

**DRAFT MINUTES
MEETING OF THE TOWN BOARD
OF THE TOWN OF SARATOGA, 12 SPRING ST.,
SCHUYLERVILLE, NY**

**April 8, 2013
7:00 P.M.**

Supervisor Thomas Wood opened the meeting with the Pledge of Allegiance at 7:00 p.m.

Roll call: Ruth Drumm, Town Clerk, called the roll. Supervisor Thomas Wood- present, Councilman Fred Drumm - present, Councilman Charles Hanehan- present, Councilman Michael McLoughlin – present, Councilman James Jennings - present,

Also present: Deputy Town Clerk Linda McCabe, Town Attorney William Reynolds, Zoning Officer Gil Albert, Highway Superintendent Don Ormsby Jr., Tax Collector Jim Gorham, Planning Board Chairman Ian Murray, and many other town residents and interested parties. (The sign-in sheet is on file in the town clerk’s office).

Recognitions/Presentations/ Bid openings/ Public Hearings:

Supervisor Thomas Wood reviewed the “Rules of the Board” pertaining to Public Hearings.

Public Hearing on the Mass Gathering Permits for Saratoga Rowing Association’s Regattas scheduled for April 26th - 28th, May 4th and 5th and May 10th - 12th.

Supervisor Thomas Wood reviewed the measures taken to ensure the public’s safety at the Saratoga Rowing Association’s Regattas. Proof of notice in the *Saratogian* on March 28, 2013 having been provided, Supervisor Thomas Wood opened the public hearing on the Mass Gathering Permits for April 26th - 28th, May 4th and 5th and May 10th - 12th at 7:04 p.m. **No one spoke.**

All persons desiring to be heard, having been heard, the hearing was closed on a motion by Supervisor Thomas Wood, seconded by Councilman Fred Drumm, at 7:05 p.m. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

Public Hearing: Background- Victory Mill Project- Uri Kaufman, Riverview Realty, is proposing an apartment building in the Victory Mill consisting of 98 units. There will be 18 one bedroom apartments, 62 two bedroom, and 18 three bedroom apartments. A Day Care is planned on the first floor for 3 and 4 year olds. He has asked for tax relief under NYS Real Property Tax Law Section 485a. Supervisor Thomas Wood explained that **the law freezes the property taxes at the pre-conversion level for eight years, with a gradual phasing out of the exemption after that so that by year thirteen it is taxed at its fair market valuation.**

Proof of notice in the *Saratogian* on March 28, 2013 having been provided, Supervisor Thomas Wood opened the **public hearing on the adoption of Local Law #1 of 2013 NYS Real Property Law Section 485 a** at 7:07 p.m.

The following spoke in **favor** of adopting Local Law #1 - NYS Real Property Tax Law Section 485a's property tax break for mixed use developers:

Victory Mayor Pat Dewey stated that they have been working on this project for a long time and the NYS Real Property Tax Law Section 485a's property tax break is the only tool available to move it forward. As is, it's a public safety hazard and the project needs to go forward. The majority of the residents of the Village of Victory are in favor of the project. He encouraged the board to vote in favor of the tax break.

At the second opportunity to speak, Pat Dewey stated that the 485a law is only for the town and the school has to pass it also. The town won't need to provide additional services. The mill is a 2 million dollar liability, that's what it would cost to take it down. This is the opportunity to do something.

Mike Phinney, Project Architect, stated that they have been working on the project for almost 9 years, starting when Martin Mittlemark owned the property. He stated that he has seen what Uri Kaufman has done at Harmony Mills that has enhanced the community. He does what he says he will do. Architecturally, the Victory Mill building is a gem and is worth saving and should be preserved. The tax break is important to the project.

At the second opportunity to speak, Mike Phinney stated that this is the vehicle to turn the village around and the local economy.

Uri Kaufman, Riverview Realty LLC, stated that he has been working on the project for 7 years. He stated that the legislature passed the NYS Real Property Tax Law Section 485a for exactly this type of situation, historic preservation. Harmony Mills in Cohoes has brought Cohoes back to life. It is only a temporary tax break for a few short years. There will be construction jobs. High end condominiums are forever while businesses come and go. This project will reduce your tax burden in the long haul. I urge you to approve this tax break.

At the second opportunity to speak, Uri Kaufman stated that Harmony Mills is at 97.5% occupancy. The study's estimate of 41 kids added to the school system is much greater than expected because they used HUD's formula for urban areas. There was not one added from the Harmony Mills project in Cohoes. These are luxury units for the wealthy but those are the people who go shopping and spend money. He stated he has been responsible, the window that broke was fixed, and it's a different window that is out now. He is only asking for eight years at a frozen current tax assessment then it phases into at year 13 its fully assessed. Eight years in the life of a community goes by in the blink of an eye.

Thomas R. Drew Sr. stated that he is for the project.

Thomas McTygue stated that he is for the project as it will improve the village and surrounding areas. He has seen Harmony Mills and what a wonderful project that was. It's a major gamble to come to this area with this project. Cohoes has the whole capital district to draw from. This area will come alive in the next ten years. It will enhance property values and it is a no brainer to provide the tax relief for this project.

At the second opportunity to speak, Thomas McTygue stated that the town should be looking at a moratorium on subdivision developments that add about 2 to 2 ½ children per home to the school district. The home may net \$4,000 in taxes but it costs \$16,399 per student. High end luxury apartments are not what growing families want; they want

houses with yards. You need to encourage something to come here to take the tax burden off the residents.

