

**TOWN OF SARATOGA
TOWN BOARD DRAFT MEETING MINUTES
12 SPRING ST., SCHUYLERVILLE, NY
December 13, 2021
6:00 P.M.**

Supervisor Thomas Wood opened the meeting at 6:00 p.m. with the Pledge of Allegiance.

Roll call: Town Clerk, Linda McCabe, called the roll: Supervisor Thomas Wood- present, Councilman Michael McLoughlin – present, Councilman James Jennings – present, Councilman Gary Squires - present, Councilwoman Ruth Drumm - present.

Also present: Deputy Town Clerk Michelle Conover, Building Inspector/Zoning Officer Gil Albert, Highway Superintendent Don Ormsby Jr., Attorney William Reynolds, Bookkeeper Pat Temple, Rick Allen, Tom Kinsella, Diana Germain, Maxine Lautenberg, Paul Goetz, Wendy Lukas and Jim Sullivan.

Recognitions/Presentations/ Bid openings/Public Hearings: Supervisor Thomas Wood stated Paul Goetz of BST & Co., the auditing firm the Town employs for its annual audits, was present to review the findings of the 2020 Annual Audit Report. Paul Goetz addressed the Board with the 2020 findings. He reviewed the reserve funds, general funds, debt, net pension concerns with NYS Retirement system, sales tax, rainy day fund and benefits funding. He said the Town rallied through the pandemic fantastically. In summary, he said there is tremendous financial strength in the Town of Saratoga. He congratulated the Town on their financial acumen.

Supervisor Thomas Wood stated a public hearing has been scheduled for Local Law #1, 2021, Opting out of on-site cannabis consumption. **Proof of advertising in the *Saratogian* on December 8, 2021 having been furnished, Supervisor Thomas Wood opened the Public Hearing on Local Law #1, 2021, ‘Opting Out of Retail On-Site Cannabis Consumption Sites’ at 6:21 p.m.**, asking those wishing to speak to please stand, state their name and address and keep their comments directed to the Board and limited to three minutes. The following addressed the Board:

Wendy Lukas, 77 Green St., Schuylerville, questioned if this Public Hearing was legally published in the paper; Clerk Linda McCabe produced the legal ad proving legal publication of the Public Hearing. She then asked how many days for the permissive referendum and was told it is a 45 day permissive referendum.

Supervisor Thomas Wood asked if anyone further wished to speak, seeing no one, **a motion was made by Councilmember Michael McLoughlin, seconded by Councilmember Ruth Drumm, to close the Public Hearing at 6:24 p.m.** Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires – aye, Councilwoman Ruth Drumm-aye.

Carried 5 – 0

Supervisor Thomas Wood noted that Chris Bailey was scheduled to appear before the Board to discuss updating the sound system in the Schuyler Room but had to cancel. He will be at the next meeting to speak to the Board. The Board has appropriated funds in the budget to update this system. He also noted that the Town received another check in the amount of \$46,433.24 for the boat launch work that has been completed thus far.

Approval of Minutes: A motion was made by Councilmember James Jennings and seconded by Councilmember Gary Squires, **to accept the minutes of the November 4, 2021 Town Board meeting as written.** Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 – 0

Town Clerk’s report for November 2021: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$48.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$438.44. Fees paid to the New York State Health Department for Marriage licenses \$0. Dog license fees to Supervisor Thomas Wood \$225.00. Clerk fees to Supervisor Thomas Wood \$94.81. Total State and Local Revenues received were \$806.25.

Zoning Officer’s report for November 2021: 9 Building Permits, 21 Building Inspections, 9 Certificates of Occupancy, 0 Junkyard Permit, 0 Complaint, 0 Fire Inspections, 0 Orders to Remedy, 3 misc., 2 Building Permit Renewals and 1 Property Maintenance Inspections. A check in the amount of \$1,065.00 was given to Supervisor Thomas Wood.

Dog Control officer’s report for November 2021: Ed Cross, Dog Control Officer answered 13 complaints, took 0 dogs to the shelter, 0 bite cases, traveled 24 miles, issued 10 warnings and 7 summonses.

Town Court report for November 2021: 29 Traffic tickets closed, 0 Criminal/penal law case closed, 0 civil case closed, 0 DWI cases closed, 0 Encon/DEC closed, 2 Town and Dog cases closed. Supervisor Thomas Wood received a check in the amount of \$2,563.00.

Tax Collector: Any & all questions concerning unpaid taxes & proper amount due should be directed to the County Treasurer’s office at: #518-884-4724.

Historian’s report for November 2021: No report.

Assessor’s report November 2021: No report.

Highway Superintendent’s report for November 2021:

- ❖ Mowing and log clean up in ditches
- ❖ Dirt road re-grading @ Paterson and Stetkar Rds.
- ❖ Culvert repair on Hanehan Rd.
- ❖ Prep trucks for plows
- ❖ Trucks 1 & 3 - new front tires
- ❖ Trucks 2 & 3 - to Watkins for suspension repairs
- ❖ Truck 3 - to Kenworth for smoking issue
- ❖ Pick-up 1 - replaced oil pan
- ❖ Pick-up 2 – tires needed rims
- ❖ Truck 5 - to Milton Cat for oil leak and also replaced serpentine belt
- ❖ Small Roller - to Anderson Equipment for brake issue
- ❖ Bucket truck - to Schuylerville for hanging lights
- ❖ Docks have been removed from the Town launch
- ❖ Plowed for 1 storm

Supervisor's report for November 2021:

SUPERVISOR'S REPORT NOVEMBER 2021

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand 11/1/2021	\$ 745,973.00
Revenues	+ 177,111.93
Disbursements	- <u>117,836.91</u>
Balance 11/30/2021	\$ 805,248.02

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand 11/1/2021	\$1,989,501.00
Revenues	+ 132,670.35
Disbursements	- <u>20,722.85</u>
Balance 11/30/2021	\$2,101,448.50

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand 11/1/2021	\$ 811,813.39
Revenues	+ 38,002.93
Disbursements	- <u>277,345.65</u>
Balance 11/30/2021	\$ 622,470.67

SCHUYLER PARK CAPITAL PROJECT 11/30/2021	\$ 182,906.01
YOUTH RECREATION & SERVICE 11/30/2021	\$ 8,673.85
HIGHWAY EQUIPMENT RESERVE 11/30/2021	\$ 269,968.72
BUILDING RESERVE 11/30/2021	\$ 412,009.53
TRUST & AGENCY 11/30/2021	\$ 80,137.21
HOME IMPROVEMENT GRANT 2 11/30/2021 (holding checks until funds are deposited)	\$ -
HISTORIC HUDSON HOOSICK RIVER P'SHP 11/30/2021	\$ 4,582.75
CDBG PROJECT 11/30/2021	\$ 11.76
SCENIC BY WAYS QRTRLY 11/30/2021	\$ 311.89
PARKS RESERVE 11/30/2021	\$ 426,956.55
PROPERTY TAX CAP RESERVE 11/30/2021	\$ 1,311.49
GFNB Certificate of Deposit 11/30/2021	\$ 753,691.56
NYCLASS 11/30/2021	\$ 702,231.04

Sales Tax Received November 2021- \$130,602.00

Mortgage Tax for October - \$27,646.60

6th Month Mortgage Tax Received for April 2021 - September 2021 - \$119,019.49

Public comments on agenda items only: The following addressed the Board:

Wendy Lukas, 77 Green St., Schuylerville, NY.

Jim Sullivan, 11 Pearl St., Victory, NY.

Tom Kinsella, 104 Schuyler Hills Dr., Diana Germain, 102 Schuyler Hills Dr. and Rick Allen, 207 Patriot Hill Dr. sincerely thanked Supervisor Thomas Wood, Building Inspector Gil Albert, Planning Chairman Ian Murray and Town Engineer Ken Martin, for their help with the issues that residents of the Schuyler Hill subdivision had been having with the developer. They added most issues have since been resolved and the road is to be completed by next spring/summer.

Committee reports:

Landfill: No report.

Insurance: No report.

Youth: No report.

Senior Citizens: Councilman James Jennings stated the Quaker Springs Seniors met on November 8th for a Thanksgiving luncheon, with 24 in attendance. Mr. Jere Blackwelder, President of the Saratoga County History Center, was the guest speaker.

Park Committee: No report.

Office of Emergency Management (OEM): No report.

QSFD December 2021 Reports: Fire Chief Don Ormsby reported that Quaker Springs Fire Department has had a total of 106 calls to date.

WEMS November 2021: Nash Alexander reported they had 25 calls for the Town of Saratoga, 8 for the Village of Schuylerville and 5 for the Village of Victory. They are working with Public Health with covid vaccination clinics and once finalized we'll get the word out to the public where and when those clinics will be held.

Old Business: None.

New business:

Supervisor Thomas Wood stated the carpet in the Schuyler Room is seriously stained. After speaking with a few flooring companies, we found that the carpets were treated with an anti-stain and when that wears off after a number of years, it is impossible to remove the stains. We contacted 4-5 flooring companies seeking estimates on removing the carpet and installing new flooring. We found that the carpet is glued to tile which is glued to OSB chip board. The carpet needs to be removed and depending on how laborious that is and if damage is done to the OSB chip board, leveling will need to be done. That can be done by using a liquid leveler or quarter inch plywood, depending on the damage. Once that is completed the flooring can be installed. Four different companies were sought and two came in, measured, brought samples and submitted quotes. They averaged around \$41,000 - \$43,000. He said the Town has the money in the building reserve fund to do this. He then asked the Board to think about this and get back to him with their opinions.

Supervisor Thomas Wood then noted he had a complaint from a Wilbur Rd. resident who would like the speed limit lowered to 30 mph; current speed limit is 40 mph on that road. Supervisor

Thomas Wood encouraged her to come to the meeting, but she declined. He informed her of the proper procedure one must do to try to lower a speed limit

Highway Superintendent Don Ormsby said some speed limit signs were taken/stolen from Wilbur Rd. and he has replaced them.

On a motion by Councilmember Ruth Drumm and seconded by Councilmember Michael McLoughlin, the following **Resolution #21-92 – Resolution to Amend Two Brothers Park, Resolution #21-76**, was adopted by vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 – 0

WHEREAS, on September 7, 2021, the Town Board of the Town of Saratoga approved Resolution #21-76, agreeing to take title to a parcel of land on Evans Street in the Village of Victory from Saratoga Plan, to create the Two Brothers Park; and

WHEREAS, it is necessary to amend said Resolution in certain respects; it is now, therefore,

RESOLVED, that the concluding paragraph of Resolution #21-76 is amended to read as follows: “**RESOLVED**, that the Town Board of the Town of Saratoga agrees to take title from Saratoga Plan to an approximately one acre parcel of land on Evans Street in the Village of Victory, and to dedicate it permanently as parkland to be used solely for park purposes.”

On a motion by Councilmember James Jennings and seconded by Councilmember Gary Squires, the following **Resolution #21-93 – Authorization to Renew Health Insurance Plan MVP Gold HMOPOS 2022 – HG170022/RHG0242X** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman Gary Squires - aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm - aye.

Carried 5 – 0

WHEREAS, on an annual basis, the Town Board of the Town of Saratoga, authorizes the Town Supervisor to enter into an insurance contract to provide health insurance coverage for eligible retired employees; and

WHEREAS, the Town Board has reviewed proposals for a contract to commence January 1, 2022 - December 31, 2022 for Retirees over 65 years of age; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign a contract for health insurance benefits with MVP Preferred Gold HMO-POS 2022 - HG170022/RHG0242X, at a monthly premium of \$256.64 per person, per month. This is a savings of \$7.24 per person, per monthly premium, from last year.

On a motion by Councilmember Ruth Drumm and seconded by Councilmember Michael McLoughlin, the following **Resolution #21-94 – Fund Transfer \$4,000.00 – Heating Repairs**, was adopted by vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm – aye.

Carried 5 – 0

RESOLVED, by the Town Board of the Town of Saratoga, to transfer \$4,000.00 from Building Reserve account to A1620.4, Building Contractual, to cover the cost of emergency repairs to the heating system for the North Wing, 1st Floor.

On a motion by Councilmember James Jennings and seconded by Councilmember Gary Squires,

the following **Resolution #21-95– Authorizing Weekly Payment for Equipment Use**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 – 0

RESOLVED, that the Town Board of the Town of Saratoga, authorizes payment to Tim Blanchard in the amount of \$100.00 per week, for the use of his equipment.

On a motion by Councilmember Gary Squires and seconded by Councilmember Ruth Drumm, the following **Resolution #21-96– Adopting Local Law #1, 2021, entitled ‘Opting Out of Retail On-Site Cannabis Consumption License Provisions of the Marijuana Regulation and Taxation Act/New York Cannabis Law’** was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 – 0

WHEREAS, NY Cannabis Law §131 authorizes Towns to adopt local laws, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting that the Cannabis Control Board prohibit the establishment of on-site retail consumption licenses within the jurisdiction of the Town; and

WHEREAS, such local laws are to be adopted after the effective date of NY Cannabis Law §131 and on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of NY Cannabis Law §131; and

WHEREAS, the Town Board introduced proposed local law to prohibit the establishment of adult-use retail on-site consumption licenses within the jurisdiction of the Town;

WHEREAS, on December 8, 2021, the Town Board duly published notice of a public hearing on the proposed local law to be held on December 13, 2021; and

WHEREAS, the Proposed Local Law was on file for inspection at the Clerk’s office prior to the public hearing and during the public review process; and

WHEREAS, the Town Board considered the comments received at the public hearing and has considered the identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board finds that it is in the best interest of the Town to adopt the proposed local law and request that the Cannabis Control Board to prohibit ‘retail on-site cannabis consumption sites’ licenses within the jurisdiction of the Town; now, therefore, be it

RESOLVED, that the Town of Saratoga requests that the Cannabis Control Board of New York State prohibit the establishment of ‘retail on-site cannabis consumption sites’ licenses within the jurisdiction of the Town of Saratoga; and be it

FURTHER RESOLVED, that this action is subject to a permissive referendum in the manner provided in Municipal Home Rule Law §24; and be it

FURTHER RESOLVED, that the proposed Local Law #1, of the year 2021, be adopted by the Town Board of the Town of Saratoga; and be it

FURTHER RESOLVED, that after passing such resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify such resolution was adopted subject to permissive referendum in accordance with Municipal Home Rule Law §24. Any such resolution shall take effect 45 days after its adoption unless the Town Clerk receives a petition signed and acknowledged within 45 days after the adoption of the resolution seeking a permissive referendum.

On a motion by Councilmember Gary Squires and seconded by Councilmember James Jennings, the following **Resolution #21-97– B.A.R. Reappointment – Terri Korb**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm – aye, Councilman Gary Squires – aye. **Carried 5 – 0**

WHEREAS, the term of Terri Korb, member of the Board of Assessment Review (BAR), expired on September 30, 2021; now, therefore, be it

RESOLVED, that the Town Board of the Town of Saratoga hereby reappoints Terri Korb to the B.A.R. for a 5 year term from 12/13/2021 – 09/30/2026.

On a motion by Councilmember Ruth Drumm and seconded by Councilmember James Jennings, the following **Resolution #21-98– Accepting Zoning Board of Appeals Resignation of Alternate Member Rick Burke**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm – aye, Councilman Gary Squires – aye.

Carried 5 – 0

WHEREAS, Alternate ZBA Member Rick Burke has tendered his resignation in order to move to a Full Member position, as Mark Sullivan’s Full Member position has expired and he no longer wishes to continue on the Board; now, therefore, be it

RESOLVED, that the Town Board, of the Town of Saratoga, hereby accepts the resignation of Alternate ZBA Board Member Rick Burke.

On a motion by Councilmember Gary Squires and seconded by Councilmember Michael McLoughlin, the following **Resolution #21-99– Zoning Board of Appeals Appointment - Rick Burke**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm – aye, Councilman Gary Squires – aye.

Carried 5 – 0

WHEREAS, the term of ZBA Member Mark Sullivan has expired and he does not wish to be reappointed to the Board; now, therefore, be it

RESOLVED, that the Town Board of the Town of Saratoga appoints Rick Burke for a five year term as a Full Member of the Zoning Board of Appeals, from 12/13/2021 - 12/31/2026.

On a motion by Councilmember Gary Squires and seconded by Councilmember Ruth Drumm, the following **Resolution #21-100– Fund Transfers**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm – aye, Councilman Gary Squires – aye.

Carried 5 – 0

- \$5,000.00 from A1620.1-Building Personal Services to A1220.11-Supervisor, Bookkeeper Personal Services. (to cover payroll expenses through year end)
- \$5,000.00 from A1990.4-Contingency to A1620.41-Buildings Contractual. (to cover building expenses through year end)
- \$5,000.00 from A7110.41-Parks Contractual to A7110.4-Parks Contractual. (to transfer within budget for year end)
- \$5,000.00 from A9050.8-Benefits Unemployment Insurance to A9030.8-Benefits Social Security. (to transfer within budget for year end)
- \$2,000.00 from B1990.4-Contingency to B8010.4-Zoning Contractual. (to cover expenses through year end)
- \$10,000.00 from DB5110.1-General Repairs Personal Services to DB-5130.4-Machinery Contractual. (to cover expenses through year end)

On a motion by Councilmember James Jennings and seconded by Councilmember Gary Squires, the following **Resolution #21-101– Lease Renewals**, was adopted by the following vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilwoman Ruth Drumm – aye, Councilman Gary Squires – aye.

Carried 5 – 0

WHEREAS, the Town has excess space in the Town Hall Building, 12 Spring St., Schuylerville, NY, such space being previously leased to various private persons and entities pursuant to written lease agreements, all of which expire December 31, 2021, and

WHEREAS, the Town wishes to renew and continue all said expiring leases for the calendar year 2022, but provide for an increase in rent of 2%, rounded up to the next whole dollar amount, now, therefore, be it

RESOLVED, that the Town Board of the Town of Saratoga authorizes the Town Supervisor to enter into lease renewals with all existing tenants for one year, commencing January 1, 2022 upon the same terms and conditions, except for an increase in rent of 2%, rounded up to the next whole dollar amount, as shown on the attached Tenant list. (on file in the Town Clerk’s office)

Communications:

Privilege of the floor: The following addressed the Board:

Wendy Lukas, 77 Green St., Schuylerville, NY.

Jim Sullivan, 11 Pearl St., Victory, NY.

Upcoming meetings:

- ❖ Regular Town Board meeting – Thursday, December 30, 2021 at 11:00 a.m. in the Town Hall

On a motion by Councilmember Ruth Drumm and seconded by Councilmember Gary Squires, the following **Resolution #21-91 – Audit the Bills – Abstract 12G**, was adopted by vote: Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5– 0

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills listed in **Abstract 12G of 2021 in the following amounts:**

General Fund DB	No. 833 – 855	\$ 196,076.85
General Fund A	No. 813, 817, 829, 831, 856 - 882,	\$ 57,203.28
General Fund B	No. 883 - 886	\$ 16,486.83
H Schuyler Park	No. 830, 890	\$ 5,065.59
HH	No. 738, 808 - 810	\$ 543.74
(Historic H-HR Partnership)	Grand Total	\$ 274,832.55

A motion was made by Councilmember James Jennings, seconded by Councilmember Gary Squires, **to enter into Executive Session to discuss matters leading to the appointment, employment, promotion, discipline, suspension, dismissal or removal of a particular person or corporation, at 7:46 p.m.** Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 - 0

A motion was made by Councilmember James Jennings, seconded by Councilmember Gary Squires, **to exit Executive Session at 8:30 p.m. No action was taken.** Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Carried 5 - 0

A motion was made by Councilmember Ruth Drumm, seconded by Councilmember Michael McLoughlin, **to adjourn the meeting at 8:31 p.m.** Supervisor Thomas Wood - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye, Councilman Gary Squires - aye, Councilwoman Ruth Drumm - aye.

Meeting Adjourned

Respectfully Submitted,

Linda A. McCabe
Town Clerk