

**TOWN OF BRUNSWICK  
REGULAR TOWN BOARD MEETING  
NOVEBER 11, 2021, 7:00 P.M.  
TOWN HALL**

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

**Board Members Absent:** Councilman Balistreri

**Also Present:** Town Attorney, Thomas Cioffi and Town Clerk, William Lewis.

Supervisor Herrington called the meeting to order at 7:03 p.m.

All joined in with the salute to the flag.

Supervisor Herrington had some comments and observations before the start of the meeting. He commended Jennifer Mann and Paul Buehler on their campaigns for office in the recent election. It is good for the town to have others get their messages and/or concerns out to residents. He also congratulated Gordon Christian, Mark Balistreri and Jayne Tarbox on their re-election

**VISITORS WHO WISH TO SPEAK:**

Paula Golden, 14 Lord Avenue, had concerns about safety with the construction of the Hannaford Supermarket, specifically the lack of flaggers on Lord Ave. The large trucks hauling materials for the project have been lining up along the road, interfering with traffic. Going around them, drivers cannot see if there are any oncoming vehicles. Also, Tuesday (11/9) a power pole had been knocked down, and while inconvenient, at least no one had been injured.

Kristy Fronhofer, 72 Oneida Avenue, speaking for herself and neighbors in her area, asked the Town to address the huge increase in cut through traffic avoiding Hoosick Road. Drivers are speeding and ignoring traffic signs making it very dangerous. Would it be possible to cut off Duncan Lane from connecting with Otsego or at least making it one way? Many people are actually thinking of moving. Also the Town should ask developers for their buildings to be more attractive/in character with the Town in general like the Stewart's in Center Brunswick or the McDonalds on Hoosick Street in Troy.

Jennifer Mann, 91 Hill Road, congratulated the officials re-elected to the Town Board. Reading a prepared statement, she advised the Board that she has personally been taking water samples from interested residents and having them tested for contaminants. She and others have become concerned about PFAs due to the problems that have developed in the Poestenkill area and believe the Town of Brunswick should also take note. She has collected over 20 samples and fortunately only one tested positive, though it was below the maximum levels set by New York State. She asks the Town to seek funding from the county and/or /State to test all commercial businesses using well water in the production or sale of food for consumption by the public. Her report is on file at the Town Clerk's Office. Supervisor Herrington voiced his concerns on how the information collected by Ms. Mann was being handled, and if she was being responsible with the information. The conversation was heated, with Mr. Herrington worried about privacy and the potential for unduly scaring the public with the information obtained. Ms. Mann stated that she had followed the wishes of everyone she had tested water for, and her being the recipient of the test results was because in order to lower the cost, these were considered a batch brought in by her as an individual, so she received the results as the person on record and passed them to the residents. At the end, both Mr. Herrington and Ms. Mann were still at odds and ended agreeing to disagree.

Alex Duggan, 70 Colehamer Avenue, defended Jennifer Mann's position and complained that she had been treated very poorly by Supervisor Herrington. With all his concerns about privacy, the argument he brought up put it all out to the public on the internet, and should have been a private conversation at an appropriate place and time. Not in a public meeting. Poestenkill has been very transparent and involved with their residents on this issue. The Town should be supporting her efforts not placing blame. Going forward, she hoped the Town would – and it should - take over this effort.

Kathy Betzinger, 1 Valley View Drive, first thanked Jennifer Mann for caring about the residents of Brunswick. As she understands it, by batch testing, participants saved a good amount of money. Her main reason for addressing the board was to inquire as to the appropriations of the general fund in the 2022 budget. She had heard there was a proposal for a new garage. Supervisor Herrington stated there was not. Regarding traffic on Hoosick Street, she quoted many passages contained in the Town's comprehensive plan concerning future development in the town, which appears to point out responsibilities to address the issue. Traffic on Hoosick Road was the number one complaint eight years ago during the plan meetings and continues to be. The Town should be at least have a feasibility study along with the NYS DOT, hold meetings and have public hearings on the matter. The City of Troy recently held an informal meeting on the issue, expressing their interest in having a joint coordinated effort with the state and town to work on this.

#### **BUSINESS MEETING:**

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

Councilman Sullivan made a motion to accept the minutes of the October 14, 2021 regular meeting. Motion seconded by Councilman Christian. Unanimously approved.

#### **REPORTS:**

Town Clerk: William Lewis

Mr. Lewis gave his report for the month of October. \$7,422.82 will be remitted to the Supervisor's office. Rounding numbers, recycling fees accounted for \$5,386.00, Community Center fees for \$1,050.00, Dog License fees for \$364.00 and \$622.00 in miscellaneous fees making up the balance. The Community Center had 7 new reservations and is booking well into 2022. 2021-2022 Hunting license sales earned the Town \$157.00 in commissions on \$2,856.00 in sales. Motion to accept the report was made by Councilman Christian and seconded by Councilman Cipperly. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

Highway Superintendent: Terry Scriven

Ed O'Donnell, Deputy Highway Superintendent gave the report for the month of October. Work included: patched and paved roads (shared service with Rensselaer County for Sweet Milk Creek Rd.; ditched roads and replaced culverts; attached leaf boxes to trucks; vacuumed leaves, picked up brush and lawn bags, hauling to landfill; mowed roadsides and ballfields; hauled recyclables. Motion to accept the report was made by Councilman Christian and seconded by Supervisor Herrington. Unanimously approved. 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 October. All required water testing for the month was completed. The Water and Sewer collection cycle is complete. \$569,783.39 has been collected and \$128,249.35 will be re-levied in January. 446 accounts are delinquent and two commercial properties account for \$18,000.00 of this. He is continuing to address an issue on

Killock Ave. where a new construction project is allegedly causing water problems for an adjacent property. This area has always been wet. The Highway Department has ditched the area somewhat but ran into rock. No more will be attempted until spring. There are four major construction site he is monitoring. The Sharpe Rd. subdivision, Harbor Freight building, the Leon project on Hoosick Rd., and the Hannaford Supermarket on Lord Ave. The Duesenberry Solar project is almost complete. As far as private wells and tests, if there are any concerns the Rennselaer Department of Health is the first point of contact to determine if any additional action is required. Motion to accept the report was made by Councilman Cipperly and seconded by Councilman Christian. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office. A copy of the written report is on file in the Town Clerk's Office.

Code Enforcement: Charles Golden

Mr. Golden gave his report for the month of October. The report showed \$10,736.00 was collected for Building Permits and Zoning and Planning Board Fees. 30 building permits were issued or renewed, 87 building/property inspections were performed and active permits totaled 355. The department had 1 code call out with inspection, 4 code complaints, 4 code complaint inspections, 10 follow up complaint inspections and 4 fire inspection. No additional vacant/abandoned properties were identified. There are 12 Planning Board projects open or approved and 11 with the Zoning Board. Motion to accept the report was made by Supervisor Herrington and seconded by Councilman Sullivan. Unanimously approved. 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 October. He had prepared the Resolutions for this evenings meeting; prepared notices for, attended and participated in 2 Public Hearings; worked with the Supervisors Office in meetings and demonstrations concerning a potential new phone system; attended and participated in weekly meeting in regards to the Zoning Law updates as they pertain to two and multi-family housing construction; attended and participated in meetings with the Building Department regarding code enforcement matters; continued to work on finalizing the collective bargaining agreement between the town and CSEA representing the highway workers; prepared and reviewed various legal documents, and performed legal research as requested by town officials and employees; Motion to accept the report was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved.

Town Historian: Sharon Zankel

Mrs. Zankel was unable to attend the meeting. She has submitted a written report for the month of October. A copy of the written report is on file in the Town Clerk's Office.

Recycling Coordinator: Thomas Engster

Mr. Engster gave his report for the month of October. Revenues for the month were \$4,665.59. Expenses were \$2,282.74. 20.12 tons of materials were recycled and 18.35 tons landfilled for the month. Motion to accept the report was made by Supervisor Herrington and seconded by Councilman Christian. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

Community Library: Sara Hopkins

Ms. Hopkins gave her report for the month of October. The Haunted Trail event on October 29 was attended by over 800 people! Parents of younger children appreciated the slower pace of this activity compared to the previous Trunk or Treat events. The \$5/Bag book sale fundraiser will be Friday December 10<sup>th</sup> all day. Last month there were 2767 physical checkouts, 17 pickup appointments, 1,538 walk in visitors and 2,429 digital checkouts. 1059 people

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participated in various programs, which included the well-attended Haunted Trail. Seniors programs are now back at the library and special needs programs have also started again. Program schedules (new and continuing), special events and news items are available at [www.brunswicklibrary.org](http://www.brunswicklibrary.org) Motion to accept the report was made by Councilman Christian and seconded by Councilman Sullivan. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

**RESOLUTIONS:**

**Resolution No. 63** Resolution Directing Re-levy of Unpaid Vacant Building Registration Fees. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Cipperly, 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 Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 64** Resolution Finally Adopting 2022 Preliminary Budget as 2022 Annual Budget of the Town of Brunswick. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, 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 Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 65** Resolution and Order Establishing Extension of Town of Brunswick Sewer District No. 3. The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Christian, 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 Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 66** Resolution Establishing SEQRA Lead Agency and Scheduling a Public Hearing on the Petition for Rezoning by CVE North America, Inc. in Connection with a Proposed Commercial Solar Collector System. The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Christian, 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 Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted. With unanimous agreement, the Public Hearing regarding this Resolution was scheduled for Thursday, January 13, 2022 at Brunswick Town Hall, to commence at 6:30pm.

**LOCAL LAW:**

**Introductory Local Law #3 of the Year 2021:** A Local Law to Opt Out of Allowing On-site Consumption Sites as Authorized Under Cannabis Law, Article 4. Councilman Cipperly introduced the Local Law and offered a brief explanation. The state has passed the Marijuana Regulation and Taxation Act, which allows retail sales and on-site consumption of Marijuana. The law authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit retail sales licenses and/or on-site consumption licenses within the town. If no action were taken by the end of December, The Town would be considered "opted-in" by default, allowing all the provisions of the State Law, with no recourse in the future to opt-out. By opting-out of either provision, the Town retains the right to opt-in in the future if so desired. This Local Law, if adopted, would prohibit on-site

consumption, and by not addressing retail sales, allows them by default. A discussion as to a date and time for a Public Hearing on this Introductory Law followed. With unanimous agreement, a Public Hearing regarding this Introductory Local Law was scheduled for Thursday, December 9, 2021 at Brunswick Town Hall, commencing at 6:00pm

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Brunswick #1 and Mountain View fire department contracts are due to be renewed by the Town Board, requiring two Public Hearings regarding their proposed budgets. After discussion, it was unanimously agreed to hold the hearings at Brunswick Town Hall on the following dates and times:

Brunswick #1 Fire Department on Thursday December 9, 2021, to commence at 5:30pm.

Mountain View Fire Department on Thursday December 9, 2021, to commence at 5:45pm.

**WARRANTS:**

Warrants No. 211071 through 211173, No. 102921001 through 102921009 and No. 111221001 through No. 111221006 were presented. Motion to approve the warrants was made by Councilman Christian and seconded by Supervisor Herrington. Unanimously approved. Individual fund expenses were as follows:

General	\$	59,539.77
Highway	\$	130,783.99
Water	\$	54,366.28
Sewer	\$	11,108.63
Special Sewer	\$	559.10

**FURTHER VISITORS WHO WISH TO SPEAK:**

Jim Tkacik, 387 Brunswick Road, revisited concerns he had regarding drainage at Shyne Road where it connects to State route 2 (Brunswick Rd.). There are problems at both the east and west ends with drainage, which is undermining the roadways and icing in the winter. Councilman Christian advised that he has been in touch with National Grid about the problem on the west end with erosion coming off the power line right of way and they have done little to address it. He is planning on placing concrete barriers before winter to keep the road from icing. If National Grid doesn't like this it will then be up to them to make it right. He will take another look at the east end with Highway Superintendent Scriven to assess the flooding there.

**ADJOURNMENT:**

Supervisor Herrington asked to adjourn the meeting in honor of veterans and their families who sacrificed so we could live in freedom. A few ways the town honors veterans are with the Veterans Park in Eagle Mills, the Veterans Banner program and property tax reductions. He and the Town Board Members thank the veterans and their families, A moment of silence was held in their honor. Supervisor Herrington made the motion to adjourn the meeting. Motion was seconded by Councilman Sullivan. Unanimously approved. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

William J. Lewis,  
Town Clerk