Dan Carpenter stated that he has wrestled with this so this past weekend he went to Cohoes and talked with the businessmen. They have all said that they have done nothing but prosper since the project. I'm not happy that we won't gain tax revenue but we don't get any less either. As far as the strain on the school district, we need to talk to the county and state legislators to start working on fixing school aide. He stated it would be short sighted of us to say no to Uri.

At the second opportunity to speak, Terri Wolcott stated that she is in favor of the tax break. She stated she is tired of looking at the mill and it's a hazard. The project will bring customers to businesses in Schuylerville. The town will receive the taxes that they are getting now and nothing less. You need to be patient and take a chance, otherwise it will sit there and we'll end up paying for its removal.

At the second opportunity to speak, Bill Lloyd stated that at the Planning Board Conference in Saratoga last January they stated that now is the time for economic development. He urged the board to pass the 485a Law.

The following spoke **against** adopting Local Law #1 - NYS Real Property Law Section 485 a's property tax break for mixed use developers:

Ian Murray spoke on the study or the lack thereof. He stated he is for the redevelopment of the mill but against the Section 485a tax law. He urged the board to deny this. The Section 485a tax law was developed for the revitalization and economic development of urban areas and we are rural not an urban area. The Town of Saratoga is the largest agricultural community in Saratoga County. We do not have the commercial and industrial base to afford a tax break of this magnitude. Our town, village and school districts cannot afford this nor can the residents. What's being sold here tonight is a tax break for 98 luxury apartments that bring in wealthy families and have residents in our community subsidize them. It doesn't make sense. He added that this study would not be accepted by our Town's Planning Board. Uri would not spend \$17,000 for a legitimate study. It was not sufficient in answering our questions. I am against this tax break.

At the second opportunity to speak, Ian Murray stated that there are generalizations in the study. One question was project funding and there is no commitment letter from a bank. Nowhere does it show the 40% historic tax credit and its effect on the cost. That's something that will go right to his bottom line. The study notes that without the tax exemption his return on investment would be 5.75% and with it 9.9%. What is the return on investment to the town residents? There was nothing under impacts to the police, fire or EMS in the study.

Brandon Myers stated that he is also opposed to the granting of the Section 485a tax exemption. Not opposed to the development of the mill but asked the board not to include him and other residents of our town in this. After all the waiting for the Cost of Community Services Study to be done, we got 36 pages sandwiched between two reports that were done months ago. This is not a professional study. The study did say that the tax break was needed to make a 9% return on investment. If he needs it to be 9% he should look at another project. I don't think our tax dollars should be used to improve his return on investment. This community was built on hard work with residents who took risks and didn't ask for subsidies, they just worked hard. It wasn't built with the attitude that if I don't get help and the building catches fire I'll leave the mess for you, the residents, to clean up. It just doesn't make sense to grant this tax exemption.

Gil Albert addressed the issue of the impact on the school and school taxes. Uri stated at a previous agenda meeting that he will be advertising the Schuylerville School system as a very good school. In his study he estimated possibly 41 students could be added to the school system. It costs about \$16,399 per student, which for 41 students comes to \$672,359. State aide pays for approximately half, so it could cost the taxpayers about \$336,000. In the study, it stated that the tax revenue generated after the exemption is phased out would be \$230,900. The burden on the school budget will be over \$100,000, a definite burden on the school system and taxpayers.

At the second opportunity to speak, Gil Albert stated that if he had brought more businesses in besides the day care he might be for it.

Dan McCabe requested that the board deny the Section 485a tax exemption. Requests to the Department of State regarding Fullowitz & Co., Great Neck, NY, the authors of the study, came back with no record of such business. As a resident of the Village of Schuylerville I won't subsidize a project in a village where I don't reside. I do not believe in corporate welfare. This project should only go forward as a privately funded project and not on the backs of taxpayers. He added that each board member has the responsibility to vote in the best interest of all taxpayers in the town, and without an honest and reliable impact study a no vote is the only possible one.

At the second opportunity to speak, Dan McCabe stated that the developer stated this project will not bring families with children, then why is a day care proposed in the project. He added it is too lofty a proposition and it's a Field of Dreams.

Martin Mittlemark stated that he owns 3 acres adjoining the mill property and he would gain financially which means there must be something wrong for him to speak against it. He noted that this is what bothers me about the project, I have looked at the study and it is not a study but a work of fiction, a dream with no reality or economic basis. The study mentions the 98 wealthy families that are coming. They will pay more in rent here than in Saratoga Springs. He added that the board should look at the character of the person we will be in bed with for a number of years and recognize he is an irresponsible landowner. He hasn't even fixed the window that fell out last summer at the mill. He is basically saying it's my way or the highway, so don't be bullied into passing 485a.

At the second opportunity to speak, Martin Mittlemark stated that it is ludicrous to think there are no alternatives to this project.

Craig Sutherland stated that he is not opposed to the project but is concerned about the impact to the school. The residents of that project will bring kids into the school. I'd be in favor of some sort of relief but not this long term relief.

Clarence Fosdick stated he agrees with others that have spoken regarding the study. He stated that he used to review studies and this one doesn't qualify as a study. He felt there would be an impact on the school district that will be costing residents for years before the property pays its full share of the school taxes. There is no due diligence and there is no sound economic basis for this project.

