

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

August 24, 2015

The Agenda Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall, 758 Charlton Rd, Charlton, NY and called to order by Supervisor Grattidge at 7:30 p.m. to set the agenda for the September 14th Meeting.

Present: Councilman Gay, Councilman Grasso, Councilman Hodgkins, Councilman Lippiello, Supervisor Grattidge, Attorney Van Vranken, Town Clerk Brenda Mills.

RESOLUTION #142

Abstract of Claims

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

Discussion: Councilman Grasso asked Councilman Hodgkins to contact the Highway Superintendent to get more information about voucher #458 for \$300 for a tractor purchase from Federal surplus.

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract #114, voucher number 434 – 488, in the amount of \$119,309.50 and Abstract #8, voucher numbers 802 – 805, in the amount of \$2,099.32

Vote: All Ayes, No Nays. **CARRIED.**

RESOLUTION #143

Approval of Minutes

Motion by Councilman Gay

Seconded by Councilman Hodgkins

BE IT RESOLVED that the Town Board has approved the Town Board Meeting Minutes from August 3, 2015.

Vote: All Ayes, No Nays. **CARRIED**

RESOLUTION #144

Approval of Minutes

Motion by Councilman Hodgkins

Seconded by Councilman Gay

BE IT RESOLVED that the Town Board has approved the Town Board Workshop Minutes from August 20, 2015.

Vote: All Ayes, No Nays. **CARRIED**

ANNOUNCEMENTS

Town offices will be closed September 7th in observance of Labor Day.

There will be no primary elections held in Charlton this September.

DISCUSSION

The Sales Tax for the month was \$113,610.00 and the Mortgage Tax was \$9,718.50.

Supervisor Grattidge said that Torben Aabo has asked the Board about the possibility of a dedication ceremony for the new gazebo in Gideon Hawley Park. The Board discussed possible ideas to have a ceremony before the landscaping is done and the path is finished. Supervisor Grattidge said that he was contacted by Assemblyman Tedesco's Office and they needed information quickly for a member item grant for approximately \$2,500.00. Supervisor Grattidge said he informed them that a handicap ramp still needed to be built, landscaping needed to be done amongst a few other finishing items for the gazebo. Councilman Grasso said he thinks the Board should hold off on landscaping until word is received about the grant so that the Board knows what budget they will be working with. Mr. Aabo said that he has contacted a Bluegrass Band about performing and they would be looking for a donation of at least \$200.00. Councilman Lippiello will work with Mr. Aabo on putting together a program for the ceremony to be held sometime in September or October.

Supervisor Grattidge thanked Mr. Aabo for looking for ways to better the Town. Councilman Lippiello thanked him also for putting together an evening at the Tavern to listen to the Presidential debates.

Mr. Livingston has offered to work on putting together a newsletter that will be put on the Town's website and sent out by email blast. The Town Clerk will notify departments and organizations that their articles are due by September 15th, so that the newsletter can be done by early October.

Supervisor Grattidge said that he received a call from a resident on Western Avenue who was very upset about the condition of their road. They stated that the Highway Department is doing repaving of the road, and has put down too much oil and not enough stone, which is creating a real mess to vehicles. Councilman Hodgkins will follow up with Mike Emerich, Highway Superintendent.

Supervisor Grattidge said that a resident has expressed concern about the intersection of Charlton Road and Stage Road. The resident would like to see a round-about put in. Supervisor Grattidge said that the intersection is on County Roads, and the County will not put in a round-about. He said a few years ago a T-intersection was considered. The Supervisor said that he will check with the County to see what they recommend be done.

Supervisor Grattidge confirmed that the Board has received the Key Bank Custodial statements, as well as the Maintenance Report and Zoning Report for July.

Councilman Grasso said that a Town Board Workshop was held on Thursday, August 20, 2015 to discuss the reasoning behind the recommended Zoning changes. The feedback from the Workshop was very good. Mr. Grasso said that the public comments and the comments from NYS Ag & Markets have been taken into consideration, and overall he believes that the document is very good. He recommended minor changes to the proposed changes, as follows:

1. Preamble (Page 6):
 - Change "Any activity not listed as an allowed land use..." to "Those uses not specifically permitted are prohibited, unless an exceptional use permit or variance has been granted." Reason: To be consistent with language from original zoning ordinance.
2. Definitions (Page 11):
 - Add definition of Horse Barn. Reason: To clarify that horse barns need to meet 100' setback requirement but run-in sheds do not.
3. Table IV-2 Zoning Schedule (Page 19):
 - In R/A and A zones, delete minimum setback dimensions for Farms. Reason: As noted by Ag and Markets, setbacks should be for farm buildings but should not apply to farm uses, unless specific to a particular type of use. Setbacks for agricultural buildings can be covered under "Customary Agricultural Accessory Uses".
 - Change setbacks from "accessory uses" to "accessory buildings". Reason: Per Ag and Markets recommendations, zoning setbacks should be for buildings, not uses.
4. Table IV-2 Zoning Schedule (Page 19):

- Leave minimum lot size for keeping of horses for recreation at 3 acres rather than increasing it to 5 acres. Reason: Based on limited data provided on the subject it appears 1-1.5 acres is appropriate for the keeping of each horse, and approximately 1 acres should be reserved for typical lot development activities including house, well and septic. In addition, increasing the minimum lot size may result in a greater loss of lands to other agricultural uses.
5. Add under C. 1 (Page 28):
 - “No building permit *for a structure requiring wastewater disposal facilities* shall be granted for a lot for which the percolation...”. Reason: Per Ag and Markets recommendations, agricultural lots with only agricultural uses and buildings should be allowed to be created regardless of acceptability of percolation.
 6. Page 34:
 - Delete change in minimum lot size for the keeping of horses. Change 4.d. to read “Prior to the keeping of horses on any lots less than five acres for recreational purposes, a Manure Management Plan shall be provided for Planning Board review and approval.” Reason: to lessen the burden on the preparation of Manure Management Plans on lots greater than five acres.
 7. Page 35:
 - Change “Operational farm vehicles...” to “Farm vehicles...”. Reason: to allow use and storage of non-operational farm vehicles.
 8. Telecommunication Law – Appendix 13 (Page 151)
 - Add under Section 3(a)(i) “except telecommunication towers or telecommunications antennas less than fifty (50) feet in height above grade level, used exclusively by licensees of the Federal Communications Commission in the Amateur Radio Service and installed at the licensee’s residence.” Reason: to exempt typical ham radio installations used for hobby, except where height is greater than fifty feet where additional review will be warranted.

Councilman Grasso asked the Board members if they had any comments about the recommended changes. Councilman Gay said regarding #6, he feels that the location of a manure pile is more important than requiring a certain amount of acreage. People would want the pile as far away from their house as possible, but that may mean that it could be near a neighbor’s property line. The Board discussed item #6, and expressed that requiring a manure management plan would be burdensome and would be hard to enforce. Councilman Hodgkins and Supervisor Grattidge said that they were not comfortable with the manure management plan (MMP), and would rather see the 3 acres be left at 5 acres and eliminate the need for the MMP. Supervisor Grattidge said that having a house, a well and a septic system as well as 100 foot setback for a barn and acreage for 2 horses would be more appropriate on 5 acres. The Board discussed the acreage needed for keeping 2 horses and decided to let it remain at 5 acres. The Board discussed the Manure Management Plan requirement and agreed to leave it as proposed.

Supervisor Grattidge asked regarding #8 and Telecommunication, if the wording included meeting State and Building Code requirements. Councilman Grasso confirmed that it did.

Councilman Hodgkins said that he did not see any changes to solar. Councilman Grasso said that he did not see a need to make changes.

Supervisor Grattidge said that he would be okay with the maximum Zoning violation fine being \$250.00. Attorney Van Vranken said that the Judge will set the fine and not all fines will be \$500.00. In the past the fines were so low that people just ignored them.

As a result of the Board’s discussion, the Board agreed to make the following changes:

Town Board Agreed Upon Modifications to the 3-31-15 Zoning Amendments:

1. Preamble (Page 6):
 - Change “Any activity not listed as an allowed land use...” to “Those uses not specifically permitted are prohibited, unless an exceptional use permit or variance has been granted.” Reason: To be consistent with language from original zoning ordinance.

