

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

**November 8, 2021**

The Regular 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 Grasso at 7:43 p.m.

The pledge of allegiance was recited.

Roll Call: Councilman Glavin, Councilman Ranaletto, Councilman Robbins, Councilwoman Smith, Supervisor Grasso.

Present: Town Clerk Brenda Mills, Attorney Craig.

**APPROVAL OF MINUTES**

**MOTION #163**

**Approval of Minutes**

Motion by Councilwoman Smith

Seconded by Councilman Robbins

By motion the Town Board approved the minutes of the Public Hearing on the 2022 Preliminary Budget and the minutes of the Town Board Meeting, both held on October 25, 2021.

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

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

No one chose to speak.

**SUPERVISORS REPORT**

Supervisor Grasso said that in September he was busy with Town and County Meetings. The financial reports for October were not completed yet and will be presented by the next meeting.

**ANNOUNCEMENTS**

Town Offices will be closed November 11th in observance of Veterans Day.

The Highway Department will conduct bagged Leaf pick-up during the week of November 15 – 19<sup>th</sup>.

**DEPARTMENT, COMMITTEE & COUNCILMAN REPORTS**

Town Clerk – Clerk Mills said her office took in \$669.25 for the month of October. \$461.48 was paid to the Supervisor's office as revenue, and \$207.77 was paid to other Governmental agencies.

Town Hall – Councilman Robbins said that he and Jay Wilkinson are in the process of getting the acoustic panels for main meeting room.

Highway – Superintendent Marshall Heritage gave the following report:

1. At the Community Center installed a draft strip on the front door
2. Ditching on North Road
3. Trimming back tree limbs around town
4. Helped the Town of Galway pave
5. Mowing road sides
6. Both dirt roads got grader bladed
7. Helped the Town of Greenfield pave
8. D.O.T. is borrowing the screener
9. Patching potholes
10. Installed the snow Plow frames on the trucks
11. We received the new dump truck
12. We had brush pickup
13. Hauled sand
14. The new time clock is up and running
15. Had three trucks under coated

Constables – In October, there were 3,251 miles traveled, 29 patrols, 15 complaints, 12 911 calls and 5 accident/5 EMT Fire calls were responded to, and 34 tickets were issued (13 on Route 67).

Dog Control – In October, there were 7 calls received, of which 3 were regarding other animals, 4 expired licenses were followed up on, and 0 dog bite cases.

Town of Ballston Library – Tom Shaginaw said that on November 9<sup>th</sup>, they will be opening their Local History program. They are currently working on the modification of their charter with the Town of Ballston. They are able to continue their outdoor programming because of the nice weather. On November 10<sup>th</sup>, they will be meeting with the Charlton Seniors.

Zoning – For the month of October, there were 7 building permits, 5 CC's and 2 CO's issued. \$1,271.98 was collected in fees. Councilwoman Smith said that she is working with the Zoning Office to come up with periodic updates for the Town Board of zoning enforcement efforts and tracking of citizen's complaints. This should help the Board to have better oversight for our residents.

Planning Board – Councilwoman Smith said that the Board did not meet in October. They met in September and reviewed the Davidson Crane Street application and gave their final report to the ZBA on November 1<sup>st</sup>. The Board will meet on November 15<sup>th</sup> where they will continue public hearing of the Heflin subdivision and review 2 new subdivision applications.

ZBA – Councilwoman Smith reported that the Board will hold a public hearing on November 9<sup>th</sup> regarding the Davidson application. They will also deliberate on a variance application for a property on Charlton Road regarding miniature horses. Councilwoman Smith noted that our current Zoning Ordinance does not contemplate any requirements for miniature horses, only horses.

Water – Councilman Glavin reported that we are required to do 2 rounds of sample testing each year. Next week we will begin the water testing of 10 houses and then another 10 houses. A subcontractor for the work at the pump house will be finishing their work on the chlorination system. The Councilman said he would like to set up a meeting with the Water Superintendent and Supervisor to discuss water risk mitigation.

Technology Committee Chairperson Tassè said that the RPS program and server installations are complete. The Microsoft 365 installation is complete and email has been converted to MS365. The copier has been ordered. Town Clerk Mills said that the copier is delayed because of supply chain issues and noted that the old server is needed to be in place until the new copier is received because the old copier scanning program is not compatible with the new server.