At the second opportunity to speak, Clarence Fosdick stated that the research necessary to make this decision has not been provided. Don't vote for this exemption.

Ryan Sherman, Superintendent of Schuylerville Central Schools, stated that he is neutral but would like to provide the town board with the factual information to help them make their decision. He noted that he hasn't been approached to consider the Real Property Tax Law 485a. They must wait until after the Town acts, although they are not bound to adopt the law in the same manner or to the same extent as the municipality. He added that if the projected 41 additional students were added to the school district it costs \$16,399 per student and \$33,604 if a special needs student were enrolled. The current

school taxes on the property are \$8,200 which doesn't even cover one additional student. For every additional teacher added it would cost about \$68,000 plus benefits, an additional bus run to the project would cost \$28,000 for the bus driver plus the diesel cost. Morgan's Run added 49 students, a similar number to this project's estimate, and resulted in added staff.

At the second opportunity to speak, Ryan Sherman stated that last week the school budget was adopted which was nearly the same as the 2010/2011 budget, the tax levy was up only 1.6%. Since 2010/2011 we have reduced 36.2 positions from administration, faculty and staff, all this with a consistent enrollment of 1,800 students. He stated it is becoming more and more difficult, as with other districts, to maintain the current programs with the increasing costs of fixed expenditures such as health insurance, TRS and ERS contributions that escalate at a higher rate than state aid revenue with the 2% tax cap in place. If you pass this tonight, it is inevitable that the school district will be asked to consider adopting the 485a tax law exemption. The question will be how can we take on the financial burden these next 8 years? It seems the taxpayers are taking all the risk.

Chris Miller encouraged the board to vote no. He stated to enact this law just to increase a developer's profits while it does nothing to help the local economy but bring in more students and pay no additional taxes while the rest of the residents foot the bill, doesn't help. If this tax break goes through what is to prevent every other contractor that comes through to find a loophole to ask for a tax break. The developer that built my house and six other houses on Casey Road did not get tax breaks. Loudon Road had a development put in and the developer gave land to the town for a park, without a tax break. As stated, the study lacks detail and makes me question its validity. There are high end homes much closer to Saratoga Springs that are not selling; what makes him think that people will come closer to Schuylerville, farther away from Saratoga Springs, the Northway, shopping and job opportunities. He stated he is for growth in the town and villages but tax breaks should be for companies that bring in jobs not for helping the developer make more money on the backs of the taxpayers.

At the second opportunity to speak, Chris stated that there are condos being built in Saratoga Springs, Malta, everywhere and the common theme is they are near what is already there, malls, restaurants etc. Maybe once all the surrounding cities and towns are built out then they may come here, but not now. This would increase the Villages population by 33% and the towns by 4%, a burden will be placed on police, fire and EMS that the taxpaying residents will be paying for.

Bob McConnell urged the board to vote no. He stated that he used to commute by Harmony Mills and it is nice. They have 300,000 people to draw from and we do not. People have stated it's a major gamble and I don't like major gambles with my money.

At the second opportunity to speak, Bob McConnell stated that we have heard from the Superintendent of SCS giving us the facts regarding the extra costs to the school district and then the developer that says there is not going to be any. He added that he hopes that this is not representative of everything he has been telling us.

Wendy Lukas stated her issue is with the study. It is under a made up company name and is very inconsistent. She also stated that the 485a exemption law was meant for urban revitalization and there are no urban zoning districts in our town. She noted that if the town passes the law the school district still doesn't have to pass it. She also questioned the success of a Day Care in the basement which is the business part of the project.

At the second opportunity to speak, Wendy Lukas asked the board to vote against the 485a Law and not just for this project but for any other developers that may come along.

Kathy Fields stated she is against the tax exemption because we have no industry or concentration of people to absorb the additional taxes. She said that her taxes are high enough and even \$5 more a month in taxes is too much because this just allows the builder to make more money and I don't want to be a party to subsidizing that.

Dan Gale, Town of Northumberland Deputy Supervisor and Town Councilman, stated he is for responsible development. He noted that this project reaches farther out than just the Town of Saratoga. The residents in the Town of Northumberland pay a lot of school taxes and I am concerned about the tax impact on its residents.

Sean Kelleher stated that with 2 children in kindergarten, the 8 years of tax breaks which would result in less revenue for the school could impact the opportunities provided to the students due to more kids with less revenue. He added 8 years is a lifetime for a kid in school.

Laurie Griffen stated that as a business owner in this town she understands what it takes to build this project but to ask for others to subsidize is a little much. She added that you look to the premise of the 485a law for tax exemption on mixed commercial uses. Since there is very little commercial proposed in this project you have to wonder what the benefits would be.

Jim Sullivan stated that when this project came to the Village of Victory's board there was no study provided although I wish there had been one. Now that a study has been done or a sort of study, I would probably vote no and I encourage the town board to vote no.

All persons desiring to be heard, having been heard, the hearing was closed on a motion by Supervisor Thomas Wood, seconded by Councilman Fred Drumm, at 8:08 p.m. Supervisor Thomas Wood - aye, Councilman Fred Drumm - aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin - aye, Councilman James Jennings - aye. Carried 5 - 0.

