

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

**March 11, 2019**

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 Grattidge at 7:30 p.m.

Supervisor Grattidge led the pledge of Allegiance.

Present: Councilman Grasso, Councilwoman Heritage, Councilman Robbins, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Craig.

Excused: Councilman Ranaletto

**APPROVAL OF MINUTES**

**RESOLUTION #74**

**Approval of Minutes**

Motion by Councilman Grasso

Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board has approved the minutes of the Public Hearing for a Local Law regarding Prior Notice of Defect on February 25, 2019.

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

**RESOLUTION #75**

**Approval of Minutes**

Motion by Councilman Robbins

Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board has approved the minutes of the Town Board Agenda Meeting Minutes on February 25, 2019.

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

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

No one chose to speak.

**ABSTRACT OF CLAIMS**

**RESOLUTION #76**

**Approval of Abstract of Claims**

Motion by Councilman Grasso

Seconded by Councilman Robbins

Discussion: Councilman Grasso noted that the Abstract included a voucher for the repair of the water main on Little Troy Lane. The cost was around \$7,000 which the Board felt was a fair price. They were happy to get the repair done and glad that it was not more costly.

BE IT RESOLVED that the Town Board audited **Abstract #105**, voucher numbers 139 - 175 in the amount of \$26,171.25, and **Abstract #007**, voucher number 7001 in the amount of \$7,831.96.

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

### **TOWN CLERK'S REPORT**

The Town Clerk's office took in \$530.25 for the month of February. \$405.35 was paid to the Supervisor, and \$124.90 was paid to other Governmental agencies.

The Town Clerk announced that her office will be collecting items for NYS Yellow Ribbon Day which is on April 9<sup>th</sup>, 2019. It is a day dedicated to honoring our military personnel deployed around the world. Along with the Saratoga County Clerks, we will be partnering with the local chapter of Blue Star Mother (parents of servicemen and women) to collect donations for "Freedom Boxes" which will be sent to deployed troops. Items may be dropped off at the Town Clerk's office until April 6<sup>th</sup>. A suggested list of items will be available on the Town's website and at the Clerk's office. Monetary donations can also be made to help cover the \$10.65 shipping cost for each box.

### **RESOLUTION #77**

#### **Acceptance of the Town Clerk's Report**

Motion by Councilman Grasso

Seconded by Councilman Robbins

BE IT RESOLVED that the Town Board has accepted the Town Clerk's reports as read.

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

### **SUPERVISORS REPORT**

For the month of February, I attended 5 Town meetings and 5 County meetings. Some of the highlights of the month:

- Attended normal Town and County meetings
- Attended a Meeting with DOT on the BridgeNY Program
- Attended the NYS Association of Towns 2019 Annual Meeting in NYC
- Worked on updating the Town of Charlton Employee Manual

Supervisor Grattidge said that recently there was a report of a vehicle being broken into in Charlton late at night. The suspect was apprehended by the State Police and Sheriff's Office and the Charlton Police was there for assistance. The Supervisor reminded residents to lock their cars and call 911 if they see anything suspicious.

The Account Clerk was able to complete the annual AUD report that has to be submitted to the State every year. The Supervisor asked the Town Clerk to scan the document and put it on the website.

Supervisor Grattidge confirmed that the Board received the financial reports and Key Bank custodial statement.

(see financial report on next page)

03/01/2019 14:54:41

**MONTHLY REPORT OF SUPERVISOR****TO THE TOWN BOARD OF THE TOWN OF CHARLTON :**

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of February, 2019:

DATED: March 1, 2019

\_\_\_\_\_  
SUPERVISOR

	Balance 01/31/2019	Increases	Decreases	Balance 02/28/2019
<b>A GENERAL FUND - TOWNWIDE</b>				
CASH - CHECKING	27,678.33	48,199.86	47,701.11	28,177.08
CASH - SAVING	342,990.98	21,381.18	48,198.41	316,173.75
PETTY CASH	600.00	0.00	0.00	600.00
Park Fees Reserve	41,518.19	5.92	0.00	41,524.11
<b>TOTAL</b>	<b>412,787.50</b>	<b>69,586.96</b>	<b>95,899.52</b>	<b>386,474.94</b>
<b>DA HIGHWAY FUND</b>				
CASH - CHECKING	17,425.78	126,546.71	129,255.28	14,717.21
CASH - SAVINGS	92,620.52	102,243.31	126,546.71	68,317.12
CASH, SPECIAL RESERVE	15,496.51	0.00	0.00	15,496.51
<b>TOTAL</b>	<b>125,542.81</b>	<b>228,790.02</b>	<b>255,801.99</b>	<b>98,530.84</b>
<b>F WATER #1 FUND</b>				
CASH - CHECKING	1,926.11	6,507.37	6,507.37	1,926.11
CASH - SAVINGS	453,888.75	69.55	6,507.37	447,450.93
WATER SERIAL BOND	34,377.04	2.64	0.00	34,379.68
CASH, SPECIAL RESERVES	121,434.03	10.65	0.00	121,444.68
<b>TOTAL</b>	<b>611,625.93</b>	<b>6,590.21</b>	<b>13,014.74</b>	<b>605,201.40</b>
<b>SW WATER #2 FUND</b>				
CASH - CHECKING	59.87	119.74	119.74	59.87
CASH - SAVINGS	28,498.82	4.44	119.74	28,383.52
<b>TOTAL</b>	<b>28,558.69</b>	<b>124.18</b>	<b>239.48</b>	<b>28,443.39</b>
<b>TA TRUST &amp; AGENCY</b>				
CASH - CHECKING	10,538.71	121,697.75	121,697.74	10,538.72
<b>TOTAL</b>	<b>10,538.71</b>	<b>121,697.75</b>	<b>121,697.74</b>	<b>10,538.72</b>
<b>H CAPITAL PROJECTS</b>				
	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL ALL FUNDS</b>	<b>1,189,053.64</b>	<b>426,789.12</b>	<b>486,653.47</b>	<b>1,129,189.29</b>

## **ANNOUNCEMENTS**

There will be mandatory training for Town employees on April 11<sup>th</sup> at 9 a.m. to cover the State required Sexual Harassment Training and Workplace Violence Training. The Town Attorney was asked to prepare a resolution for the Agenda Meeting that would approve the new Employee Handbook that will be given to employees on April 11<sup>th</sup>.

## **COMMUNICATIONS**

The Highway Superintendent brought Ordinance #9 of 1978 to the attention of the Supervisor. The ordinance addresses the prohibition of cars being parked on Town roads during snow removal times, and overnight during winter months. The Board discussed giving copies of the ordinance to residents that are repeatedly parking on the road. The Board also discussed updating the ordinance and fines contained within it.

The Spring newsletter articles are due by March 22<sup>nd</sup> to the Town Clerk with anticipation of having the newsletters in the mail to residents at the beginning of April.

The Town Clerk received a letter today from Senator Tedisco acknowledging receipt of the Town Board resolution which called upon Governor Cuomo to continue the AIMS support to Towns. Senator Tedisco condemned the Governor's action and sent letters in support of continuing funding to Towns.

## **DEPARTMENT, COMMITTEE & COUNCILMAN REPORTS**

Highway – Superintendent Heritage said that the new truck is in, and will hopefully be on the road tomorrow. The old bucket truck and old truck #10 will probably go on the auction site. He gave the following report for the month of February:

1. Completed the defensive driving computer course
2. I attended the Superintendents luncheon
3. Finished installing the flatbed on truck # 26
4. Plowing and sand/salting roads
5. We got our new used bucket and utility trucks home
6. Truck # 12 sander rebuilt and installed a new feed chain
7. Clearing snow from ditches and opening culverts
8. Clearing catch basins
9. Worked on the arm mower
10. Repaired and replaced center pin on the loader
11. Truck maintenance
12. Mixing sand and salt
13. We received the new single axle dump truck
14. Clearing snow from fire hydrants
15. Cleaning and rinse of trucks
16. Moving snow banks at the town hall and community center
17. 811 Dig locations (7)

Parks – Chairman Dave Pohl said that the Committee will be meeting on March 13<sup>th</sup> to discuss the pathway

Councilman Robbins said that he met with the new members of the ambulance Advisory Committee and he feels that they have a good sense of what is needed. They would like to do site visits.