**MOTIONS, RESOLUTIONS AND PROCLAMATIONS**

**RESOLUTION #164**

**A RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF CHARLTON OF THE TOWN BUDGET FOR THE YEAR 2022**

Motion by Councilman Glavin

Seconded by Councilman Ranaletto

Discussion: Supervisor Grasso said that a couple of changes were made to the preliminary budget after the public hearing. There was increase in the Judge's salaries which was offset by an increase in the Fines & Forfeitures account for the same \$2,000.00 amount, so there is no net affect on the budget. Also, based on the County's sales tax projection decrease because of the Town's equalization rate, Supervisor Grasso said that he felt it was prudent to decrease our projected sales tax receipts by \$50,000.00. The preliminary budget listed \$1.55 million dollars in sales tax receipts and the final budget lists \$1.5 million dollars. The Contingency Fund income was decreased by \$50,000.00 as an offset. Councilman Glavin asked if we make changes to the budget after the public hearing, so we have to inform the public with another hearing. Supervisor Grasso said that no additional hearing is needed.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Councilwoman Smith: Nay, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 164**

**November 8, 2021**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD  
OF THE TOWN OF CHARLTON OF THE TOWN BUDGET  
FOR THE YEAR 2022**

**WHEREAS**, the Supervisor of the Town of Charlton, as Chief Fiscal Officer, in conjunction with the four other members of the Town Board are obligated to prepare and present to the residents of the Town of Charlton an annual budget; and

**WHEREAS**, the Supervisor and Town Board have reviewed all necessary data with respect to the preparation of a 2022 Town budget, including holding workshops, reviewing current staffing levels of Town employees, and holding a public hearing on October 25, 2021 for the review of the Board's proposed budget for 2022, at which the public was invited and allowed to be heard on the matter; and

**WHEREAS**, attached to this Resolution is a summary of the Town of Charlton budget for 2022, based on the final analysis and determination by the Town Board of all financial matters affecting the proposed budget; and

**WHEREAS**, also attached is a listing of all properties affected by the Local Government Exemption Impact Report for fiscal year beginning January 1, 2022 and as required by Real Property Tax Law Section 495 regarding the identification of tax exemptions for properties located within the Town of Charlton.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Charlton does hereby officially adopt its final budget for the tax year 2022, a copy of which final budget is attached to this Resolution.

MOTION BY: Councilman Glavin

Voting: Councilman Glavin Aye  
Councilman Ranaletto Aye  
Councilman Robbins Aye  
Councilwoman Smith Nay  
Supervisor Grasso Aye

SECONDED BY: Councilman Ranaletto

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: November 8, 2021

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Brenda Mills, Town Clerk

**RESOLUTION #165**

**A RESOLUTION ESTABLISHING LOCAL LAW #1 OF 2021 REGARDING OPTING OUT OF ALLOWING CANNABIS DISPENSARIES AND ON-SITE CONSUMPTION SITES IN THE TOWN OF CHARLTON**

Motion by Councilman Robbins

Seconded by Councilman Glavin

Discussion: Councilwoman Smith noted a needed typographical correction to the quotation marks in the law title. Councilman Glavin asked what the negatives were of not allowing the dispensaries, and if we opt out, how can we opt back in? Supervisor Grasso said that if we did not opt out by January 1<sup>st</sup>, we cannot opt out in the future. The State is still working on the regulations of how this is going to be handled in the State. Councilwoman Smith said that she initially thought that our current zoning was sufficient enough if we did not want to allow it, however without the regulations from the State, it could result in automatic allowance so she feels that opting out is the best option for the Town right now. Attorney Craig said that right now the State has not given the option to opt back in, however, he feels that it could most likely be done by resolution. Supervisor Grasso said that most Town's in the County have opted out and if Charlton was the only Town that did not opt out, it could attract interest from those seeking retail outlets. He does not feel that this is the right Town for that, and he does not feel that we have the right infrastructure set up for it. If there was on-site consumption, people would be driving in their cars to get to it, and that would put people on our roads after consuming it. Councilman Glavin also asked if there was a negative sales tax impact on Charlton if we don't allow it. Supervisor Grasso said that the sales tax impact would be if the sales left the county.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Councilwoman Smith: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 165  
November 8, 2021**

**RESOLUTION ESTABLISHING LOCAL LAW #1 OF 2021  
REGARDING OPTING OUT OF ALLOWING CANNABIS DISPENSARIES AND  
ON-SITE CONSUMPTION SITES IN THE TOWN OF CHARLTON**

**WHEREAS**, under Cannabis Law Article 4, a municipality has the right to either allow or opt out of cannabis dispensaries and on-site consumption sites within that said municipality; and

**WHEREAS**, the Town Board of the Town of Charlton believes it to be in the Town's best interest to opt out of allowing cannabis retail dispensaries and on-site consumption sites from being established and operated within the Town of Charlton and to enact the attached Local Law in furtherance thereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Charlton hereby authorizes the Town to adopt and does hereby adopt Local Law #1 of 2021, entitled "LOCAL LAW OPTING OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.", prohibiting the issuance of cannabis retail dispensary licenses and the establishment of on-site consumption sites within the Town, and

**BE IT FURTHER RESOLVED**, that Local Law #1 of 2021 is subject to referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Charlton and to give due notice of the adoption of said Local Law to the Secretary of the State of New York, and publish same as is required by Law in accordance with the requirements of a Resolution passed subject to a Permissive Referendum.