A motion by Supervisor Thomas Wood and seconded by Councilman Charles Hanehan to change the order of business by moving #18 Old Business up to #4, following Public Hearings, was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm - aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin - aye, Councilman James Jennings - aye. Carried 5 - 0.

A motion by Councilman Fred Drumm and seconded by Councilman James Jennings to remove the Resolution #13- 50 to Adopt Local Law #1 of 2013 NYS Real Property Tax Law 485a from the table was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm - aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin - aye, Councilman James Jennings - aye. Carried 5 - 0.

Supervisor Thomas Wood then asked for board discussion on **Resolution #13-50 Local Law #1 of 2013 NYS Real Property Tax Law 485a.** The purpose is to afford and provide an exemption from general municipal taxes for developers and building owners to convert non-residential real property to residential housing units and commercial mixed uses. He explained that the law freezes the property taxes at the pre-conversion level for eight years, with a gradual phasing out of the exemption so that by year thirteen it is taxed at its fair market valuation.

Councilman James Jennings stated that regarding the wealthy renting the luxury apartments when he visited Harmony Mills he didn't see any wealthy people and he

didn't see any Cadillac's or high end cars in the parking lot. He said that he doesn't believe that there will be an influx into the school district, not from what he saw down there. He stated that there is a potential for the need for Day Care in the neighborhood as his own son and daughter had to travel to Stillwater for Day Care for their 3 year old. He added that the study noted that the project will have no affordable housing components and will be exclusively luxury apartments. He feels that this project will be a kick start to get the economy moving in this area.

Councilman Charles Hanehan stated that Uri Kaufman needs to do a real study, this one doesn't help and doesn't qualify as due diligence. Not nearly enough of our questions were answered. **Uri Kaufman asked Supervisor Thomas Wood if he could respond. The board allowed Uri to respond.** Uri Kaufman stated that Michael Fuller of Fullowitz & Co. who prepared the study is a very impressive man, a managing director at NAI, a global commercial real estate service, who did a market study for Leitner Group, the gold standard for marketing and appraisals, a couple of years ago. He is now under his own company but he didn't file the Affidavit of Publishing that costs about \$1,000 and I assume he has a DBA. This project has been studied at length and got Village Planning Board approval. A SEQR was done looking at traffic, fire and police. The building will have a full sprinkler system; it will be the safest building in town. This town will still realize sales taxes and mortgage recording taxes to help the community.

Councilman Michael McLoughlin stated that he was in favor of the project but leery of some of the answers provided.

Supervisor Thomas Wood stated that he has no objections to the project but he does object to implementing the Section 485a Law that was written for developing inner cities that were experiencing urban decay. This would then stimulate projects that would then in turn stimulate other development within the inner city. He also stated that cities have the opportunity on their own to initiate pilot programs for tax breaks as did the City of Cohoes with Harmony Mills. Here in Saratoga County we have the IDA where they can provide a pilot project which has a five year tax break rather than the 8 to 13 years. The Harmony Mills project did not put kids in the public school, they went to private schools. We don't have an abundance of private schools in this area compared to the capital district. This is primarily a residential project, not a job creator as with Global Foundries. He encouraged Uri to seek other approaches. He could try for sales tax and mortgage recording tax exemptions from the Saratoga County IDA. Sonny Bonacio, a Developer in Saratoga Springs, has received IDA help but their projects are more commercial than residential.

Councilman Michael McLoughlin stated that it appears that the school district will not follow with a tax break. The town's tax is the smallest of all involved.

Uri Kaufman stated if the project went forward in approximately 13 months the first floor would be done and tenants would be sought. He stated that at 16 months it should be fully completed. He stated it would remain rentals for 6 to 7 years out and then converted to condominiums at year 7, which would be for sale.

Councilman Charles Hanehan asked Uri Kaufman if the town approved the exemption and the school district did not, would the project still be viable. **Uri Kaufman** answered probably not.

A motion was made by Councilman Michael McLoughlin and seconded by Councilman James Jennings to lay Resolution #13-50, Adoption of Local Law #1 of 2013 NYS Real Property Tax Law 485a back on the table. Roll call vote: Supervisor Thomas Wood - no, Councilman Fred Drumm – no, Councilman Charles Hanehan – no, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Defeated 2 – 3.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following Resolution #13-50, Adoption of Local Law #1 of 2013 NYS Real Property Tax Law 485a was defeated by roll call vote: Supervisor Thomas Wood - no, Councilman Fred Drumm – no, Councilman Charles Hanehan – no, Councilman Michael McLoughlin – no, Councilman James Jennings – aye. Defeated 1 - 4

WHEREAS, the Town Board of the Town of Saratoga has held a public hearing and received input from the townspeople; now therefore be it

RESOLVED, by the Town Board of the Town of Saratoga to adopt **Local Law #1 of 2013 Amending the Code of the Town of Saratoga by adding Chapter 375, Article V, to be entitled “Exemption for Residential-Commercial Development”**. (Local Law #1 of 2013 is attached.)

Local Law Filing

NEW YORK STATE

DEPARTMENT OF STATE

41 STATE

STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Saratoga

Local Law No. 1 of the year 2013

A local law amending the Code of the Town of Saratoga by adding Chapter 375, Article V, to be entitled “Exemption for Residential-Commercial Development”.