2. Definitions (Page 11):
 - Add definition of Horse Barn. Reason: To clarify that horse barns need to meet 100' setback requirement but run-in sheds do not.
3. Table IV-2 Zoning Schedule (Page 19):
 - In R/A and A zones, delete minimum setback dimensions for Farms. Reason: As noted by Ag and Markets, setbacks should be for farm buildings but should not apply to farm uses, unless specific to a particular type of use. Setbacks for agricultural buildings can be covered under “Customary Agricultural Accessory Uses”.
 - Change setbacks from “accessory uses” to “accessory buildings”. Reason: Per Ag and Markets recommendations, zoning setbacks should be for buildings, not uses.
4. Add under C. 1 (Page 28):
 - “No building permit *for a structure requiring wastewater disposal facilities* shall be granted for a lot for which the percolation...”. Reason: Per Ag and Markets recommendations, agricultural lots with only agricultural uses and buildings should be allowed to be created regardless of acceptability of percolation.
5. Page 35:
 - Change “Operational farm vehicles...” to “Farm vehicles...”. Reason: to allow use and storage of non-operational farm vehicles.
6. Telecommunication Law – Appendix 13 (Page 151)
 - Add under Section 3(a)(i) “except telecommunication towers or telecommunications antennas less than fifty (50) feet in height above grade level, used exclusively by licensees of the Federal Communications Commission in the Amateur Radio Service and installed at the licensee’s residence.” Reason: to exempt typical ham radio installations used for hobby, except where height is greater than fifty feet where additional review will be warranted.

Councilman Grasso said that the next step in the process will be to do the resolution for a negative declaration on the SEQR at the September meeting.

Councilman Grasso said that last month, the Town Board met with Saratoga Plan regarding 3 Charlton Landowners that would like to apply for a grant to preserve farmland by giving up the development rights. The 3 families are the Szureks, Vanderhorsts, and Biellos. Saratoga Plan can act as the applicant for only 1 family, so they would need the Town to act as the applicant for the other 2 families. Councilman Grasso said that he has called the families and told them to inform the Board if they want to pursue this. Supervisor Grattidge said if both families want to do this, they could start the September Board meeting at 7:00 p.m. and allow each family 15 minutes to discuss this with the Board. The Board confirmed that if there are any legal fees involved with the Town’s involvement, the residents would have to cover the costs.

Councilman Lippiello said that the Water Superintendent has been flushing the water system two times a month, and the desired numbers are staying consistent.

MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS

RESOLUTION #145

Resolution accepting the resignation of part-time Constable/Peace Officer Kenneth Almy and appointment as back-up Constable

Motion by Councilman Lippiello

Seconded by Councilman Hodgkins

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 145

August 24, 2015

A RESOLUTION ACCEPTING THE RESIGNATION OF
PART-TIME CONSTABLE/PEACE OFFICER KENNETH ALMY
AND APPOINTMENT AS BACK UP CONSTABLE.

WHEREAS, at its Town Board organizational meeting for 2015, the Town Board appointed, with others, Kenneth Almy as part-time Constable/Peace Officer for the Town of Charlton at a rate of compensation of \$9,592.00 per year, and

WHEREAS, the Town Board has recently been advised by Senior Constable/Peace Officer Thomas Parks, that Officer Almy needs to resign from his current position with the Town of Charlton due to certain other obligations he currently has as Fire Chief (full time position) with the Village of Scotia, and

WHEREAS, Officer Parks has also advised the Town Board that Officer Almy would be willing to serve as a part-time back up Constable for the Town of Charlton in order to provide constable services for the Town of Charlton that will properly serve the residents of the Town.

NOW BE IT RESOLVED, that the Town Board hereby accepts the resignation of Kenneth Almy as a part-time Constable/Peace Officer for the Town of Charlton effective August 31, 2015, and

BE IT FURTHER RESOLVED that the Town Board hereby appoints Kenneth Almy as a back-up Constable for the Town of Charlton to be paid at the rate of \$609.00 per year, pro-rated from September 1, 2015 to December 31, 2015.

Moved by	Councilman Lippiello	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Hodgkins		Councilman Hodgkins	Aye
			Councilman Lippiello	Aye
			Supervisor Grattidge	Aye

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

Dated: August 24, 2015

Brenda Mills, Town Clerk

Councilman Lippiello said that Jim Leupold from the Technology Committee has gotten a quote of \$300 to get a company to come in to make adjustments to the Town Hall Meeting Room sound system. The Board agreed

that due to recent problems with the system, it would worth the expense.

RESOLUTION #146

Resolution authorizing Jim Leupold to request company to adjust Town Hall sound system at a cost of \$300.00

BE IT RESOLVED, that the Town Board has authorized Jim Leupold to hire recommended Sound Company to make adjustments to the Town Hall sound system at a cost not to exceed \$300.00.

Motion by Councilman Grasso
Seconded by Councilman Lippiello

VOTE: All Ayes, No Nays. **CARRIED**

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk