

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

**Thursday, December 5, 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:** Town Attorney William Reynolds, Zoning Officer Gil Albert, Justice Jack Ditch, Justice Tim Williams and Thomas R. Drew Sr, Attorney Kurt Mausert, and Daniel Waldron

**Presentations:**

**Justice Tim Williams and Justice Jack Ditch addressed the board** regarding Jack Ditch's resignation and the need for the appointment of a justice to fulfill Justice Ditch's term through the end of the year. At the November 2014 election, a justice will be elected for a four year term.

**Supervisor Thomas Wood reported that there are three options for the board to consider.**

- ❖ **The first is to do nothing until the next election. Justice Tim Williams stated** he could cover both positions for a few months but it would be difficult for the whole year. The workload does necessitate the need for two justices.
- ❖ **The second is to appoint immediately.** A new appointee would need to complete a 6 day training session in order to take the bench. The next training session starts Monday, December 9<sup>th</sup>. It would require action to be taken tonight. The next session after December's would start March 31<sup>st</sup> through April 6<sup>th</sup>, 2014.
- ❖ **The third would be to appoint an attorney, January 1<sup>st</sup>,** as the training is waived for attorneys.

**Supervisor Thomas Wood stated that two candidates have come tonight with interest in the justice position, Attorney Kurt Mausert and Daniel Waldron.**

**On a motion by Supervisor Thomas Wood and seconded by Councilman Charles Hanehan to enter into executive session at 8:04 p.m. regarding the appointment of a town justice** and an invitation to Town Attorney Bill Reynolds and an invitation to candidates Daniel Wadsworth and Attorney Kurt Mausert to attend separately 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.

**On a motion by Councilman Charles Hanehan and seconded by Councilman James Jennings to end the executive session at 8:30 p.m.** 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. **No board action was taken.**

**The board decided that it would be hasty to act tonight and to advertise the position, interview candidates and appoint in March so that the required training could be obtained or sooner if the preferred candidate is an attorney.**

**Zoning Officer Gil Albert reported** regarding the zoning issue with Richard Best at Saratoga Lake. An agreement was reached that Richard Best would remove the fill 10' back from the Lake. It was estimated to be completed by the end of January.

**Zoning Officer Gil Albert then reported** that there has been a problem with the clear cutting of trees by a contractor hired by the developer of the Brown Road PUD. Approximately one-half acre of trees was cut from a neighbor's property. Gil issued a Stop Work Order. The neighbor is contacting a land attorney for recourse.

Zoning Officer Gil Albert added that the Brown Road PUD may be abandoned and they would then apply to the planning board for a major subdivision.

**Board Discussion on the following items:**

❖ **Supervisor Thomas Wood gave tenant updates:**

Tenant Update – Drug Lab wishes to renew their one year lease; Roohan Realty's Robin Dalton sent a letter with copies of advertisements for the town's office spaces. It was noted that smaller spaces rent faster and that the town may want to install portable walls to reduce the size of the available larger offices.

❖ **Goals** – the board reviewed the 2013 goals and are identifying goals for 2014 to be discussed at the January meeting.

**Old business:**

- ❖ **Hoogeveen PDR** – Closing before the end-of-year – Town has received \$987,268.
- ❖ **ERSI**- it was decided to pay ERSI \$4,500 of the \$9,000 that they have billed us for their work performed at the old highway garage.

**New business:**

On a motion by Councilman Michael McLoughlin and seconded by Councilman Charles Hanehan the following **Resolution #13-113 Support for the Pilot Program through the IDA for the Victory Mill/ Public Hearing December 9<sup>th</sup> at 8:00 a.m. at the Victory Village Hall** 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 Mill in Victory has been abandoned for several years; and

*WHEREAS*, Riverview Realty, LLC, 90 State Street Albany, NY 12207 has applied to The Saratoga County IDA (the agency) and requested that the Agency undertake a project (the "Project") consisting of (a) the acquisition of an interest in an approximately 6.57 acre parcel of land located at 42 Gates Avenue in the Village of Victory, Town of Saratoga, Saratoga County, New York (the "Land"), (b) the reconstruction thereon of an approximately 220,000 square foot building (the "Facility") to constitute 98 residential rental units together with a pre-school, and (c) the acquisition and installation therein of certain machinery and equipment (the "Equipment"

and together with the Land and the Facility, the Project Facility”). The total cost associated with the acquisition, construction and installation of the Project Facility is presently estimated to equal \$26,056,000; and

**WHEREAS**, the Agency is considering whether to undertake the Project and to finance the Project by executing; and delivering a mortgage or mortgages (the “Mortgage”) to secure a borrowing or borrowings by the Applicant (the “Loan”) in an aggregate principal amount sufficient to finance all or a portion of the cost of the acquisition, reconstruction and installation of the Project Facility and the cost of the Loan, which principal amount is currently estimated to be approximately Twenty Five Million and 00/100 Dollars (25,000,000); and

**WHEREAS**, If the application is approved, (A) the Project may be granted such exemptions with respect to state and local sales tax, mortgage recording tax and real property taxes as are applicable to commercial service facilities as set forth in the Agency’s Uniform Tax Exemption Policy adopted on March 11, 1999, as amended, subject to deviation as provided therein, (B) the Project Facility will be acquired, reconstructed and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Applicant or its designee pursuant to a project agreement (the “Agreement”), (C) the Applicant will be the initial user of the Project Facility, and (D) the Mortgage will be a special obligation of the Agency payable solely out of certain of the proceeds of the Agreement and certain other assets of the Agency pledged to the repayment of the Loan; and

**WHEREAS**, the Saratoga County Industrial Development Agency is considering an application from Riverview Realty, LLC for financial assistance for a project that involves the reconstruction of the vacant Victory Mill at 42 Gates Avenue in the village of Victory into 98 residential rental units and a daycare/preschool facility. The total project cost is estimated at twenty six million dollars (\$26,000,000); and

**WHEREAS**, a public hearing on the project has been scheduled for December 9, 2013, at 8:00 a.m., at the village hall in the Village of Victory. The financial benefits under consideration include the granting of abatement on NYS sales tax on materials, supplies, tools, equipment and services to be used in the construction or equipping of the facility. In addition, the Agency is considering a deviation of its Uniform Tax Exemption Policy, which would provide for an annual Payment in Lieu of Property Tax, for the property structured as follows: for the first two (2) years during the construction period the project would pay property taxes based on the assessed value of the property; from year three (3) to and including year seven (7) the project would make annual PILOT payments of \$147,000; from year eight (8) through ten (10) the project would pay property taxes based on a percentage of the existing assessment at that time at the following rates: 50%; 70% and 90%; thereafter, the project will make annual payments based on full value assessment; and

**WHEREAS**, all payments made to the Agency under a future PILOT Agreement would be redistributed to the local tax jurisdictions on a prorated basis based on the percentage of their respective tax rates to the cumulative tax rate for the property and the proposed deviation is under consideration because the proposed tax abatements are a necessary inducement to offset the significant cost associated with the reconstruction of the obsolete and abandoned mill property into a viable economic use and it is also anticipated that the future economic benefits to the community and local tax revenues generated will be substantial and would justify the granting of tax abatements over the short term; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Saratoga supports the application as submitted and encourages the Saratoga County IDA and to approve the application.

On a motion by Councilman Michael McLoughlin and seconded by Councilman James Jennings the following **Resolution #13-114 – Authorizing Application for a Federal Lands Access Program (FLAP) Grant Application** 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 is interested in advancing the developments of trails; and

**WHEREAS**, the Federal Highway Administration has established a grant program known as the Federal Lands Access Program to provide competitive grants for the development of projects that provide access to federal lands; and

**WHEREAS**, the amount of grant money requested is \$600,000; and

**WHEREAS**, the Town Board agrees on the Local Share 20 percent (20%) match and now therefore be it

**RESOLVED**, that the Town Board of the Town of Saratoga authorizes the LA Group to complete the **Federal Lands Access Program (FLAP) Grant** application on behalf of the Town of Saratoga.

**Ethics Review**- the board will review other municipalities' ethics policies over the next few months with the goal to update the town's present policy.

**Sample Law for Prohibiting Dangerous Weapons in Town Buildings**- the board discussed the sample law and decided not to adopt a law at this time.

#### Communications

- ❖ **The Governor announces the Home Energy Assistance Program (HEAP) can be applied for starting November 18<sup>th</sup> at [www.myBenefits.ny.gov](http://www.myBenefits.ny.gov), 1-800-342-3009.**
- ❖ **State of New York Dept. of Transportation notification that Rt. 29 from Humiston's east is now posted 45 m.p.h.**
- ❖ **Invitation by the Schuylerville Community Theater to the town board to attend the Lighting Ceremony of the Memory Trees, Friday, December 6<sup>th</sup> at 6:00 p.m. at town hall.**

**Privilege of the floor:** Thomas R. Drew Sr. addressed the board.

A motion to adjourn was made at 9:18 p.m. by Councilman Charles Hanehan and seconded by Councilman James Jennings. 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