ECC – Teddi Smith said that there will be the free tree distribution this year at the Highway Garage on April 27<sup>th</sup> from noon to 1 p.m. She will speak to the Highway Superintendent about roadside clean-up and mentioned that each year there seems to be less and less volunteers.

Dog Control – In February, there were 6 calls received, 2 expired licenses followed up on, 3 dogs returned to owners and 1 dog bite case reported.

Constables – In February, there were 36 patrols, 24 complaints received, 20 911 calls, 12 accidents & 4 EMT/Fire calls responded to. 3,136 miles were traveled, and 44 tickets were issued (24 issued on Route 67).

Party in the Park – The committee met on February 26<sup>th</sup>, and there will be another planning meeting at the Town Hall on March 26<sup>th</sup> at 7pm. Anyone interested in participating or volunteering is welcome.

Zoning – For the month of February, there were 5 Building Permits issued, \$1,302.00 in fees collected, and the permit value was \$112,680.00.

Planning Board – Councilman Grasso said that the Planning Board has no cases to hear this month, so there is no March meeting planned.

Cell Advisory Committee - Councilman Grasso said that there are 15 responders who are interested in serving on the Cell Service Advisory Committee. Their first meeting will be Saturday, March 16<sup>th</sup> at 10 a.m. at the Town Hall. They will be discussing the cell coverage issue and the rural broadband issue.

Councilman Grasso said that he saw some correspondence the Town was copied on regarding the new Stewart’s Shops snow removal plan. He did a follow-up site visit immediately after and it appears that they addressed the concerns within 24-48 hours and the issue was taken care of.

Councilman Grasso gave Councilwomen Heritage copies of the Time Warner coverage maps and said that he would make copies available for the Advisory meeting this Saturday.

Supervisor Grattidge congratulated Councilwoman Penny Heritage on her new full-time position as the Director of the Saratoga County Animal Shelter.

**MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS**

**RESOLUTION #78**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF CHARLTON OF LOCAL LAW NO. 1 OF 2019**

Motion by Councilman Grasso  
Seconded by Councilman Robbins

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Absent, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED**

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

**RESOLUTION NO. 78  
March 11, 2019**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD  
OF THE TOWN OF CHARLTON OF LOCAL LAW NO. 1 OF 2019**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Charlton for a public hearing to be held by said Town Board on February 25, 2019 at Charlton Town Hall to hear all interested parties on a proposed Local Law entitled:

**“A LOCAL LAW PROVIDING FOR PRIOR WRITTEN NOTICE OF THE EXISTENCE OF A DEFECTIVE OR HAZARDOUS CONDITION ON TOWN OWNED AND/OR MAINTAINED PROPERTY”, and**

**WHEREAS**, notice of said public hearing was duly advertised in The Daily Gazette, the official newspaper of said Town on February 13, 2019, and

**WHEREAS**, said public hearing was duly held on February 25, 2019 at 7:15 p.m. at Charlton Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

**WHEREAS**, the Town Board of the Town of Charlton, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Charlton does hereby adopt the Local Law providing for the prior written notice of the existence of a defective or hazardous condition existing on Town owned and/or maintained property, a copy of which is attached hereto and made a part of this resolution, 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.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilwoman Heritage	Aye
Seconded by	Councilman Robbins		Councilman Ranaletto	Absent
			Councilman Robbins	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: March 11, 2019

\_\_\_\_\_  
Brenda Mills, Town Clerk

**(attachment: Local Law #1 of 2019)**

**TOWN OF CHARLTON  
LOCAL LAW # 1 of 2019  
REQUIREMENT FOR PRIOR NOTICE OF DEFECT**

**A LOCAL LAW PROVIDING FOR PRIOR WRITTEN NOTICE OF THE EXISTENCE OF A DEFECTIVE OR HAZARDOUS CONDITION EXISTING ON TOWN OWNED AND/OR MAINTAINED PROPERTY**

Section I: It is the intention of the Town Board to protect the health and safety of the community by requiring actual written notice of defective and hazardous conditions existing on town-owned or maintained properties. The receipt of actual written notice will enhance the town’s ability to remedy

dangerous conditions on all properties under the management and care of town personnel in an expeditious and safe manner.