Be it enacted by the Town Board of the (Name of Legislative Body)

Town of Saratoga as follows:

The Code of the Town of Saratoga is hereby amended in the following respects:

Section 1 – Exemption for Residential-Commercial Development

Chapter 375 is amended to add a new Article V as follows:

375-14 - PURPOSE.

The purpose of this local law is to afford and provide an exemption from general municipal taxes for developers and building owners to convert non-residential real property to residential housing units and commercial mixed uses in accordance with New York State Real Property Tax Law § 485-a.

**375-15 –
AUTHORITY and
DEFINITIONS.**

This local law is adopted pursuant to New York State Real Property Tax law § 485- a (2), which expressly authorizes the Town of Saratoga to enact a local law providing for such exemption. The definition of terms in Sec. 485-a shall apply to the provisions of this local law.

**375-15 - EXEMPTION
GRANTED.**

Beginning with assessment rolls prepared on the basis of taxable status dates occurring on or after March 1, 2013, pursuant to New York State Real Property Tax Law § 485-a, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies levied. For a period of twelve years from the approval of an application, the increase in assessed value of such property attributable to such conversion shall be exempt as provided below. Such exemption shall be computed with respect to the "exemption base." The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value. Such exemption shall be computed in accordance with the following table:

Year of Exemption	Percentage of Exemption
1-8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

375-16 – EXCLUSIONS FROM EXEMPTION.

A. No such exemption shall be granted unless such conversion was commenced subsequent to the date on which this Local Law takes effect; and the cost of such conversion exceeds the sum of \$10,000,000.

B. For purposes of this section the term "conversion" shall not include ordinary maintenance and repairs.

C. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except where, during the period of such previous exemption, payments in lieu of taxes or other payments were made in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this Local Law. In such case, an exemption shall be granted for a number of years equal to the twelve-year exemption granted pursuant to this Local Law less the number of years the property would have been previously exempt from real property taxes.

375-17 - TIME TO FILE AN APPLICATION FOR EXEMPTION.

Any exemption pursuant to this Local Law shall be granted only upon application by the owner of such real property on a form prescribed by the State Board of Real Property Services and the Town of Saratoga. Such application shall be filed with the Assessor of the Town of Saratoga on or before the taxable status date of March 1.

375-18 - RECORD OF EXEMPTION.

If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this Local Law, he or she shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this Local Law commencing with the assessment roll prepared after the taxable status date of March 1. The assessed value of any exemption granted pursuant to this Local Law shall be entered by the assessor on the assessment roll for the taxable property, with the amount of the exemption shown in a separate column.

Section 2 – Effective Date

This local law shall take effect immediately.

Approval of Minutes: A motion was made by Councilman Charles Hanehan and seconded by Councilman James Jennings to accept the minutes of the March 11th regular meeting as written.

Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

Town Clerk's report for March 2013: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$84.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$0. Fees paid to the New York State Health Department for Marriage licenses \$22.50. Dog license fees to Supervisor Thomas Wood \$366.00. Clerk fees to Supervisor Thomas Wood \$38.00. Total State, County, and Local Revenues received were \$510.50.

Zoning Officer's report for March 2013: 6 Building Permits, 3 Building Permit Renewals, 8 Building Inspections, 3 Certificates of Occupancy, 0 Fire inspections, 0 Complaints, 1 Order to remedy, and 4 misc. appointments. A check for \$1,582.50 was given to Supervisor Thomas Wood.

Dog Control officer's report for March 2013: The report was read by Supervisor Thomas Wood: answered 18 complaints, took 1 dog to the shelter, 1 bite case, issued 12 warnings, 1 summons was issued, and traveled 92 miles.

Town Court report for March 2013: The following were closed: 62 Vehicle & Traffic, 13 Criminal/Penal Law, 2 DEC/ENCON, 1 Dog case, 0 DWI, 0 Town & Village Ordinances, 2 Small Claims/Civil, 4 Eviction, 1 Bench trial, 1 (case transfers) Divestiture Form sent to County Court, 0 Defendants sentenced to probation, 0 hours of community service issued, 0 days of jail time issued, 3 Orders of Protection issued, and \$9,022.00 in fees were paid to the NY State Comptroller.

Tax Collector's report: Tax Collector Jim Gorham reported that he has collected \$2,797,689.34 through April 1, 2013, on 2,759 parcels. He stated that an additional \$6,145.57 in penalties and \$266.00 in fees were collected. On April 4th, the books were turned over to the Saratoga County Treasurer.

Historian's report: Sean Kelleher submitted the following April report: The Historian's office is working with the Saratoga County Historian to recognize the Town's 225th Anniversary at the April Board of Supervisors' meeting.

The next meeting of the Heritage Hunters of Saratoga County will host their 2nd annual History Faire on Saturday, April 20, 2013 at the Cornell Cooperative Extension Center, 50 West High Street, Ballston Spa, from 9 am to 1 pm. The Historian's office will have a table at the faire.

The speaker will be Bob Jones, from Skidmore College. The Old Saratoga Historical Association will meet on Thursday, April 25 at 7:30 pm at the Town Hall. Please come and share your memories of the Green Sabres Marching Band.

Assessor's report: Victoria Hayner submitted the following: March was a busy month in the Assessor's Office. We spent the month evaluating our Assessment roll. The various tasks required for update were adding exemptions, reviewing building permits and making sure valuation on completed as well as partially completed projects is updated as best as possible.

