

**TOWN OF BRUNSWICK  
REGULAR TOWN BOARD MEETING  
JANUARY 11, 2024, 7:00 P.M.  
TOWN HALL**

**Board Members Present:** Supervisor Herrington, Councilman Christian, Councilman Cipperly, Councilman Balistreri, and Councilman Sullivan.

**Also Present:** Town Attorney, Thomas Cioffi and Town Clerk Rebecca Del Gaizo.

Supervisor Herrington called the meeting to order at 7:04 p.m.

All joined in with the salute to the flag.

**RESOLUTIONS**

**RESOLUTION NO. 24 OF 2024** RESOLUTION ADOPTING TOWN OF BRUNSWICK LOCAL LAW NO. 1 OF THE YEAR 2024. The foregoing Resolution, offered by Councilman Christian and seconded by Supervisor Herrington, was duly put to a roll call vote as follows: Councilman Cipperly, Voting Aye; Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Abstain; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**VISITORS WHO WISH TO SPEAK:**

Supervisor Herrington addressed the room because many people here tonight believe this is a public hearing for the Chick-Fil-A project. He said when working on the Comprehensive Plan, the Town recognized the desire to keep the town rural but also addressed the need for a commercial zone. They created the B15 zoned commercial corridor area allowing for restaurants, among other businesses. He stated he talked to a few restaurants about coming to Brunswick but they are looking for places that have offices for lunch crowds. Many restaurants are not opening as many new restaurants due to increase in wages and trending takeout. Herrington explained the Planning Board does the site plan evaluation, hours of operation, traffic, etc. They review the details of each project and eventually hold a Public Hearing.

Greg Beijian, 511 McChesney Avenue Extension, his biggest concern is the traffic. He is aware of Chick-Fil-A's reputation for massive lines of vehicles waiting for their order. He said the area from Burdett Avenue until Walmart on route 7 cannot handle the additional traffic.

Jean McCouin, McChesney Avenue, stated the traffic light at McChesney Avenue is a bottleneck and she often has to wait numerous light cycles before she can get through. She is having problems with people using her driveway to turn around, even causing property damage.

Christie Fronhofer, 72 Oneida Avenue, said this is a town issue because it affects everyone that lives in the town, and especially the Sycaway area. She said the traffic in the neighborhood during the holidays was impossible to deal with. She asked about the Hannaford traffic study status. Supervisor Herrington said he just received the final draft and hasn't had time to review it. He said it will be released to the public. She said the neighborhood roads are narrow and fears it is only a matter of time before someone is injured, or worse.

Sharon Roy, 15 Riding Club Road, commented she prefers to grocery shop elsewhere due to the traffic on Hoosick Road. She read some research about Chick-Fil-A's traffic and the issues it causes.

Jamie Morris Ash, 218 South Lake Avenue, stated she is coming from corporate restaurant industry and corporations do not care about the neighborhoods and towns. Ms. Morris Ash said she has a major water issue with flooding and has been in touch with the Planning Board and NYS Dot. She said she would love to open a business in Brunswick and would only consider an already built vacant space. Ms. Morris Ash said the local businesses have experienced a significant decrease in business load recently. She commented how it can take over 20 minutes to go 1.2 miles from home to the Brunswick Youth baseball fields on Hoosick Road.

Mary Ellen Adams, Cooper Avenue, requested a moratorium on Hoosick Road from North and South Lake Avenues through the Stewarts at Route 142 until the traffic situation is sorted out. She is concerned about the use of the turning lane, blocking of intersections, road rage, and the increased number of car accidents. She would like to see partnerships with NYS DOT and the County.

John Raup, 18 Chester Court, asked about Supervisor Herrington's comment earlier regarding trying to get different kinds of businesses but then say you have no influence over the businesses that come into town, it feels deceitful.

Dick Ellis, Riding Club Road, said the traffic coming down Route 2 has greatly increased in recent years. He said we need to support local businesses.

Ed Golden, 14 Lord Avenue, said he is still waiting for the speed limit signs on Lord Avenue. He said people go very fast down Lord Avenue towards Duncan's.

Jennifer Mann, 91 Hill Road, along with Adriano Bongiorno, Tamarac Road, asked the Board to consider passing a moratorium on further developing the Hoosick Road commercial corridor until the traffic report has been published, analyzed, and to allow for public comment. They stated it is important to consider the impact of further development weighed against gains from sales tax revenues and property taxes generated from new business. They requested the board consider the quality of life for residents. They both said the proposed Chick-Fil-A in Colonie has been put on hold until the company figures out traffic solutions.

Jim Tkacik, 387 Brunswick Road, said the Town needs to partner with NYS DOT. He believes the town needs to establish a liaison with the town, CDTC, and DOT. Mr. Tkacik said the pop-up CDTC meetings were not properly advertised to allow for sufficient public input. He said he researched traffic studies and learned the McChesney Avenue intersection is the lowest rated, at "E". He said this all should have been planned better more than 10 years ago. He asked about denying projects. Mr. Cioffi said the Town gets sued when we deny projects without valid reasons, traffic being one of them. Mr. Tkacik said if the town doesn't act now, it's only going to continue getting worse.

Betty Fucci, 46 Killock Avenue, said she attended Planning Board meetings for about 3 years when the Aldi project was being done. She said every variance is approved and feels not all variances should be.

Joe Durkin, 22 Eagle Avenue, stated a moratorium is needed because Brunswick has a density problem in the commercial corridor. The Town has created a mini city environment in this area. He said the Town needs to look at the big picture instead of small projects individually.

Vanessa Bongiorno, 598 Tamarac Road, said nearby municipalities are conducting listening forums. She said she would like more transparency with the Town. She wants the Town to do better for the community and future generations.

Margaret Ferguson, 26 Lord Avenue, expressed similar concerns with the addition of crime. She said last week someone was running from police and ran up onto her porch. She said it was very intimidating watching the man being arrested in her yard.

Jamie Morris Ash, asked if the proposed business is responsible for conducting a traffic study. Mr. Cioffi responded the Planning Board can go beyond the information provided by the company and hire additional experts at the project's expense. He said the engineer assists with interpreting the data.

Jennifer Mann, appreciated Mr. Durkin's comments. She recognized it's not an easy situation. Ms. Mann offered to help create a citizens group to gather information and try to reach DOT.

Supervisor Herrington concluded the public comment period. He said the town wanted a commercial corridor because the town needs the sales tax. In 2020 the town received 1.54 million sales tax and in 2023 we received \$2 million in sales tax. Sales tax is based on assessment not necessarily sales. He admitted the town is becoming saturated. He mentioned a \$100,000 grant but the studies don't offer solutions.

### **BUSINESS MEETING:**

#### **MINUTES OF THE PREVIOUS MEETING:**

Councilman Sullivan made a motion to approve the minutes of the two separate Public Hearings on December 14<sup>th</sup>, 2023, followed by the December 14<sup>th</sup> Regular Town Board Meeting, Special Meeting-Year End on December 27<sup>th</sup>, 2023, and the Organizational Meeting on January 2<sup>nd</sup>, 2024. Motion was seconded by Supervisor Herrington. Unanimously approved.

### **REPORTS:**

Town Clerk: Rebecca Del Gaizo

Ms. Del Gaizo gave the report for the month of December. \$5,471.31 will be remitted to the Supervisor's office. Rounding numbers, recycling fees accounted for \$3,903, Community Center fees for \$750.00, Dog License fees for \$252.00 and \$490.00 in miscellaneous fees making up the balance. The Community Center had 5 new reservations. Our share of \$3,259.49 in DEC sales was \$75.51. She announced appointing Cheryl Roberts as Deputy Town Clerk. Motion to accept the report was made by Councilman Christian and seconded by Councilman Balistreri. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

Highway Superintendent: Mike Bayly

Mr. Bayly was unable to attend the meeting. His report for the month of December has been submitted. A copy of the written report is on file in the Town Clerk's Office.

Water & Sewer: Bill Bradley

Mr. Bradley gave his report for the month of December. Last quarter's THM values were down due to help from City of Troy Water Treatment Plant changing their process regarding potassium paramagnet which helps degrade organic compounds. Meter reading is nearly complete for this

cycle. City of Troy is raising the water rates and therefore the Town must increase the rates for our residents to help cover the extra costs. The EPA recently sent a notice stating the town is not in compliance with the Cyber Security portion of the water systems vulnerability assessment and emergency response plan. Mr. Bradley has reached out to EPA and is working on getting this corrected. A report will be filed in the Town Clerk's office when available.

Code Enforcement: Charles Golden

Mr. Golden gave his report for the month of December. The report showed \$150,987.39 was collected for Building Permits and Zoning and Planning Board Fees. 9 building permits were issued or renewed, 107 building/property inspections were performed and active permits totaled 305. The department had 1 code call out with inspections, 2 code complaints, 4 code complaint inspections, 16 follow up complaint inspections and 0 fire inspections. 2 additional vacant/abandoned properties were identified. There are 3 Planning Board projects open or approved and 1 with the Zoning Board. 6 FOIL requests were received as well as zoning inquiries. A copy of the written report is on file in the Town Clerk's Office.

Town Attorney: Thomas Cioffi

Mr. Cioffi gave his report for the month of December. He attended and participated in meetings with staff and outside counsel at Town Hall and by conference calls or video meetings on December 15<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup>, 2023 and January 2<sup>nd</sup>, 3<sup>rd</sup>, and 10<sup>th</sup>, 2024; attended and participated in the 2023 Year End meeting and prepared the resolutions for that meeting; attended the Jan 2<sup>nd</sup>, 2024 Organizational Meeting and prepared the resolutions for the meeting as well; prepared the resolutions and supporting documents for this evening's meeting and prior to this meeting, participated in the Public Hearing regarding a new introductory local law and drafted said law in concert with the assessor after hearing comments from the Town Board members; prepared Public Hearing Notice for the Introductory Local Law; continuing to work with outside council on two pending CPLR article 78 proceedings related to Freedom of Information requests; worked with the building department on pending and prospective enforcement matters; worked with the Supervisor's office related to personnel matters; worked with representatives of Pure Sky Energy, the company now developing the Tamarac commercial solar collector system on Brick Church Road in connection with putting together a decommissioning agreement for the project; worked with Bill Bradley preparing easements adjacent to the Vanderheyden Reservoir to allow for rehabilitation of the dam as required by NYS DEC; worked with various departments in responding to outstanding Freedom of Information Law requests; prepared and reviewed various legal documents, and performed legal research and advisement as requested by town officials and employees; Motion to accept the report was made by Supervisor Herrington and seconded by Councilman Sullivan. Unanimously approved.

Town Historian: Tracy Broderick

Ms. Broderick has been scanning scrapbooks and documents; continuing research on Forest Park noting she has researched over 500 people buried there, including 60 people from Brunswick. She is looking forward to February 1<sup>st</sup> Historians meeting. Motion to accept the report was made by Councilman Christian and seconded by Councilman Balistreri. Unanimously approved.

Recycling Coordinator: Thomas Engster

Mr. Engster gave his report for the month of December. Revenues totaled \$4,592.51 and expenses \$4,531.90. 33.4 ton of materials were recycled and landfilled. CEE waste recycled was 7.365 tons. Motion to accept the report was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved. A copy of the report is on file in the Town Clerk's Office.

Community Library: Sara Hopkins

Ms. Hopkins gave her report for the month of December. Last month there were 2,902 physical checkouts, 2,061 walk in visitors, 4,033 digital checkouts, 100 Wi-Fi users (16/day average), assisted with 65 technical usages and 224 reference questions were addressed. 789 people

participated in various programs, and 16 passports were processed. Motion to accept the report was made by Councilman Christian and seconded by Councilman Balistreri. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

**CORRESPONDENCE:**

Jerry Carafello, sent an email complimenting Receiver of Taxes, Jayne Tarbox. He said she is always helpful, thorough, and prompt

Scott McFee, 448 Menemsha Lane, stopped by thanking the Highway Department for helping him out recently with litter issues. Great job plowing too.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**WARRANTS:**

Warrants No. 240001 through 240092, No.10524001 through 10524006 were presented. Motion to approve the warrants was made by Councilman Christian and seconded by Councilman Sullivan. Unanimously approved. Individual fund expenses were as follows:

General	\$	150,788.97
Highway	\$	166,351.60
Water	\$	45,413.86
Sewer	\$	2,644.50
Special Sewer District #6	\$	2,616.54

**FURTHER VISITORS WHO WISH TO SPEAK:**

None.

**ADJOURNMENT:**

Councilman Christian made the motion to adjourn. Motion was seconded by Councilman Sullivan. Unanimously approved. The meeting adjourned at 8:56 p.m.

Respectfully submitted,

Rebecca Del Gaizo  
Town Clerk