

**TOWN OF BRUNSWICK
REGULAR TOWN BOARD MEETING
DECEMBER 8, 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 7:05 p.m.

All joined in with the salute to the flag.

VISITORS WHO WISH TO SPEAK:

None.

BUSINESS MEETING:

REPORTS:

Town Clerk: William Lewis

Mr. Lewis gave his report for the month of November. \$5,688.55 will be remitted to the Supervisor's office. Rounding numbers, recycling fees accounted for \$3,376.00, Community Center fees for \$1,050.00, Dog License fees for \$282.00 and \$980.00 in miscellaneous fees making up the balance. The Community Center is still steadily booking for 2023 with January and February almost filled. Hunting license sales have slowed since Thanksgiving but were strong just before opening day approached. Our commission on \$5,865.00 in DEC sales was \$323.00. 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.

Highway Superintendent: Mike Bayly

Mr. Bayly gave his report for the month of November. Work included: vacuumed loose leaves and picked up leaf bags; picked up brush; mowed roadsides; patched and ditched roads; paved over driveway culverts; installed plows; miscellaneous shop work. There was an actual snowstorm last month, which worked out as a good "dry run" for the plow crews. Mr. Bayly was happy to report that the crews did a great job and the equipment was all good. Motion to accept the report was made by Councilman Christian and seconded by Councilman Balistreri. A copy of the written report is on file in the Town Clerk's Office.

Water & Sewer: Bill Bradley

Mr. Bradley was unable to attend the meeting. He has submitted his written report for the month of November. Motion to accept the report was made by Councilman Christian and seconded by Supervisor Herrington. A copy of the written report is on file in the Town Clerk's Office.

Code Enforcement: Charles Golden

Mr. Golden, gave the report for the month of November. The report showed \$9,713.15 was collected for Building Permits and Zoning and Planning Board Fees. 14 building permits were issued or renewed, 161 building/property inspections were performed and active permits totaled 333. The department had 2 code call outs with follow up inspections, 9 code complaints, 9 code complaint inspections, 6 follow up complaint/code call out inspections and 1 fire inspection. No additional vacant/abandoned property were identified. There are 4 Planning Board projects open or approved and 8 with the Zoning Board. 13 meetings were attended. 2 new FOIL requests were received and are being attended to. 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.

Town Attorney: Thomas Cioffi

Mr. Cioffi gave his report for the month of November. He attended and participated in a public Hearing on Proposed Local Law #7 concerning a moratorium on commercial solar installations; worked with outside counsel pertaining to Proposed Local Law #7 and also for Local Law #6 pertaining to Zoning Law amendments; prepared resolutions for this meeting; attended and participated in meetings with staff and outside counsel on various matters on November 15th, 17th, 18th, and 21st, and December 6th and 7th; participated in discussions regarding an appeal to the Zoning Board of Appeals concerning denial of a building permit and stop work order; worked with the Building department regarding outstanding code violations and complaints; assisted the Building Department, the Town Clerk's office and other departments on several FOIL requests; worked with outside counsel regarding an appeal to a response by the Town on a FOIL request; reviewed and commented on various documents concerning title and easements for the Hannaford project; reviewed commented and worked with outside counsel on easements and other documents pertaining to additional pending commercial solar projects; performed legal research, provided legal opinions and reviewed or prepared legal documents as requested by town officers and officials. Motion to accept the report was made by Supervisor Herrington and seconded by Councilman Sullivan. Unanimously approved.

Town Historian: Tracy Broderick

Ms. Broderick gave her report for the month of November. She continues to research the histories of former businesses in town, compiling the information for her files. Currently she is researching the Eagle Mill's Store, also known as Matts. The building dates back to the early 1800's. It survived the great fire of 1911, but was destroyed by fire in 1993. She is also working on a Town Historian's page for the Town website. There was a Christmas tree lighting and visit with Santa on December 2nd at the Historical Society. Motion to accept the report was made by Councilman Cipperly and seconded by Councilman Christian. 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 November. Revenues for the month were \$3,227.00. Expenses were \$2,422.00. 21.01 tons of materials were recycled and 19.19 tons landfilled for the month. Supervisor Herrington asked about any additional fees. Mr. Engster shared that there is a "pull" fee of \$200.00 and a fuel surcharge of \$40.00 each time the compactor is changed out. Also, as reflected in his report, as of last month we are being charged for single stream recyclables. The vendors are citing inflation/cost of business for this. 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 November. Last month there were 3,355 physical checkouts, 1,989 walk in visitors, 2,763 digital checkouts, 178 Wi-Fi users (22/day average), assisted with 127 technical usages and 385 reference questions were addressed. 323 people participated in various programs, and 23 passports were processed. She wanted to spread the word that if you have a valid Brunswick Library Card, you have free access to the Albany Times Union. If you need assistance stop in. A special fundraiser is being held in participation with the Recovery Room bar/restaurant. Diners using a code, available online or a coupon, available at the library, will have a portion of the cost of their meal donated to the library. There will be a chair yoga session between January 4th and February 1st (registration required) and a kids clothing swap January 23rd and 24th. Program schedules (new and continuing), special events and news items are available at 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. 73 RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 74 RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES AND STORMWATER MANAGEMENT AGREEMENT. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 75 RESOLUTION ACCEPTING BOND FOR DECOMMISSIONING OF SOLAR EQUIPMENT. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 76 RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 77 RESOLUTION AUTHORIZING ACCEPTANCE OF DRAINAGE EASEMENT AND WATER MAIN EASEMENT, AND AUTHORIZING EXECUTION OF STORMWATER MANAGEMENT FACILITIES MAINTENANCE AND EASEMENT AGREEMENT AND SEWER IMPROVEMENTS MAINTENANCE AGREEMENT. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 78 RESOLUTION ACCEPTING DEDICATION OF ROADWAY – PORTION OF LORD AVENUE. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 79 RESOLUTION ADOPTING SEQRA DETERMINATION AND ADOPTING TOWN OF BRUNSWICK LOCAL LAW NO. 8 OF 2022. The foregoing Resolution, offered by Councilman Sullivan 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. 80 RESOLUTION ADOPTING TOWN OF BRUNSWICK LOCAL LAW NO. 9 OF 2022. 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 Nay; Councilman Balistreri, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 81 RESOLUTION ACCEPTING PROPOSAL TO CONDUCT INDEPENDENT AUDIT OF TOWN FINANCES FOR FISCAL YEARS 2022, 2023 AND 2024. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 82 RESOLUTION ACCEPTING BID, AWARDING CONTRACT, AND AUTHORIZING SUPERVISOR TO EXECUTE CONTRACT ON BEHALF OF THE TOWN OF BRUNSWICK – GRINDING AND REMOVAL OF BRUSH AND WOOD STOCKPILED AT TWO LOCATIONS. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 83 RESOLUTION DECLARING ITEM TO BE SURPLUS PROPERTY. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 84 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SUBSCRIPTION AGREEMENT WITH LEXIS-NEXIS, A DIVISION OF RELX INC. TO PROVIDE LEGAL DATABASE ACCESS TO THE TOWN ATTORNEY'S OFFICE UNDER NEW YORK STATE OGS CONTRACT. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 85 RESOLUTION ACKNOWLEDGING EXAMINATION OF JUSTICE COURT RECORDS AND DOCKETS IN ACCORDANCE WITH § 2019-A OF THE UNIFORM JUSTICE COURT ACT. 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 Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

CORRESPONDENCE:

Mark Perfetti, President, Brunswick Baseball, sent a note addressed to Supervisor Herrington and Tracy Broderick, thanking them for the Town’s continued support of the baseball program. He also thanked the Water and Highway Departments for all they do.

Christine Fronhofer, 72 Oneida Avenue, addressed a note to Supervisor Herrington and Highway Superintendent Mike Bayly, thanking them for the great job they did directing/restricting traffic in their neighborhood, allowing them to hold their annual Halloween parade and Trick or Treat event in safety. In a PS, she said after the event, during clean up, residents made a toast to both with pumpkin brew.

OLD BUSINESS:

None.

NEW BUSINESS:

Councilman Christian is quite involved with the Highway Department and shared with everyone the recent issue with purchasing large trucks for the Town’s fleet. A new International was ordered about 1½ years ago, and the supplier has informed the Town it will not be delivered until February ’22. Additionally, this is only the cab and chassis. It will still need to be sent out for installation of the dump body, plow, sander etc. Generally, we order a new truck every year, replacing older ones in rotation. However, our current vendor has informed us that they will not be accepting any new orders until close to 2024. So, while we would prefer not to change manufacturer, it will be looked into. It is very important to have a reliable well maintained fleet to take care of our highways. Hopefully supply will improve in the future. When asked if the delay affected the price of the truck on order, Mr. Christian said no, there was a signed agreement on cost. Supervisor Herrington added that he had heard from the vendor, and they are honoring the sales agreement and any cost increases to them will not be passed on.

Board members discussed dates for this year’s annual Year end Meeting and the Organizational meeting for 2023. Both will be held at Brunswick Town Hall. The dates unanimously agreed upon were:

- Year End Meeting, Thursday, December 29, 2022 commencing at 6:30 pm.
- Organizational Meeting, Tuesday January 3, 2023 commencing at 6:30 pm.

WARRANTS:

Warrants No. 221126 through 221203, No. 112522001 through 112522009 and No. 120922001 through 120922006 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	\$	73,050.18
Highway	\$	38,363.44
Water	\$	7,548.50
Sewer	\$	459.56
Special Sewer	\$	392.32

FURTHER VISITORS WHO WISH TO SPEAK:

Adriano Bongiorno, 598 Tamarac Road, asked about the adopted Commercial Solar Moratorium Local Law as to its relation to Resolutions that were passed this evening regarding several proposed projects. Attorney Cioffi advised that the resolutions addressed finalizing or addressing the PILOT programs for projects that were previously approved through the Planning Board. The moratorium would not affect these.

Jim Tkacik, 387 Brunswick Road, is still displeased with the town website in general and with the lack of minutes being posted in a timely manner or at all. Public hearing and board minutes are missing. Also proposed local laws should be posted prior to the scheduled public hearings. He inquired as to the records regarding the PILOT agreements with solar companies, the agreed fees and the disbursement of the fees. The annual fee is \$6,000.00 per megawatt and the disbursement is 50% school, 25% Rensselaer County and 25% Town of Brunswick. The Town had worked with Mr. Bill Flint from Rensselaer County on the PILOT agreements and he has now retired and Mr. Tkacik stressed lining up someone new with Rensselaer County going forward with these projects.

Supervisor Herrington addressed Mr. Tkacik's concerns with the minutes admonishing Town Clerk Lewis and asking him to resolve this issue.

ADJOURNMENT:

Councilman Sullivan made a motion to adjourn the meeting, seconded by Councilman Christian. Unanimously approved. The meeting adjourned at 8:01 p.m.

Respectfully submitted,

William J. Lewis
Town Clerk