MOTION BY: Councilman Robbins

Voting: Councilman Glavin Aye

Councilman Ranaletto Aye

SECONDED BY: Councilman Glavin

Councilman Robbins Aye

Councilwoman Smith Aye

Supervisor Grasso Aye

The resolution was duly adopted on November 8, 2021.

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Brenda Mills, Town Clerk

**LOCAL LAW # 1 OF 2021, OF THE TOWN OF CHARLTON  
OPTING OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE  
CANNABIS CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW  
ARTICLE 4**

**Be it enacted by the Town Board of the Town of Charlton as follows:**

**Section 1. Legislative Intent**

It is the intent of this Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Charlton that would otherwise be allowed under Cannabis Law Article 4.

**Section 2. Authority**

This Local Law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a Local Law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses within the jurisdiction of the

Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

**Section 3. Local Opt-Out**

The Town Board of the Town of Charlton hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Permissive Referendum/Referendum on Petition**

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

**Section 6. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION #166**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE SUM OF \$4,000.00 FROM THE TOWN OF CHARLTON PARKS REPAIR RESERVE FUND FOR REMOVAL OF NON-NATIVE LOCUST TREES FROM GIDEON HAWLEY PARK**

Motion by Councilman Robbins

Seconded by Councilwoman Smith

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Councilwoman Smith: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 166,  
November 8, 2021**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF THE SUM OF \$4,000.00 FROM  
THE TOWN OF CHARLTON PARKS REPAIR RESERVE FUND FOR REMOVAL OF  
NON-NATIVE LOCUST TREES FROM GIDEON HAWLEY PARK**

**WHEREAS**, on October 25, 2021, the Town Board approved a resolution setting a public hearing regarding the expenditure of funds from the Parks Repair Reserve Fund for the Town of Charlton; and

**WHEREAS**, the Town Board held the public hearing at or around 7:35 p.m. on November 8, 2021, in compliance with Town Law; and

**WHEREAS**, the Town Board determined following the public hearing that it was in the best interest of the Town residents to hire Northeast Landscaping to remove several non-native locust trees from Gideon Hawley Park next to Town Hall on Charlton Road which will create a more usable area within the Park, and to appropriate and take the funds to do so from the Parks Repair Reserve Fund; and

**WHEREAS**, the Town, pursuant to its' Procurement Policy, solicited bids and proposals for such work; and

**WHEREAS**, the Town has received a proposal from Northeast Landscaping, of 454 Stage Road, Ballston Lake, New York, 12019, in the amount of \$4,000.00, to perform said work, which meets all of the Town's criteria and specifications for said removal of non-native locust trees from Gideon Hawley Park.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board is hereby authorized to appropriate the sum of \$4,000.00 from the Town of Charlton Parks Repair Reserve Fund to be used to hire Northeast Landscaping, of 454 Stage Road, Ballston Lake, New York, 12019, to remove several non-native locust trees from Gideon Hawley Park next to Town Hall on Charlton Road which will create a more usable area within the Park, and be it further,

**RESOLVED**, the Town Supervisor is hereby authorized to hire said Company to perform said work as set forth in the proposal attached hereto and for the sum of \$4,000.00, and to sign all necessary documentation and pay all amounts necessary to effectuate same.

MOTION BY: Councilman Robbins

Voting: Councilman Glavin     Aye  
Councilman Ranaletto     Aye  
Councilman Robbins     Aye  
Councilwoman Smith     Aye  
Supervisor Grasso     Aye

SECONDED BY: Councilwoman Smith

The resolution was duly adopted on November 8, 2021.

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Brenda Mills, Town Clerk

**RESOLUTION #167**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE SUM OF \$18,000.00 FROM THE TOWN OF CHARLTON PARKS REPAIR RESERVE FUND FOR SURVEY WORK AT MILL POND PARK**

Motion by Councilman Ranaletto

Seconded by Councilman Robbins

Discussion: Councilwoman Smith asked what the balance will be in the Parks Repair Reserve Fund after these expenses. Councilman Robbins said approximately \$50,000.00. Councilman Glavin asked if the Town had any liability by listing "great work" in paragraph 5. Councilwoman Smith said that she sees no liability for the Town.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Councilwoman Smith: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 167  
November 8, 2021**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF THE SUM OF \$18,000.00 FROM  
THE TOWN OF CHARLTON PARKS REPAIR RESERVE FUND FOR SURVEY WORK  
AT MILL POND PARK**

**WHEREAS**, on October 25, 2021, the Town Board approved a resolution setting a public hearing regarding the expenditure of funds from the Parks Repair Reserve Fund for the Town of Charlton; and

**WHEREAS**, the Town Board held the public hearing at or around 7:40 p.m. on November 8<sup>th</sup>, 2021, in compliance with Town Law; and

