

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

**July 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 Michael McLoughlin – present, Councilman Charles Hanahan- present, Councilman James Jennings – absent

Also present: Deputy Town Clerk Linda McCabe, Highway Superintendent Don Ormsby Jr., Town Attorney Bill Reynolds, Zoning Officer Gil Albert, Planning Board Chairman Ian Murray, Sherry Doubleday, Chris Benn, Dan McCabe, Thomas R. Drew, Justin Grassi, Ralph Pascucci, and Wendy Lukas

Recognitions/Presentations/ Bid openings/ Public Hearings:

Bid Openings- The following bids were opened at the agenda meeting on July 2nd and then reviewed by Attorney for the Town Bill Reynolds and Engineer for the Town Ken Martin:

**Town Highway Garage Asbestos Removal and Demolition,
111 Town Garage Road - Bidders List**

Darwin Putnam D & S Excavating 126 Putnam Estate Dr. Frankfort, NY 13340	\$35,000	(asbestos abatement & demo)
Jupiter Environmental Svc. 17 Warehouse Row Albany, NY 12205	\$74,000	
M. Cristo Inc. 20 Old Troy Rd. East Greenbush, NY 12061	\$89,800	(asbestos removal & demo)
Dan's Hauling & Demo, Inc. P.O. Box 409 Wynantskill, NY 12198	\$124,000	(asbestos removal & demo)
ERSI 311 Rotterman Industrial Park Schenectady, NY 12306	\$ 91,877	

KEK Excavators **\$94,500**
547 Oswegntchie Rd.
Palatine Bridge, NY 13428

Bid Opening: Town Hall Demolition, 30 Ferry St. - Bidders List

Darwin Putnam **\$25,000**
D & S Excavating
126 Putnam Estate Dr.
Frankfort, NY 13340

Jupiter Environmental Svc. **\$45,800**
17 Warehouse Row
Albany, NY 12205

Frank Santoro & Sons, Inc. **\$45,400**
35 Mariaville Rd.
Schenectady, NY 12306

West Branch Inc. **\$73,000**
235 Daniels Rd.
Saratoga Springs, NY 12866

M. Cristo Inc. **\$32,285**
20 Old Troy Rd.
East Greenbush, NY 12061

KEK Excavators **\$36,875**
547 Oswegntchie Rd.
Palatine Bridge, NY 13428

Adirondack Industries **\$41,400**
9 Pitt Lane
P.O. Box 292
Corinth, NY 12822

Dan's Hauling & Demo, Inc. **\$53,900**
P.O. Box 409
Wynantskill, NY 12198

Approval of Minutes: A motion was made by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin to accept the minutes of the June 10th regular meeting as written. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan – aye, Councilman James Jennings – absent. Carried 4 – 0.

Town Clerk's report for June 2013: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$64.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$141.72. Fees paid to the New York State Health Department for Marriage licenses \$90.00. Dog license fees to Supervisor Thomas Wood \$285.00. Clerk fees to Supervisor Thomas Wood \$231.03. Total State, County, and Local Revenues received were \$811.75.

Zoning Officer's report for June 2013: 9 Building Permits, 18 Building Inspections, 9 Certificates of Occupancy, 0 Junk Yard Permits, 3 Complaints, 0 Fire inspections, 1 Order to Remedy, 0 misc. appointments, 7 Building Permit Renewals, and 0 Property Maintenance Inspections. A check for \$3,236.00 was given to Supervisor Thomas Wood.

Dog Control Officer's report for June 2013: The report was read by Supervisor Thomas Wood: answered 21 complaints, took no dogs to the shelter, 0 bite cases, issued 16 warnings, 3 summonses were issued, and traveled 60 miles.

Town Court report for June 2013: The following were closed: 55 Vehicle & Traffic, 23 Criminal/Penal Law, 4 DEC/ENCON, 0 Dog cases, 1 DWI, 0 Town & Village Ordinances, 0 Small Claim/Civil, 2 Evictions, 0 Bench trials, 1 (case transfer) Divestiture Forms sent to County Court, 1 Defendant sentenced to probation, 0 hours of community service issued, 0 days of jail time issued, 6 Orders of Protection issued, and \$7,260.00 in fees were paid to the NY State Comptroller.

Historian's report: Sean Kelleher submitted the following:

I have participated in a number of meetings with the Hudson Hoosick Partnership and have been working on the Champlain Bike Trail, Sword Surrender Site, Interpretive Kiosks, and the new Visitors Center.

We are coming up to the Turning Point Parade and Festival on August 3 and 4. This year it is very exciting due to the additional of the Drum Corp. competition. In addition, there is 18th Century Day at the Schuyler House on Sunday, August 11.

The next meeting of Heritage Hunters is Saturday, July 20, at 1pm at the Town of Saratoga Town Hall. Program speaker will be Stephan Clarke on his efforts to become a member of the National Society of the Sons of the American Revolution, the General Society of the War of 1812 and the Sons of Union Veterans of the Civil War.

Assessor's report: No report.

Highway Superintendent's report for June:

- ❖ Have been mowing road side ditches.
- ❖ Cut back Tow Path Rd for Schuylerville.
- ❖ Worked on truck 4 and truck 6 on electrical issues.
- ❖ Addressed truck 6 brake inspection.
- ❖ Replace rotted culvert on Nielson Rd with help from some beavers.
- ❖ Hauled shale from Schuylerville to the town boat launch and then leveled it.

- ❖ Prepping Casey Rd from Russell Rd to County Rd 69 for blacktopping.
- ❖ Cut back an embankment on Loudon Rd for a blind driveway.
- ❖ Put new sideboards and spray tank on truck 3.

Supervisor's report: SUPERVISOR'S REPORT JUNE 2013

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand JUNE 1	\$ 1,140,341.33
JUNE Revenues	+ 12,129.14
JUNE Disbursements	<u>- 73,490.82</u>
Balance June 30	\$ 1,112,681.20

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand JUNE 1	\$ 906,616.75
JUNE Revenues	+ 2,121.82
JUNE Disbursements	<u>- 120,621.41</u>
Balance JUNE 30	\$ 788,117.16

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand JUNE 1	\$1,144,971.05
JUNE Revenues	+ 210,150.87
JUNE Disbursements	<u>- 368,761.55</u>
Balance June 30	\$ 986,360.37

SCHUYLER PARK CAPITAL PROJECT JUNE 30	\$152,386.30
YOUTH RECREATION & SERVICE JUNE 30	\$ 1,390.48
HIGHWAY EQUIPMENT RESERVE JUNE 30	\$ 12,878.82
BUILDING RESERVE JUNE 30	\$ 42,451.72
SCENIC BY WAYS GRANT JUNE 30	\$ 310.53
PARK RESERVE JUNE 30	\$ 51,956.55
CDBG2 FUND JUNE 30	\$ 0.00

- ❖ **Sales Tax Received – June 2013 - \$92,881**
- ❖ **Mortgage Tax – May 2013 - \$6,904.50**
- ❖ **Check for \$41,096 Received from NYS for old Town Hall Demolition**

Public comments on agenda items: Thomas R. Drew addressed the board asking if a permit was issued for the Antler sign along Route 29. Zoning Officer Gil Albert noted that a permit is needed for the sign. Thomas R. Drew asked who can participate in the swimming lessons. Supervisor Thomas Wood responded a Schuylerville Central School student who is at least 5 years old.

Committee reports:

Landfill: No report.

Insurance: Building Liability Ins – renewal date 8/13- Supervisor Thomas Wood will be meeting with Dave Meager to review several insurance quotes; CDPHP – Active Employees and Pre-Medicare Retirees - August renewal- Phil Klein gave a presentation at the agenda meeting of different plan options; MVP Gold (Retirees with Medicare)– January 1 renewal

Youth: Councilman Michael McLoughlin reported that 16 students have signed up for the swim program being held at the Christ the King Spiritual Life Center on Burton Road, Town of Easton. The program runs from July 2nd through August 2nd.

Senior Citizens: No report.

Park Committee: No report.

Office of Emergency Management: Sherry Doubleday submitted the following: I attended the June 25th County Office of Emergency Management meeting at the training center in Ballston Spa. The main topic was the Red Cross. A spreadsheet was dispersed regarding all shelters in the county. There were 73 listed. I will be in touch with Heath Morris regarding the school as a shelter and with Jim Weed regarding the American Legion as a shelter. The Saratoga Town Hall is now a participant of the Public Automatic Defibrillation Program (PAD). An AED has been placed in the first floor lobby of the town hall. Training was provided to the town board members just prior to this meeting.

GSES, QSF D Reports:

General Schuyler Emergency Squad: Chris Benn reported there were 57 calls for the month of June: Town of Saratoga- 22, Town of Northumberland – 4, Village of Schuylerville – 20, Village of Victory – 4, Mutual Aid for Wilton – 6, ALS Assist for Stillwater- 1. He added that they staffed a crew at the Sundae on the Farm, the Phish concert/camping and two crews will be available for Saturday, July 13th for Country Fest.

Quaker Springs Fire Department: Chief Donald Ormsby Jr. reported that they have had 42 calls year-to-date.

Old business: None.

New business:

Supervisor Thomas Wood explained that after review it was decided to reject all bids and rebid the project as soon as possible. A special meeting will be scheduled to award the new bid.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following **Resolution #13-80 – Reject Bids for Town Highway Garage Asbestos Removal and Demolition**, was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan – aye, Councilman James Jennings – absent.
Carried 4 – 0

WHEREAS, the Town Board of the Town of Saratoga has recognized the need for the demolition of the old highway garage at 111 Town Garage Road, Schuylerville, NY due to its state of disrepair, asbestos contamination, lack of structural integrity and the lack of need by the town for the space; and

WHEREAS, the Town Board of the Town of Saratoga received bids via solicitation of bids by public advertising in the *Saratogian* on May 18th and opened at the agenda meeting July 2, 2013, now, therefore be it

RESOLVED, that after review by Town Attorney William Reynolds and Town Engineer Ken Martin that the bid specifications are met, it was decided to reject all bids. The project will be rebid.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #13-81 – Accept Bid for Town Hall Demolition, 30 Ferry St.**, was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan – aye, Councilman James Jennings – absent. Carried 4 – 0

WHEREAS, the Town Board of the Town of Saratoga has recognized the need for the demolition of the old town hall, 30 Ferry St., Schuylerville, NY due to its state of disrepair and lack of structural integrity; and

WHEREAS, the Town Board of the Town of Saratoga received bids via solicitation of bids by public advertising in the *Saratogian* on June 8th and opened at the agenda meeting July 2, 2013, now, therefore be it

RESOLVED, that the lowest conforming bid from **Darwin Putnam, D&S Excavating**, 126 Putnam Estate Dr., Frankfort, NY 13340 in the amount of \$ 25,000 be accepted. The contract for demolition is subject to review and approval by Town Attorney William Reynolds and Town Engineer Ken Martin that the bid specifications are met.

On a motion by Councilman Michael McLoughlin and seconded by Councilman Charles Hanehan the following **Resolution #13-82 – Notice of Claim- Designating Secretary of State as Agent for Services** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan – aye, Councilman James Jennings – absent. Carried 4 – 0

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; now therefore be it

RESOLVED, that the Town Board of the Town of Saratoga, County of Saratoga designates Thomas N. Wood III in his capacity as Supervisor, to receive notices of claims served upon the Secretary of State by mail at 12 Spring Street, Schuylerville, NY 12871 and email at TWOOD71098@aol.com; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanahan the following **Resolution #13-83 – Extension for Start of Construction of the Brown Road PUD until August 8, 2014** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanahan – aye, Councilman James Jennings – absent. Carried 4 – 0

WHEREAS, on August 8, 2011, the Town Board of the Town of Saratoga granted final approval for the Brown Road 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 August 8, 2014 within which construction work must begin for the Brown Road 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 Councilman Charles Hanahan and seconded by Councilman Michael McLoughlin the following **Resolution #13-84 – Authorization to Change Health Plans to CDPHP HDEPO** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanahan – aye, Councilman James Jennings – absent. Carried 4 – 0

WHEREAS, on an annual basis the town board enters into an insurance contract to provide health insurance coverage for eligible employees, and

WHEREAS, the board has reviewed proposals for a contract to commence August 1, 2013, it is now therefore

RESOLVED, that the Town Supervisor is authorized to sign a contract for health insurance benefits with Capital District Physicians Health Plan for their CDPHP HDEPO Plan with a high deductible effective August 1, 2013 for a one year term. The high deductible will be reimbursed by the town through a special account that CDPHP can withdraw deductibles from as required. Due to the premium savings of this plan even with paying for the deductibles there will be a minimum net savings of approximately \$12,000 over last year's premium.

On a motion by Councilman Fred Drumm and seconded by Councilman Michael McLoughlin the following **Resolution #13-85 – Legal Action – Richard Best, 1281 & 1284 Route 9P** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanahan – aye, Councilman James Jennings – absent. Carried 4 – 0

RESOLVED, that the Town Board of the Town of Saratoga authorizes Town Attorney William Reynolds to bring any necessary legal action against Richard Best, 1281 & 1284 Route 9P for violation of Local Zoning Law, Chapter 240 Flood Damage Prevention, §240-11 and his failure to comply with the **Order to Remedy** issued on April 5, 2013 by Zoning Officer Gil Albert.

Ralph Pascucci addressed the board regarding creating an “Old Saratoga Historic District” and petitioning the Post Offices of Victory and Schuylerville to change to “Old Saratoga”. He explained it would be an Economic Development tool only to create a distinction for tourism and commerce in the town. Phase 1 would be the Town Historic District and Phase 2 would be to have Old Saratoga as our address. The zip code would still be the same. He added that it makes sense for the town to take the lead in this. The town could determine the historic area to be advertised. It was suggested that he get the villages’ blessing before going any further. Supervisor Thomas Wood suggested a meeting with the village mayors. Town Attorney Bill Reynolds suggested since the town and the villages are represented at the Hudson/Hoosick Partnership Meetings that it could be on their agenda and they may get some help from the partnership. Ralph added that the only costs would be for signage and marketing. A brochure could be printed. There may be grant opportunities available.

Thomas R. Drew commented that in the past “Old Saratoga” was brought to a vote twice and defeated.

Wendy Lukas applauded Ralph for his thoughts and suggested he send a letter to the villages.

Planning Board Chairman Ian Murray stated he has a good idea but we need to be careful with planning and the effects on landowners since historic areas can be extra sensitive.

Communications:

- ❖ **NYS Department of Transportation** has notified the town of a traffic detour due to repairs to the structural steel on the Route 4 Bridge over the Hudson River in the Towns of Greenwich and Northumberland between July 5th and August 5th.
- ❖ **Thank you for the Town’s support of the 4th Hudson Crossing Triathlon on June 9th.**
- ❖ **Nineteenth Annual Turning Point Parade** scheduled for Sunday, August 4th at 1:00 p.m.
- ❖ **New York Public Interest Research Group (NYPIRG)** will be conducting an anti-fracking outreach in the town from June 1 through August 31.

Privilege of the floor:

The following residents addressed the board: Thomas R. Drew, Wendy Lukas, and Ian Murray.

Ian Murray asked the status of the Victory Mill Project? Supervisor Thomas Wood stated after much discussion regarding *Plan B* at the agenda meeting regarding an offer by Uri Kaufman through Pat Dewey to raise the assessed value to 4 million or more. Assessor Victoria Hayner stated she cannot do that without the improvements to support the increase. It would not be legal. She was asked for the assessed value at the completion of the project and she estimated between 7 and 12 million. She noted that it

probably would be at the high end but it is an estimate and she would not be held to that figure. The board agreed that they would not do anything that was not legal. Ian Murray stated that Uri Kaufman grieved his current assessment before the Board of Assessment Review (BAR) asking that it be lowered to \$25,000 assessed value. The request was denied by the BAR. Supervisor Thomas Wood added that *Plan C* would be affordable housing with no tax breaks requested.

Upcoming meetings:

- ❖ **Agenda meeting – Thursday, August 8, 2013 at 7:00 p.m.**
- ❖ **Regular town board meeting – Monday, August 12, 2013 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #13- 86 Approving the payment of bills in Abstract 7G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan – aye, Councilman James Jennings – absent Carried 4 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills on Abstract #7G (7/8/2013) in the following amounts:

General Fund A	Voucher No. 239 through 273	\$ 13,901.98
General Fund B	Voucher No. 32 through 34	\$ 253.76
Highway DB	Voucher No. 138 through 159	\$ 90,001.76
Schuyler Park H	Voucher No. 10 through 11	\$ 2,546.03
	Grand Total	\$106,703.53

A motion to adjourn at 9:05 p.m. was made by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin. Supervisor Thomas Wood – aye, Councilman Fred Drumm – aye, Councilman Michael McLoughlin – aye, Councilman Charles Hanehan - aye, Councilman James Jennings – absent Carried 4 – 0.

Respectfully Submitted,

Ruth Drumm, Town Clerk