The first two weeks in April will be spent getting all things ready for submitting the Tentative Roll for 2013 to the County for reproduction. We anticipate receiving the 2013 roll by May 1st at which time it will be available for public inspection.

In regard to the news reports regarding STAR exemption please be advised that for this year, all people who were receiving the exemption are fine. Changes will be put into place for the 2014 assessment roll and NYS has informed us that they will be handling the verification process they are requesting. We will keep you and the town property owners informed when we receive information regarding the new process. This verification will NOT affect those receiving Senior STAR. Those property owners will still have to renew annually as they have been doing.

Highway Superintendent's report:

- ❖ Have been doing roadside cleanup of limbs and storm debris.
- ❖ Culvert cleanouts from soil blockage.
- ❖ Pothole patching is ongoing.
- ❖ Tractor mowers scheduled maintenance has been done.
- ❖ Truck 10 had front calipers and brakes replaced.
- ❖ Have had minor truck repairs
- ❖ Addressed 6 storms 3 for sanding & 3 for plowing
- ❖ We had a training and safety course on work zone traffic control put on by the Cornell local roads program at our shop with 26 attendees from the surrounding area.
- ❖ The crew is now on 10 hour days, Monday through Thursday.

Supervisor's report: MARCH 2013

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand MARCH 1	\$ 1,181,490.65
MARCH Revenues	+ 17,598.28
MARCH Disbursements	<u>- 53,276.25</u>
Balance MARCH 31	\$ 1,145,812.68

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand MARCH 1	\$ 923,109.77
MARCH Revenues	+ 1,262.15
MARCH Disbursements	<u>- 2,968.23</u>
Balance MARCH 31	\$ 921,403.69

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand MARCH 1	\$1,049,486.55
MARCH Revenues	+ 85,644.17
MARCH Disbursements	<u>- 76,457.85</u>
Balance MARCH 31	\$1,058,672.87

SCHUYLER PARK CAPITAL PROJECT MARCH 31	\$ 113,335.48
YOUTH RECREATION & SERVICE MARCH 31	\$ 1,689.72
HIGHWAY EQUIPMENT RESERVE MARCH 31	\$ 12,874.51
BUILDING RESERVE MARCH 31	\$ 42,437.53
SCENIC BY WAYS GRANT MARCH 31	\$ 310.49
PARK RESERVE MARCH 31	\$ 51,956.55
CDBG2 FUND MARCH 31	\$ 0.00

- ❖ **Sales Tax Received – March 2013 - \$85,119**
- ❖ **Mortgage Tax – February 2013 - \$11,170**

Public comments on agenda items: **Dan McCabe** addressed the board regarding Resolution#13-60 Rejection of Agenda 21 Principals. He asked the board for their vote to reject the plan and send a clear message to Albany.

Committee reports:

Landfill: No report.

Insurance: No report.

Youth: No report.

Senior Citizens: Councilman James Jennings reported that the Old Saratoga Seniors met on March 20th with 44 members attending. Vickie Young brought 12 students to play for the group. A trip to PA is planned. They met again on April 3rd and played Bingo. A trip to Turning Stone Casino is scheduled for May.

Park Committee: **Laurie Griffen** reported that the official opening of the park is this Saturday, April 13th. The OSAA will have a work day to clean up the softball and baseball fields. The park will be ready for use next week for games and practices. The schedule is on the website. The irrigation system is scheduled for start up. A few repairs on the field and wood chips for the playground area have been completed. The pavilion is being used for birthday parties. They will be adding picnic tables and eventually a concession stand or pavilion at the west end of the park. A track may be added around the perimeter of the park. The RFP for maintenance of the fields for the full season has been advertised. There will be soccer camps held this summer at the park. The fundraiser that was held at Longfellows Restaurant in March raised \$10,000. We are looking forward to another great year. Laurie thanked the board for their support.

Office of Emergency Management: **Sherry Doubleday** reported the P.A.D. Program Standard Operating Procedures have been sent to the Department of Health for approval. Sherry noted that she attended the Office of Emergency Management meeting Thursday, April 4th at the training center in Ballston Spa. Matt Burns from the American Red Cross was the guest speaker. He discussed the 4 different kinds of shelters and what they can and can't do. He noted how important it is to have discussions regarding going to neighboring shelters when area shelters are filled to capacity. We will receive copies of the power point program for review.

Last Saturday morning I met with Tom Rinaldi who is the Town of Stillwater's Emergency Manager. He will be assisting me in setting up a more fine tuned committee and more exact town plan with appendixes. His background is plentiful. He is the retired Deputy Director of the NYS Office of Emergency Management and also is an emergency manager consultant for NY City. The three most important words are Coordination, Cooperation and Communication. He thought my Reverse 911 Event Reports were a good idea.

We won't be doing a program for air conditioners or heaters because of liability.

On a motion by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin the following **Resolution #13-53 – Granting Mass Gathering Permit #2 of 2013- SRA Regatta, May 4th & 5th** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town Board of the Town of Saratoga has received and reviewed the application for a Mass Gathering Permit by the Saratoga Rowing Association for the Section 2 Championships as follows:

Permit #2: Saratoga Rowing Association
543 Union Avenue
P.O. Box 750
Saratoga Springs, NY 12866
Contact: Christopher Chase, Regatta Director

Rowing Regatta, on Saturday, May 4th and Sunday, May 5th at Fish Creek, Saratoga Lake with approximately 1,500+/- people attending over the three day event; and

WHEREAS, the required information has been submitted, as required by Local Law #2 of 2006, and

WHEREAS, the Town Board of the Town of Saratoga has held a public hearing on April 8, 2013 for input by interested persons, and

WHEREAS, the event is desirable for the town, therefore be it,

RESOLVED, by the Town Board of the Town of Saratoga that the permit is granted conditional upon the Town of Saratoga receiving a Certificate of Insurance for the above event naming the Town of Saratoga as additional insured in the amount of \$2 million, at least 5 business days prior to the event; that the event is found to be in compliance with the NYS Department of Health regulations of Chapter 1, Title 10, Part 18 by the NYS DOH when required; and that the review of the information required by Local Law #2 of 2006, Section 3 is found to be adequate.

On a motion by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin the following **Resolution #13-54 – Granting Mass Gathering Permit #3 of 2013 – SRA Regatta, May 10th – 12th** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town Board of the Town of Saratoga has received and reviewed the application for a Mass Gathering Permit by the Saratoga Rowing Association for the NYS Championships as follows:

Permit #3: Saratoga Rowing Association
543 Union Avenue
P.O. Box 750
Saratoga Springs, NY 12866
Contact: Christopher Chase, Regatta Director

Rowing Regatta, on Friday, May 10th through Sunday, May 12th at Fish Creek, Saratoga Lake with approximately 8,500+/- people attending over the three day event; and

WHEREAS, the required information has been submitted, as required by Local Law #2 of 2006, and

WHEREAS, the Town Board of the Town of Saratoga has held a public hearing on April 8, 2013 for input by interested persons, and

WHEREAS, the event is desirable for the town, therefore be it,

RESOLVED, by the Town Board of the Town of Saratoga that the permit is granted conditional upon the Town of Saratoga receiving a Certificate of Insurance for the above event naming the Town of Saratoga as additional insured in the amount of \$2 million, at least 5 business days prior to the event; that the event is found to be in compliance with the NYS Department of Health regulations of Chapter 1, Title 10, Part 18 by the NYS DOH when required; and that the review of the information required by Local Law #2 of 2006, Section 3 is found to be adequate.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following **Resolution #13-55 – Extending Construction of the Saratoga Country Inn PUD until May 12, 2015** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanahan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, on February 14, 2005, the Town Board of the Town of Saratoga granted final approval for the Saratoga Country Inn PUD, by amending the Zoning Ordinance of the Town, and

WHEREAS, Article X, Section 3(J) of the Zoning Ordinance provides that approval for a PUD development project shall become null and void if construction has not begun within two years of the Town Board approval, and

WHEREAS, due to circumstances beyond control of the owner and applicant, said construction work has not begun as planned, and for good cause shown to the Town Board, it is therefore

RESOLVED, that there is hereby granted an extension of time until May 12, 2015 within which construction work must begin for the Saratoga Country Inn PUD and such construction must be completed on or before eighteen (18) months of issuance of the first building permit, and it is further

RESOLVED, that if the aforesaid time limitations are not met, then the approval for this development project shall become null and void.

On a motion by Supervisor Thomas Wood and seconded by Councilman Michael McLoughlin the following **Resolution #13-56 – Support of the Champlain Canalway Trail** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanahan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

The Town of Saratoga agrees to work collaboratively with regional waterfront municipalities to create a Champlain Canalway Trail (CCT) spanning more than 70 miles from Waterford, N.Y. to Whitehall, N.Y.

WHEREAS, The CCT is one of four in New York State's Canalway Trail System and is the second longest (Erie/365 miles, Oswego/37 miles, Cayuga/Seneca/22 miles); and

WHEREAS, when completed, Whitehall, N.Y. will link the CCT with Lake Champlain bicycle trails and become the natural gateway to and from

Canada along the NYS Canalway Trail System and Waterford, N.Y. will link to the Erie Canalway Trail leading across N.Y.S. to Buffalo; and

WHEREAS, The CCT can play an integral role in improving the health and well-being of people living in and around the community by providing a close-to-home place for physical activity; and

WHEREAS, The CCT will increase levels of safety by providing transportation alternatives; and

WHEREAS, The CCT will provide Trail connections to the waterfront and downtown area, supporting economic revitalization efforts; and

The CCT will strengthen a corridor-wide identity linking historic, recreational and economic resources; and

WHEREAS, Taking a coordinated, partnership approach to the CCT Action Plan will help position communities to obtain trail funding while minimizing competition with each other. Increased coordination and support between communities will help complete the entire Trail, ensuring that all Champlain Canal communities capture the full range of benefits for local residents, visitors, and businesses; now

THEREFORE, the Town of Saratoga in the State of New York resolves the following:

To endorse the concept of the CCT as set forth in the Action Plan, participate in collaborative planning and implementation efforts for the CCT and appoint a representative who will actively serve on the Champlain Canalway Trail “Working Group” and report CCT progress regularly to the Town of Saratoga.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #13-57 – Lease amendment – Community Development Resources** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye.
Carried 5 – 0.

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously; and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration; it is hereby

RESOLVED, that approximately 394 square feet of space in the north wing, second floor of the Town Hall, Suite 203, Room 1W-A, 1W, and 2W be leased to Community Development Resources with terms to be set forth under a form of lease agreement presently in use for other business tenants in the Town Hall; and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form; and it is further

RESOLVED, that the present lease of Michelle DeGarmo, Community Development Resources, be terminated by mutual agreement.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following **Resolution #13-58 Lease – Chris Vanderhoof-Adirondack Advocacy** was adopted by vote: Supervisor Thomas Wood - aye,

Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye.
Carried 5 – 0.

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously; and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration; it is hereby

RESOLVED, that approximately 476 square feet of space in the north wing, second floor of the Town Hall, Suite 203, Room 2E, 5W, 7W and 8W be leased to Adirondack Advocacy with terms to be set forth under a form of lease agreement presently in use for other business tenants in the Town Hall; and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman Michael McLoughlin and seconded by Councilman Charles Hanehan the following **Resolution #13-59 Lease – Thomas Gorsky – 5 acres land** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

WHEREAS, the Town of Saratoga has 5 +/- acres of agricultural land at 213 Rt. 32 S, Schuylerville, next to the Town of Saratoga’s Highway Garage, that is currently not needed for town purposes; and

WHEREAS, the Town Board desires to lease such excess land for fair and adequate consideration and proposals for annual leasing have been received; it is hereby

RESOLVED, that 5 +/- acres of agricultural land at 213 Rt. 32 S, Schuylerville, next to the Town of Saratoga’s Highway Garage be leased to **Thomas A. Gorsky Jr., Gorsky Farm, 16 Putnam Rd., Stillwater, NY 12170** for two years at \$325.00 per year and other terms to be as set forth under a form of lease agreement; and it is further,

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

On a motion by Councilman Charles Hanehan and seconded by Councilman James Jennings the following **Resolution #13-60 – Rejection of Agenda 21 Principals** was adopted by vote: Supervisor Thomas Wood - abstained, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the United Nations held an earth summit in 1992, created a program known as Agenda 21, coined a term called “sustainable development”; and

WHEREAS, President Bush, Clinton, and Obama have actively promoted the “Agenda 21” program by signing international agreements and implementing executive orders; and

WHEREAS, Governor Cuomo, has developed regional sustainability plans designed to implement “Agenda 21” concepts and undermine local authority; and

WHEREAS, these regional sustainability plans undermine the property rights of Town of Saratoga residents by exposing our town to regulations derived by unelected regional administrations; and

WHEREAS, these regional sustainability plans have characterized towns like Saratoga as “urban sprawl” and desire us to abandon our rural lifestyle and property for densely populated urban centers; and

WHEREAS, these regional sustainability plans promote “environmental justice” where rural residents are criticized for their ownership of rural lands and for their use of energy and resources; and now be it

RESOLVED, that the Town Board of the Town of Saratoga adopt this resolution in full support of protecting the environment in our town including our lake, streams and air by conserving resources, recycling, adopting local land use zoning; and be it further

RESOLVED, that we are not willing to have unelected officials infringe on our Liberties and weaken the property rights of residents of the Town of Saratoga; and be it further

RESOLVED, that the Town Board of the Town of Saratoga believes in “home rule” and the autonomy of town government; and be it further

RESOLVED, that the Town Board of the Town of Saratoga rejects the concept of “regional government” and the implementation of Agenda 21 principals; and be it further

RESOLVED, that we call on Governor Cuomo to abandon these regional plans which bypass the state, county and town governments and work all environmental issues through our duly elected State, County and Town Elected Officials; and be it further

RESOLVED, that we urge the Saratoga County Board of Supervisors to draft a Resolution withdrawing from the capital regional sustainability plans; and be it further

RESOLVED, that we urge the Saratoga County Board of Supervisors to withdraw from the regional sustainability plan executive committee; and be it further

RESOLVED, that we ask the Saratoga County Board of Supervisors to support reasonable environmental initiatives implementing them utilizing the elected officials at the town, county and state level not regional councils; and be it further

RESOLVED, that a copy of this resolution be sent to the Saratoga County Board of Supervisors, our elected state leaders and Governor.

Communications:

- ❖ Invitation to the Board to participate in the Post #278 Olde Saratoga American Legion **Memorial Day Parade** on Monday, May 27th at 9:00 a.m.
- ❖ **Senator Kathy Marchione’s “Listening Tour”** will be held at the town hall on April 10th at 7 p.m.

Privilege of the floor: No one addressed the board.

Upcoming meetings:

- ❖ **Agenda meeting – Thursday, May 9, 2013 at 7:00 p.m.**
- ❖ **Regular town board meeting – Monday, May 13, 2013 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #13-61 Approving the payment of bills in Abstract 4G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye Carried 5 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills listed in Abstract 4G (04/08/2013) in the following amounts:

General Fund A	Voucher No. 124 through 166	\$ 21,670.47
General Fund B	Voucher No. 14 through 17	\$ 241.16
Highway DB	Voucher No. 71 through 92	\$ 17,969.38
Schuyler Park H	Voucher No. 5	\$ <u>109.20</u>
	Grand Total	\$ 39,990.21

A motion to adjourn at 10:17 p.m. was made by Councilman James Jennings and seconded by Councilman Charles Hanehan. Supervisor Thomas Wood – aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye Carried 5 – 0.

Respectfully Submitted,

Ruth Drumm
Town Clerk