Section II: Be it enacted by the Town Board of Charlton that no civil action shall be maintained against the town, any town official or employee, or the town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually given to the town clerk or town superintendent of highways, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, nor shall such action be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways, by registered or certified mail, and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section III: No civil action shall be maintained against the town, any town official or employee, or the town superintendent of highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the town or the superintendent of highways of the town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the town clerk or to the town superintendent of highways, by registered or certified mail, and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section IV: The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received by him pursuant to this section.

Section V: The town clerk of each town shall keep an indexed record, in a separate book, of all written notices which he or she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any town highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

Section VI: It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of §65-a of the Town Law of the State of New York. This Local Law shall supersede in its application NYS Town Law §65-a, Sections 1 and 4.

Section VII: This local law shall take effect immediately upon its filing in the Office of the Secretary of State.

**RESOLUTION #79**

**BRIDGE NY RESOLUTION BY MUNICIPALITY**

Motion by Councilman Grasso

Seconded by Councilwoman Heritage

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Absent, Councilman Robbins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

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

**RESOLUTION NO. 79**

**March 11, 2019**

**BRIDGE NY RESOLUTION BY MUNICIPALITY**

**(Bridge Project)**

**Authorizing the implementation and funding of 100% of the costs of a transportation project (bridge replacement), which may be eligible for federal-aid and/or state-aid, or reimbursement from Bridge NY funds**

**WHEREAS**, the bridge over the Mourning Kill tributary, located on Peaceable Street, in the Town of Charlton, is in need of replacement, and

**WHEREAS**, the project known as the BRIDGE NY Culvert, Peaceable Street over Trib of Mourning Kill, Town of Charlton, Saratoga County, P.I.N. 1761.13 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

**WHEREAS**, the Town of Charlton will design, let and construct the Project; and

**WHEREAS**, the Town of Charlton desires to move forward and advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

**NOW, THEREFORE**, the Town Board, duly convened does hereby

**RESOLVE**, that the Town Board hereby approves the above-subject Project; and it is hereby further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor of the Town to pay 100% of the cost of Design and Construction work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

**RESOLVED**, that the sum of \$998,060.00 is hereby appropriated from the Town's H- Fund and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

**RESOLVED**, that the Town Board hereby agrees that the Town of Charlton shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Charlton; and it is further

**RESOLVED**, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of Charlton shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

**RESOLVED**, that Town of Charlton hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award, and the construction phase of the Project shall be completed within thirty (30) months; and it is further

**RESOLVED**, that the Supervisor of the Town of Charlton be and is hereby authorized to execute on behalf of the Town of Charlton all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Charlton’s funding of Project costs and permanent funding for the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

**RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

**RESOLVED**, this Resolution shall take effect immediately.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilwoman Heritage	Aye
Seconded by	Councilwoman Heritage		Councilman Ranaletto	Absent
			Councilman Robbins	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: March 11, 2019

\_\_\_\_\_  
Brenda Mills, Town Clerk

**RESOLUTION #80**  
**APPROVAL OF SEASONAL USE OF VOLLEYBALL COURT BY TUESDAY TRY-ATHLETES**

Motion by Councilman Robbins  
Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board authorizes the use of the Elmer Smith Park Volleyball court on Tuesday evenings May 7<sup>th</sup> until August 27<sup>th</sup> from 6:00 p.m. until dark by the Tuesday Try-Athletes.

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

**PRIVILEGE OF THE FLOOR**

A resident notified the Board and audience that a company out of Latham that has been operating a "left over asphalt" scam for years, approached her last month. She wanted people to know that they are active in this area. They drive a white pick-up truck and have been previously cited.

Paul St. John, resident, wanted to remind people that the NYS legislature changed election law rules and now petitions are due in March instead of June, and there will be a primary in June.

**RESOLUTION #81**

**Motion to adjourn the meeting**

Motion by Councilman Grasso

Seconded by Councilman Robbins

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

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk