it is working.

Vote: All Ayes, No Nays. CARRIED

A note was made by the Town Clerk that a correction was made to Abstract #109, voucher #328, to remove an invoice in the amount of \$37.50. The new total of the abstract has been reduced to \$41,740.60.

APPROVAL OF MINUTES

A motion was made by Councilman Salisbury and seconded by Councilman Lippiello to accept the meeting minutes from the Town Board Meeting on May 14, 2012.

Vote: All Ayes, No Nays. CARRIED

ANNOUNCEMENTS

Founder's Day Weekend is June 2nd and 3rd. Party in the Park is on June 2nd from 5 p.m. to 9:30 p.m. and concludes with a fireworks display.

The Town Board is holding a quarterly Open Forum on June 9th at 10 a.m. and the public is invited.

DISCUSSION

The mortgage tax for the month was \$5,604. The 6-month disbursement was \$88,248.48.

The sales tax for the month was \$91,351.

The Town Clerk's Office has created a Vendor Work Performed Sign-in form to be completed by vendors that bill the Town on an hourly basis. The form includes the start time, end time, person authorizing, and a detail of the work performed. Once completed, the form can be attached to the voucher and bill for payment. The Town Board had no objection to instituting use of the form.

The Tax Collector and Deputy Tax Collector gave the Board a quote from BAS for the new Tax Collection software. BAS is honoring the same price quoted earlier in the year. The Tax Collector previously acquired a quote her current vendor which was higher, and Councilman Gardner acquired a quote from Williamson Software that was higher.

A **motion** was made by Councilman Gardner and seconded by Councilman Lippiello to authorize the purchase of the BAS Tax Collection software with a total first year investment of \$2,640.

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

The Board has received a request from the Heflin-Durst subdivision project to apply for a water extension for a project on Swaggertown Road. The Board had asked that Heflin-Durst get the preliminary approval at the Planning Board stage. The Supervisor said he has been told that they have met that requirement, and there will be a Public Hearing at the next Planning Board meeting on June 18th. The Planning Board is now awaiting approval of the water extension. The Town Board has jurisdiction of overseeing the Water District, and they must decide on the extension. The Supervisor has asked Attorney John Tabner's office to contact the Town Attorney. Attorney Van Vranken said that Attorney Keniry is handling this for Attorney Tabner. Attorney Keniry said that the map plan report done May 23, 2006 needs to be updated. The Planning Board will be holding a SEQR review of the preliminary plat, and Attorney Keniry has suggested that they also be the lead agency for the SEQR review for the water district extension. Once all of this is done, they will inform the Town Board so that the Town Board can move forward with their Public Hearing.

Councilman Gardner said that he received a call from a resident that is building a home, and questioned whether or not he must renew his building permit after one year or two. The Zoning Ordinance says that the Building Permit is good for 2 years if the work has been started within the first year of the permit. Supervisor Grattidge said that the Zoning Ordinance says that the person has two years, however, the Zoning Administrator has reviewed what has been done historically, and permits were renewed after one year. He stated that the Town needs to be consistent. He also pointed out that in order to change the Zoning Ordinance there would need to be a Public Hearing and a change in the local law. Attorney Van Vranken confirmed that the Zoning Ordinance clearly states that the Building Permit is good for 2 years as long as the construction is under way. Councilman Gardner said that part of the confusion is with the fee schedule because it states a \$90 renewal fee. Councilman Gardner said he understands the Ordinance to mean that since his permit is good for two years, the resident does not have to pay any renewal fee. Councilman Verola said that that was her understanding as well. The Board and Attorney Van Vranken confirmed that the Zoning Ordinance is the law, which states 2 years, and that is what the Town must go by until that is a change by Local Law.

Supervisor Grattidge said that Mike Emerich, Highway Superintendent would like to hire Cameron McKenna for seasonal summer help at the rate of \$12.00 to begin May 30th.

A **motion** was made by Councilman Verola and seconded by Councilman Lippiello to authorize the Highway Superintendent to hire Cameron McKenna as temporary summer help at the rate of \$12 per hour to work the term of May 30 to August 28th.

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

Supervisor Grattidge said that the buyers of the Caine's home has requested permission to park his car in the Town Hall parking lot while the moving pods are in his driveway. The Board did not object.

Supervisor Grattidge asked for a disclosure to be put on the record. He stated that the Company he owns with his brother was the low bidder on a job for Bordeaux Builders and they have been hired to do work them in another Town.

Councilman Lippiello said that the date of the Water Meeting needs to be changed from June 4th to June 11th at 6:30 p.m.

Councilman Lippiello reminded everyone of the 5k race, Party in the Park for Saturday June 2nd. Donations have been received in the amount of \$7,615 for the event so far.

Councilman Lippiello said that he wants to have a review of the Williamson Accounting Software and the Board needs to be aware of how it is working. He said that the Bookkeeper is not able to close the April books because of a software problem and she has gotten very little help from Williamson is resolving this. He would like to have a meeting with the Board, bookkeeper and Town Clerk to discuss it. Councilman Gardner said that he feels that if we do this, Williamson should be invited. He also said that he does not know how much information should be brought out at a meeting, and thinks that it should be done in Executive Session. Councilman Lippiello said that it is not a personnel issue so it can't be done in Executive Session. Councilman Gardner said that he thinks that it is a personnel issue. Councilman Salisbury said that he feels that the Board should sit down by themselves and go over it. He said that he has gone through the system and he doesn't see any major problem. He said that the reports are better than the previous system. He asked the Supervisor to get copies of the payroll reports. He said he doesn't know where the problem is. There are problems many times when you switch from one system to another. Councilman Lippiello said that it sounds like there are more problems than that. Councilman Salisbury said that he has seen this program work and he would like to work hands on with it but it is not possible. Councilman Lippiello said that they can start with a Board meeting, but it should get discussed. Councilman Verola said she knows that the Bookkeeper is struggling through the transition. Councilman Verola said that she does not have a problem sitting down and talking about the problems but she does feel that Williamson should be included. Supervisor Grattidge said that Williamson would be available by conference call. He said that he will try to get a trial balance for the Board to look at the next voucher signing. Councilman Lippiello said that they better start early as the report is now about 120 pages and it used to be only 3 or 4 pages. Councilman Salisbury said it may have been shorter but it did not include all of the information that they needed. Supervisor Grattidge asked the Board to come a little early on June 11th when they sign the vouchers.

MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS

A motion was made by Councilman Verola and seconded by Councilman Salisbury that **Resolution No. 68** – A RESOLUTION TRANSFERRING A SPECIAL EXCEPTION PERMIT APPLICATION FROM HERITAGE CONSTRUCTION GROUP, LLC TO THE ZONING BOARD OF APPEALS, REQUESTING THAT SUCH BOARD EXERCISE PRIMARY JURISDICTION OF SUCH APPLICATION PURSUANT TO THE ZONING ORDINANCE OF THE TOWN OF CHARLTON 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 Lippiello and seconded by Councilman Verola that **Resolution No. 69** – A RESOLUTION TO HONOR THE EILDON TWEED FARM, CONSTANCE (CONNIE WOOD) AND "SUNDAE ON THE FARM" 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 Salisbury that **Resolution No. 70** – A RESOLUTION AUTHORIZING THE RELEASE OF AN ADDITIONAL PORTION OF FUNDS HELD BY THE TOWN OF CHARLTON AND WITH RESPECT TO THE DEER RUN SUBDIVISION REQUIREMENTS 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 Salisbury and seconded by Councilman Gardner that **Resolution No. 71** – A FOUNDER'S DAY RESOLUTION TO HONOR THE FIRST FAMILIES OF CHARLTON be approved.

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

ADDITIONAL DISCUSSION

Supervisor Grattidge said that a resignation has been received from a Zoning Board of Appeals member. Chairman Don Schermerhorn asked the Board to find a knowledgeable replacement as soon as possible.

Supervisor Grattidge said that the Special Counsel for the Town Hall litigation sent a recap of the recent Settlement Hearing conference. Attorney Van Vranken said that the conference that the Supervisor attended was a required settlement conference at the Appellate division level and is required before you can argue at the Appellate level. When it doesn't result in a settlement, that qualifies the case to be heard by the filing of an actual appeal. If the Architect files an appeal and wants to be heard by the panel, we are probably looking at December of this year before the Appellate division will hear it. A decision will probably come out in early 2013. That decision will either be that the Architect will beinaudible.... Hopefully in this case there would be a court date by the middle of 2013. If the Architect chooses not to appeal, then a court date can be scheduled reasonably soon.

Supervisor Grattidge said that on June 11th, there will be a Water Commission meeting at 6:30 p.m. and the Board meeting at 7:30 p.m.

Councilman Lippiello said that the Veteran's Memorial Board was dedicated on Memorial Day. Austin Clark, the Eagle Scout that worked on the Board was able to finish the landscaping around the Board over the weekend and did a very nice job.

Councilman Lippiello said that Catherine Caine has resigned as Chairman of the Veteran's Board and he would like to appoint Charles Latham as the Chairman and also appoint Peter Parker to fill the vacancy on the Board. An amendment to the Organizational resolution can be done at the next Board meeting.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 68

May 29, 2012

A RESOLUTION TRANSFERRING A SPECIAL EXCEPTION PERMIT
APPLICATION FROM HERITAGE CONSTRUCTION GROUP, LLC
TO THE ZONING BOARD OF APPEALS, REQUESTING THAT SUCH
BOARD EXERCISE PRIMARY JURISDICTION OF SUCH APPLICATION
PURSUANT TO THE ZONING ORDINANCE OF THE TOWN OF CHARLTON

WHEREAS, the Town Board received an application on May 14, 2012 from Heritage Construction Group, Eran Wasserman, Applicant, dated May 8, 2012, applying for a special exception permit to expand an existing special use permit, which authorized the operation of a gasoline station and convenience store according to regulations are set forth in Article VII of the Zoning Ordinance for the Town of Charlton, and

WHEREAS, Eran Wasserman, as representative of Heritage Construction Group, LLC, appeared before the Town Board on May 14, 2012 to further support the application and to answer questions of the Town Board, and

WHEREAS, the Town Board has reviewed such application and consulted with the Attorney for the Town regarding issues which need to be considered in processing this application and as set forth in the aforementioned Article VII, and

WHEREAS, pursuant to Article VII, Section 3B of the Zoning Ordinance, the Town Board may direct the Zoning Board of Appeals, subject to conditions set forth in Section 6 of Article VII of said Ordinance to provide a determination after due public notice, hearing and a vote of a majority plus one of the Zoning Board of Appeals and subject to all relevant provisions of this Ordinance whether such petition should be granted.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Charlton hereby directs the Zoning Board of Appeals to provide a determination with respect to the Heritage Construction Group application for a special exception permit, subject to the provisions of Article VII of the Town of Charlton Zoning Ordinance.

Moved by Councilman Verola

Voting: Councilman Gardner Aye
Councilman Lippiello Aye
Councilman Salisbury Aye
Councilman Verola Aye
Supervisor Grattidge Aye

Seconded by Councilman Salisbury

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton

Dated: May 29, 2012

Brenda Mills, Town Clerk

TOWN OF CHARLTON

BOARD RESOLUTION #69 TO HONOR

***THE EILDON TWEED FARM,
CONSTANCE (CONNIE) WOOD
AND “SUNDAE ON THE FARM”***

WHEREAS, the Town of Charlton is proud to participate in Saratoga County’s 17th Annual “Sundae on the Farm” to be held on Sunday, June 17, 2012 at the Eildon Tweed Farm, located at 1253 Eastern Avenue, West Charlton, New York in the Town of Charlton, and

WHEREAS, the Eildon Tweed Farm is a 1,000 cow dairy farm owned and operated by David and Connie Wood, who are long time residents of the Town of Charlton with an active and family heritage connected to agriculture, especially dairy farming, and

WHEREAS, David Wood grew up on a fifth generation farm in Central New York and began his agricultural career as a County Agent with Cornell Cooperative Extension, and

WHEREAS, Connie Wood’s ancestors came to the United States from Melrose, Scotland and purchased the farm in 1794, which farm is named for the Eildon Hills and Tweed River of Scotland, and

WHEREAS, Connie Wood has worked tirelessly to support the Eildon Tweed Farm, to promote the dairy industry in Saratoga County with service on the Dairy Promotion Committee from in 1970 and as an original member has given substantial volunteer hours to this program, and

WHEREAS, Connie Wood is also a charter member of the Saratoga County Agricultural Promotion Committee, the organizers of the original Farm Breakfast and Sundae on the Farm, and

WHEREAS, in 2000, the Woods Eildon Tweed Farm hosted County Agricultural Farm Breakfast and Tour and they are once again volunteering to host the “Sundae on the Farm” event which is organized to provide a critical link between the farming community and the public at large within Saratoga County, and

WHEREAS, Connie Wood has served on the Town of Charlton Planning Board for 20 years and has provided an important perspective from an agricultural standpoint to the Board’s vision for open space, regulations and the economy, which service was further enhanced by participation in the Comprehensive Planning Steering Committee, and

WHEREAS, due to her many contributions to the Eildon Tweed Farm, her local and regional community, her life long efforts in educating the public about agriculture, her volunteerism and service and her vision for the future of her community, Connie Wood has been recognized for these many efforts by receiving the award of Saratoga County Ag Promoter of the Year Award for 2012.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of

Charlton hereby designates June 17, 2012 as

**“THE EILDON TWEED FARM, CONSTANCE (CONNIE) WOOD
AND SUNDAE ON THE FARM DAY”**

in grateful appreciation for the many contributions made to Saratoga County and New York State by Constance (Connie) Wood as described in this resolution, in celebration of the “Sundae on the Farm” program and to recognize the significant contribution to our many communities made by all farm families of Saratoga County.

Moved by Councilman Lippiello

Voting: Councilman Gardner Aye
Councilman Lippiello Aye
Councilman Salisbury Aye
Councilman Verola Aye
Supervisor Grattidge Aye

Seconded by Councilman Verola

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton

Dated: May 29, 2012

Brenda Mills, Town Clerk

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 70

May 29, 2012

A RESOLUTION AUTHORIZING THE RELEASE OF
AN ADDITIONAL PORTION OF FUNDS HELD BY THE TOWN OF CHARLTON
AND WITH RESPECT TO THE DEER RUN SUBDIVISION REQUIREMENTS

WHEREAS, as a condition of approval of the Deer Run Subdivision, Bordeau Builders, Inc., Contractor, Bordeau Builders, Inc. and the Town of Charlton entered into an Escrow Agreement dated November 14, 2011 and which Bordeau Builders was required to make a deposit with the Town of Charlton in order to assure compliance with certain infrastructure obligations of Bordeau Builders, Inc. to be completed during the construction of the aforementioned Deer Run Subdivision, and

WHEREAS, pursuant to the terms of the Escrow Agreement, Bordeau Builders did deposit with the Town of Charlton the sum of \$621,754.65, said sum as approved by the Town Engineer for the Town of Charlton and which sum has been placed in an appropriate account as established with the Ballston Spa National Bank, and

WHEREAS, by resolution dated February 13, 2012, the Town Board did authorize a reduction from the then current escrow balance of \$621,815.12 to \$590,812.72, and

WHEREAS, the engineer representing Bordeau Builders, Inc. has submitted an additional request to Town Engineer Michael McNamara, requesting an additional reduction in the amount of escrow currently held by the Town of Charlton and based on the engineer's representation that Bordeau Builders, Inc. has completed certain additional infrastructure items for which escrow funds are no longer needed, and

WHEREAS, the Town Engineer has reviewed the request and submitted a letter to the Town Supervisor, outlining the engineer's review of the request and issuing an opinion as to the amount that the existing letter of credit for Phase 1 and Phase 2 of the Deer Run Subdivision can be additionally reduced at this time, a copy of which letter is attached to this resolution and made a part hereof as if more fully set forth herein.

NOW BE IT RESOLVED, that based on the Town Engineer's recommendation and analysis of the request by Bordeau Builders, Inc., through its engineer, to reduce the escrow sum held by the Town of Charlton, the Town Board hereby approves the recommended reduction from the current amount of \$590,888.46 (including interest earned) to \$318,687.00, representing a refund to Bordeau Builders, Inc. in the sum of \$272,201.46.

Moved by Councilman Verola

Voting: Councilman Gardner Aye
Councilman Lippiello Aye
Councilman Salisbury Aye
Councilman Verola Aye
Supervisor Grattidge Aye

Seconded by Councilman Salisbury

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton

Dated: May 29, 2012

Brenda Mills, Town Clerk

TOWN OF CHARLTON

Founder's Day Resolution #71 to Honor

FIRST FAMILIES OF CHARLTON

May 29, 2012

WHEREAS, the Charlton Historical Society is pleased to acknowledge and recognize the contributions made by the First Families who settled in what is now the Town of Charlton, Saratoga County, New York, and

WHEREAS, in 1792, the year after Saratoga County was created from Albany County, the New York State Legislature divided "Balls Town" into four parts forming three new towns, namely, Galway, Milton and Charlton, and

WHEREAS, previous to 1792, the Charlton area had been called "New Freehold" by its settlers who were mostly immigrants from Freehold, New Jersey, and

WHEREAS, the First Families of Charlton were predominantly of Scottish, Irish and Dutch descent, who also came from downstate New York, New England and Europe, and

WHEREAS, the first settlers in the southern part of West Charlton were the Gonzales, a Spanish Huguenot family which began farming in the Charlton area in 1770, and

WHEREAS, in 1773, the Adams, Davidson, Glenn and Schermerhorn families settled in what is now the Town of Charlton, and

WHEREAS, in 1774, the Sweetman family, who came from Freehold, New Jersey, settled a 100 acre plot in the eastern section of what is now the Town of Charlton, and

WHEREAS, from 1774 -1775, families named Angle, Bell, Beekman, Bradshaw, Brower, Brown, Cain, Cavert, Conde, Fazier, Gilchrist, Holmes, Lowe, Maxwell,

McKinney, McKnight, McWilliam (LaRue), Smith, Valentine, Van Kirk and Wilson also settled in what is now the Town of Charlton, creating a diverse group of what are properly considered to be the First Families of our community, and

WHEREAS, these First Families and others who came along afterwards principally pursued agriculture as a primary occupation and the history of the Town of Charlton reflects such agricultural heritage and values, and

WHEREAS, the LaRue family became substantial landowners during the course of Charlton’s history and continue today to farm original acreages purchased by their First Family these many years ago and are therefore representative of the Town’s heritage and First Family histories, and

WHEREAS, due to the significant and unique contribution of the First Family LaRue, the Charlton Historical Society is pleased to recognize the contributions made to Charlton by the LaRue family by designating Albert and Linda LaRue as Grand Marshall of the Founder’s Day Parade.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Charlton hereby

designates June 3, 2012, as

“FIRST FAMILIES OF CHARLTON DAY”

in grateful appreciation which these First Families have made to the history and contributions to the residents of the Town of Charlton and in particular to the enhancement of the Town’s agricultural heritage.

So moved and approved by the Town Board on May 29, 2012.

Moved by Councilman Salisbury

Voting: Councilman Gardner Aye
Councilman Lippiello Aye
Councilman Salisbury Aye
Councilman Verola Aye
Supervisor Grattidge Aye

Seconded by Councilman Gardner

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton

Dated: May 29, 2012

Brenda Mills, Town Clerk