

**TOWN OF BRUNSWICK  
REGULAR TOWN BOARD MEETING  
APRIL 14, 2022, 7:00 P.M.  
TOWN HALL**

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

**Board Members Absent:** None.

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

Supervisor Herrington called the meeting to order at 7:00 p.m.

All joined in with the salute to the flag.

**VISITORS WHO WISH TO SPEAK:**

Michelle and Michael Fennell, 117 Woodlawn Court, addressed the board in regards to a tall “spite” fence their neighbor, Mr. Barry Thompson, has been erecting on his property easement, which they claim is unsafely constructed and poses a serious danger to their children in the event of a collapse. They distributed packages with pictures and reports to the board members. Mrs. Fennell gave the following narrative: They had moved in to their newly constructed home in May of 2021, built on land purchased from Mr. Thompson. In June of 2021 they came home to the massive fence being built. The next day Mr. Fennell went to Mr. Thompson with his concerns about the poor construction, claiming that the posts were not sunken deep enough and concrete had not been used. A heated debate ensued with Mr. Thompson basically telling him he could do whatever he wanted, and said they could buy the 16’ easement for \$25,000.00. Mrs. Fennell contacted the Town and was informed there were no actual regulations concerning fences. Meanwhile, 7 more sections were installed, allegedly because Mr. Fennell refused to pay for the easement. In August of 2021 Mr. Charles Golden, Town of Brunswick Code Enforcement Officer, came out and measured the fence. Mr. Thompson claimed the posts were 14’ and were secured in cement. Mr. Golden deemed the fence adequate. Mr. Fennell spoke with Mr. Golden stating that the neighbor’s claims about construction were not true, that the posts were only 12’ and no concrete had been used. Mr. Golden decided to look into the matter further. Meanwhile again two more sections were rapidly installed allegedly only using a shovel to dig. In September of 2021 Mr. Wayne Bonesteel, Engineer with Colliers Engineering and Design inspected the fencing and stated in his report several design problems including that embedment of the posts was inadequate. At the October 2021 Board Meeting they brought their complaints to the Board. In February of 2022 they called the Town for an update. Mr. Golden spoke with Mr. Thompson and was informed the bracing for the fence is coming but is backordered. In closing Mrs. Fennell said they had purchased the property at Mr. Thompsons set price, believing they were helping him out. They have been harassed with e-mails, Mr. Thompson speaking ill of them to neighbors and now this “spite” fence. Supervisor Herrington asked Mr. Golden for any updates. Mr. Thompson had consulted an engineering firm and at their recommendation, has purchased bracing materials to be installed which are now on site. Asked about inspecting the additional construction/bracing, Mr. Golden again noted that there are no zoning laws regarding fences and Mr. Thompsons engineering firm should be monitoring it. Town Attorney Cioffi offered that if the bracing wasn’t installed properly or the fence were still deemed unsafe, the other option would be to begin an Unsafe Structure procedure. This would have to be done by Town Board Resolution Supervisor Herrington said that if the work wasn’t started, a special meeting could be held to begin the process. The Fennells again reiterated that this is a “spite” fence and their main concern was for the safety of their children. This has been stressful and gone on way too long.

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Mr. Louis Hutter, 228 White Church Road, Addressed the Board concerning Flooding issues along State Route 351 (Farm to Market Road) and White Church Road. HE had brought this up at a previous meeting and hadn't heard of any plans. Mr. Bradley, Water Superintendent noted that since this is a State Highway he had reached out to the NYS DOT resident engineer about the undersized culvert, the existing berm and the stream running beneath Route 351. The engineer went to the area and determined drainage was adequate and there were no plans to do any work there. He said it will be looked at in the future as other work is done on this road. Mr. Hutter also brought up the problem that accumulating dirt from road sweeping along the shoulders diverts water away from drain areas. He thinks every once and a while the shoulders should be graded to cut this down. He also mentioned he had received an e-mail that looked like it was from us but was spam. This has happened from time to time and seems to be more of a cut and paste situation, not a breach/hack of our server. This has been checked out thoroughly.

**BUSINESS MEETING:**

**MINUTES OF THE PREVIOUS MEETING:**

Councilman Sullivan made a motion to accept the minutes of the March 10, 2022 Board Meeting and the March 10, 2022 Public Hearing. Motion seconded by Councilman Christian.

Unanimously approved.

**REPORTS:**

*Town Clerk:* William Lewis

Mr. Lewis gave his report for the month of March. \$7,663.49 will be remitted to the Supervisor's office. Rounding numbers, recycling fees accounted for \$4,550.00, Community Center fees for \$1,650.00, Beach Pavilion fees for \$300.00, Dog License fees for \$433.00 with \$248.00 in miscellaneous fees making up the balance. The Community Center had 11 new reservations, booking well into June, and the Beach Pavilion had 3. Summer Camp registrations have just started and to date there were 21 Children enrolled. Motion to accept the report was made by Councilman Cipperly and seconded by Councilman Balistreri. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

*Highway Superintendent:* Terry Scriven

Mr. Ed O'Donnell, Deputy Highway Superintendent, gave the report for the month of March. Work included: plowed and sanded roads; hauled sand; cut brush back on roadsides; hauled recyclables; patched roads; inspected and cleaned catch basins; cleaned Rt. 7 sidewalks; swept roads; repaired lawns; removed wings and sanders from trucks; washed trucks. Mr. O'Donnell noted that sand builds up on shoulders and the Highway Department does actually grade road edges periodically though it has been a while. Motion to accept the report was made by Councilman Christian and seconded by Councilman Sullivan. 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 March. All required water testing for the month was completed. During this testing a high Total Trihalomethanes Disinfection Products (TTHMs) was detected at Keyes Lane. This is partly due to the City of Troy having to treat more organics in the water from above normal runoff from last year. The high limit is 80.00 PPB and testing showed 80.08 PPB. This is not a health issue/hazard but does require notifications. Due to heavy rains/high water some sewer blockages were identified and remedied. He has continued to monitor many projects including Aldi's, Hannaford, and Harbor Freight, all along Hoosick Rd., and the Sharpe Rd. Subdivision. As a reminder, the water rate has been increased to \$5.00 / 1,000G and \$ 0.50 / 1,000G for the sewer rate. This brings the minimum usage fee to \$75.00 for

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the first 15,000G and \$82.50 if both water and sewer are being billed. Supervisor Herrington asked about the fill for the Aldi's project because he hadn't seen any being trucked in. Mr. Bradley advised that the rock blasted and crushed on site was being used for this purpose. 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. 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 March. The report showed \$38,694.78 was collected for Building Permits and Zoning and Planning Board Fees. 27 building permits were issued or renewed, 66 building/property inspections were performed and active permits totaled 377. The department had 1 code call out with inspection, 9 code complaints, 11 code complaint inspections, 7 follow up complaint inspections and 13 fire inspection. 4 additional vacant/abandoned properties were identified. There are 7 Planning Board projects open or approved and 5 with the Zoning Board. He advised that the underground plumbing is complete at the Kentucky Fried Chicken and Hannaford projects and that Harbor Freight will be starting roughing in their electric. Supervisor Herrington inquired about the Aldi's project and was informed that they still needed to fill and compact the site, and a time line was not available. Councilman Balistreri inquired about permit activity for some telecommunications towers. Mr. Golden felt the upgrades sought were due to 5g coming in and possibly also due to the merger of Sprint and Nextel. 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. A copy of the written report is on file in the Town Clerk's Office. 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 March. He has continued to attend and participate in weekly meeting in regards to the Zoning Law updates; prepared Resolutions for this meeting; finalized the Request for Proposals for an engineering firm to work with the Planning Board on a regular basis; worked with the supervisor's Office and the Town Engineer regarding the federal transportation grant funds pertaining to a study of the Hoosick Road corridor; worked with the Building Department regarding code violations and communications from involved law firms; worked with the Assessor's Office to prepare two introductory Local Laws pertaining to senior citizen and disabled homeowner property tax exemptions; worked with the Supervisor and Town Clerk offices regarding personnel matters; assisted the Building Department with several FOIL requests; performed legal research and advised town officials and employees on legal matters and documents as requested. Motion to accept the report was made by Councilman Christian and seconded by Supervisor Herrington. Unanimously approved.

Town Historian: Sharon Zankel

Mrs. Zankel gave her report for the months of March. First she reminded all that the annual shoreline cleanup of the Tomhannock Reservoir is on Saturday April 30<sup>th</sup> from 9:00 to Noon. Volunteer registration is through the Rensselaer Land Trust website, Requests for her services increased last month. She had two requests regarding former businesses on Hoosick Road, a research request from the Brunswick Community Library and is assisting two people with ancestry information. She is organizing brief conference of all county local government historians on April 26<sup>th</sup> at the Brunswick Town Hall. The Brunswick Historical Society held their first annual meeting since March of 2019. Tracy Broderick has agreed to serve another term as

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president, her 11<sup>th</sup> term! The Society is open Saturdays from 10:00 am to 3:00 pm for now. They are hoping to open Wednesdays soon. The Society is free of charge during visiting hours and membership information is available on their website. The 1950 federal census report is now available. It has been posted to Ancestry.com, however it is not indexed at this time, requiring a page by page search for individuals. Reviewing the census, she found the following: there were four districts in Brunswick and information was collected during April and May of 1950 and showed that at that time individuals seemed to be building single family homes, rather than contractors. Efforts were made to count citizens who were out of the country or on military duties and college students were to be counted where they attended school. Brunswick had a population of 5,981 persons 22 of whom were infants under the age of 1 year. Census takers visited 1,822 home but these counts could be off due to poor handwriting and many scans of the original forms being of poor quality. She noticed that since the 1930 and 1940 censuses, fewer were farming, more women were working and many worked in fields requiring specialized training or education. Informative notations were often on the documents such as former road names or roads only indicated as “dirt road” off of another named road. A question asked of most importance to family history researchers was the relationship of household members to the head of household. Motion to accept the reports was made by Councilman Balistreri and seconded by Councilman Cipperly. Copies of the written reports are on file in the Town Clerk’s Office.

Recycling Coordinator: Thomas Engster

Mr. Engster gave his report for the month of March. Revenues for the month were \$4,696.48. Expenses were \$2,128.75. 15.37 tons of materials were recycled and 15.43 tons landfilled for the month. 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.

Community Library: Sara Hopkins

Ms. Hopkins gave her report for the month of March. Easter Story Walks have launched and egg hunts will run through April 16<sup>th</sup>. Last month there were 4,247 physical checkouts, 13 pickup appointments, 2,316 walk in visitors and 2,543 digital checkouts. 627 people participated in various programs and 22 passports were processed. Programs offered: shoulder pain workshop; tech help workshop; college art 101. Upcoming; Psanky egg class; tots music class; figure drawing; history of swing music in the capital district. 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 Balistreri. Unanimously approved. A copy of the written report is on file in the Town Clerk’s Office.

### **RESOLUTIONS:**

**Resolution No. 35** Resolution Authorizing the Submission of a Community Project Funding Grant Application to Rehabilitate the Van Derheyden Reservoir Dam, 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 36** A Resolution by the Town of Brunswick Granting Authority to Sign Utility Work Agreement with the State of New York for Adjustment of Town of Brunswick Owned Water Facilities on Route 2 Under PIN 1811.13 Pavement Corrective Maintenance SFY 22A Project. The foregoing Resolution, offered by Councilman Cipperly and seconded by Councilman Christian, was duly put to a roll call vote as follows: Councilman Cipperly, Voting

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Aye; Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 37** Resolution Approving and Authorizing Execution of a Memorandum of Understanding with the Capital District Transportation Committee (CDTC) in Connection with a study of the Town of the Brunswick Hoosick Road Commercial Corridor to be Conducted as Part of CDTC'S 2022-2023 Unified Planning Work Program (UPWP) with Funding Through the Community and Transportation Linkage Planning Program. The foregoing Resolution, offered by Supervisor Herrington and seconded by Councilman Balistreri, 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 38** Resolution Awarding Contract for Purchase and Installation of Electronic Message Display Sign. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Balistreri, was duly put to a roll call vote as follows: Councilman Cipperly, Voting Nay; Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

#### **LOCAL LAWS:**

**Introductory Local Law No. 2** Introductory Local Law No. 2 of 2022 entitled "A Local Law Amending Section 139-3 of the Town Code of the Town of Brunswick so as to Extend the Eligibility for the Senior Citizen Tax Exemption in the Town of Brunswick." was introduced by Councilman Sullivan. With unanimous approval, a Public Hearing to accept comment on the introductory local law was scheduled for May 12, 2022, to be held at the Town of Brunswick Town Hall, commencing at 6:30pm. The hearing notice will be posted on the town website the office bulletin board and published in The Eastwick Press.

**Introductory Local Law No. 3** Introductory Local Law No. 3 of 2022 entitled, "A Local Law Amending Section 139-12 of the Town Code of the Town of Brunswick so as to Extend the Eligibility for the Disabled Homeowner Tax Exemption in the Town of Brunswick." Was introduced by Councilman Sullivan. With unanimous approval, a Public Hearing to accept comment on the introductory local law was scheduled for May 12, 2022, to be held at the Town of Brunswick Town Hall, commencing at 6:45pm. The hearing notice will be posted on the town website the office bulletin board and published in The Eastwick Press.

#### **CORRESPONDENCE:**

None.

#### **OLD BUSINESS:**

Councilman Balistreri thanked Sharon and Jim for input regarding revamping the town website. Tracy Broderick and Becky Legacy will be working on improvements as their schedule allows. He will continue to monitor progress. Also the second public safety committee meeting is scheduled for April 19<sup>th</sup> and will be attended by all the Fire Departments, the Sheriff's Department, himself Councilman Cipperly, Chuck Golden (Building Department) and Bill Bradley (Water Department). Topics will again address volunteer recruitment, auxiliary and support members, junior firefighters, possible shared services and ambulance service in town. Councilman Cipperly updated the board on the trail system development. They were able to do

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some late winter work on the Bonesteel Lane parking end of the project with Bill Bradley's help in obtaining fill from some of the projects in town. The perimeters have been marked out and next will be trail marking.

**NEW BUSINESS:**

Supervisor Herrington read a prepared speech outlining the procedures that have been followed in regards to the proposed Town of Brunswick Zoning Law changes concerning two family and multifamily home construction. In the course of implementing the 2017 Town of Brunswick Zoning Law, several other possible areas of concern have been identified and were discussed. The committee that has been meeting included representatives from Laberge Engineering and Consulting, Mr. Herrington, Town Attorneys and the Building Department staff. At this point the committee feels they have addressed numerous issues and have prepared proposed changes. They now have a red-lined draft text which indicates the changes proposed. This is not final or formatted for final adoption. Although Supervisor Herrington has kept the rest of the Town Board generally up to date on the proceedings, they have been able to review the entire draft. Therefore, he called for a special Workshop Meeting to be held April 26, 2022 at 6:00pm. The purpose will be for the Laberge Group to make a detailed presentation to the board of the draft and changes being considered. This will be a workshop, which is open for the public to attend, but is not open for public comment. Once the proposed revisions are reviewed and any questions or concerns addressed, the town attorneys will be asked to prepare an Introductory Local Law which, if adopted, would allow the implementation of the new changes. A Public Hearing will be held on the Introductory Local Law Local Law where the public will be able to express opinions and ask questions. There is no set time line yet, however he is hoping for next month.

**WARRANTS:**

Warrants No. 220288 through 220392, No. 31822001 through 21822009, No. 40122001 through 40122006, No. 41122001 and No. 41522001 through 41522007 were presented. Motion to approve the warrants was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved. Individual fund expenses were as follows:

General	\$	177,819.89
Highway	\$	79,277.85
Water	\$	360,593.04
Sewer	\$	773.99
Special Sewer	\$	930.23
Special Fire	\$	9,430.00

**FURTHER VISITORS WHO WISH TO SPEAK:**

Jim Tkacik, 387 Brunswick Road, thanked Councilman Balistreri for his efforts on improving the town's website and sharing his thoughts and thorough report with him. He noted that within a week of this all being discussed, a new search tool for tax maps had been added. Councilman Balistreri acknowledged Sara Hopkins, Brunswick Library Director as helping with that.

Jennifer Mann, 91 Hill Road, thanked Councilman Balistreri for his participation in the Public Safety Committee meetings. These meetings are not open to the public and Mr. Balistreri offered to make information available. She also thanked the town for work developing the new trail system, with a special shout out to resident Jessie Hoffman for his ideas and assistance. She offered herself and her family's help as volunteers on the project. Inquiring about recent Local Laws not being posted on the website, she was informed that we hadn't received notice of filing

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from the Department of State. Technically they becomes effective upon filing. They certainly could be posted as adopted but not yet filed by the Department of State. Speaking for another

resident, she informed the board that there were still political signs on a lawn in town on Route 2 past the High School from six years ago, certainly in violation of the political sign laws. This will be looked into.

**ADJOURNMENT:**

Councilman Christian made the motion to adjourn the meeting. Motion was seconded by Councilman Balistreri. Unanimously approved. The meeting adjourned at 8:36 p.m.

Respectfully submitted,

William J. Lewis  
Town Clerk