**WHEREAS**, the Town Board determined following the public hearing that it was in the best interest of the Town residents to hire Environmental Design Partnership ("EDP") to have a survey completed of the Mill Pond Park, and to appropriate and take the funds to do so from the Parks Repair Reserve Fund; and

**WHEREAS**, the Town, pursuant to its' Procurement Policy, considered bids and proposals for such work; and

**WHEREAS**, the Town has received a proposal from Environmental Design Partnership ("EDP"), of 900 Route 146, Clifton Park, New York, 12065, in the amount of \$18,000.00, to perform said work, which meets all of the Town's criteria and specifications for said survey, and from an engineering firm that has done great work in the past for the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board is hereby authorized to appropriate the sum of \$18,000.00 from the Town of Charlton Parks Repair Reserve Fund to be used to hire Environmental Design Partnership ("EDP"), of 900 Route 146, Clifton Park, New York, 12065, to have a survey completed of the Mill Pond Park, at the cost of \$18,000.00, with a portion thereof to be reimbursed to the Town from the Saratoga County Trails Grant Program, and be it further

**RESOLVED**, the Town Supervisor is hereby authorized to hire said Company to perform said work as set forth in the proposal attached hereto and for the sum of \$18,000.00, and to sign all necessary documentation and pay all amounts necessary to effectuate same.

MOTION BY: Councilman Ranaletto

Voting: Councilman Glavin Aye

Councilman Ranaletto Aye

SECONDED BY: Councilman Robbins

Councilman Robbins Aye



Councilwoman Smith    Aye  
Supervisor Grasso      Aye

The resolution was duly adopted on November 8, 2021.

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Brenda Mills, Town Clerk

**RESOLUTION #168**

**A RESOLUTION AUTHORIZING THE HIGHWAY SUPERINTENDENT**

Motion by Councilwoman Smith  
Seconded by Councilman Glavin

Discussion: Supervisor Grasso said that the Highway Superintendent has an equipment replacement plan. The old grader needed work. Superintendent Heritage spoke with the owner of the new (used) grader before bidding on it. Supervisor Grasso commended Mr. Heritage for his diligence in getting the new grader at a very good price. He plans to trade in the old grader.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Councilwoman Smith: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 168  
November 8, 2021**

**RESOLUTION AUTHORIZING THE HIGHWAY SUPERINTENDENT  
TO PURCHASE A 2003 GRADALL XL3100 EXCAVATOR**

**WHEREAS**, the Town Highway Department is in need of and has to replace its' current Gradall/excavator, which is necessary to properly repair and maintain Town roadways and drainage ditches: and

**WHEREAS**, pursuant to the Town procurement policy, equipment purchased at auction do not require obtaining several proposals, however the Highway Superintendent researched values and did obtain a proposal from Auctions International, of 11167 Big Tree Road, East Aurora, New York, 14052, to purchase at auction a 2003 Gradall XL3100 Excavator, a copy of which proposal is shown on the attached document presented to the Town Board by the Highway Superintendent; and

**WHEREAS**, the Highway Superintendent has recommended to the Town Board that he be authorized to purchase the 2003 Gradall XL3100 Excavator as set forth on the attached document for the sum of \$17,710.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Charlton Highway Superintendent is hereby authorized to purchase the 2003 Gradall XL3100 Excavator from Auctions International, of 11167 Big Tree Road, East Aurora, New York, 14052, for the amount of \$17,710.00,

plus any incidental expenses associated therewith, as set forth and described on the attached document, and be it further

**RESOLVED**, that the Town of Charlton Highway Superintendent is hereby authorized to expend the sum of \$17,710.00, plus miscellaneous additional costs, if any, in order to pay for and obtain the 2003 Gradall XL3100 Excavator referenced in this resolution.

MOTION BY:	Councilwoman Smith	Voting:	Councilman Glavin	Aye
			Councilman Ranaletto	Aye
SECONDED BY:	Councilman Glavin		Councilman Robbins	Aye
			Councilwoman Smith	Aye
			Supervisor Grasso	Aye

The resolution was duly adopted on November 8, 2021.

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Brenda Mills, Town Clerk

#### **ABSTRACT OF CLAIMS**

##### **MOTION #169**

##### **Approval of Abstract of Claims**

Motion by Councilman Robbins  
Seconded by Councilwoman Smith

By motion the Town Board approved the processing of Abstract #120, voucher numbers 619-649 in the amount of \$274,813.69 which was audited by Town Board members.

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

#### **PRIVILEGE OF THE FLOOR**

Paul St. John, resident, asked if the wood from the locust trees was available to the public. A: the wood has already been removed.

##### **MOTION #170**

##### **Motion to adjourn the meeting**

Motion by Councilman Glavin  
Seconded by Councilman Ranaletto

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

The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk