

**TOWN OF BRUNSWICK  
REGULAR TOWN BOARD MEETING  
AUGUST 9, 2018, 7:00 P.M.  
TOWN HALL**

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

**Board Members Absent:** Councilman Casale and Councilman Balistreri.

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

Supervisor Herrington called the meeting to order at 7:05 p.m.

All joined in with the salute to the flag.

Note: Supervisor Herrington allowed Town Historian Sharon Zankel to give her report at this time. She and her husband, who also was in attendance, have been recovering from a serious car accident and Mr. Herrington wished to give them the opportunity to leave early if necessary. Her report is included in the regular business meeting minutes below.

**VISITORS WHO WISH TO SPEAK:**

Damien and Catherine Constantine, 4 Woodward Ave., addressed the Board concerning ongoing issues with the operations at the Hoffman's Car Wash on Hoosick Road, specifically in the free vacuum area. People are blaring their music, yelling back and forth, and using loud offensive language; this is happening at all times of the day and evening and even has awakened their child; multiple calls to the police, asking the car wash management to intervene and even confronting the offenders personally has not helped; the police said they had no legal recourse since the Town did not have a Noise Ordinance and that it was up to the business to enforce policy and advised against personal confrontations; and the Hoffman's management and employees seemed reluctant to confront the people causing the problem. They were asking the Town for any help they could provide to resolve this. Supervisor Herrington offered to speak to the police and Hoffman's management on their behalf. Attorney Cioffi stated that the Building Department should review the Site Plan approval to determine whether there were any conditions or limitations imposed on the vacuum area which might be relevant. Councilman Sullivan questioned whether the Planning Board could add new conditions at this time meant to address undue noise in the vacuum area. Attorney Cioffi stated that it would be unusual for the Planning Board to entertain such a request once a Site Plan had been approved and was final. Regarding the issue of the lack of a town Noise Ordinance, Attorney Cioffi stated that he believes, subject to verification, that the New York State Penal Law contains a provision pertaining to the offense of Disorderly Conduct, which the police could use as the basis to address the type of conduct being complained of here. Mr. Constantine agreed, and stated that the police do generally respond to their complaints when called, but the problem is that by the time they get to the scene, the offenders have left or are no longer engaging in the conduct. Attorney Cioffi stated that he

recognizes their frustration, but the problem in getting law enforcement to the scene in time to address the issue would be the same whether there was a town Noise Ordinance or not.

Bob Hatman, 11 Film Ave., addressed the Board concerning the proposed construction of a 200 unit apartment complex East of Hillcrest Ave. and South of Route 7, in an area behind the existing Planet Fitness. He stated that the addition of so many units would be terrible for the area; traffic was already impossible on Hoosick Rd. without adding 200+ cars; the mailing of Public Hearing notices to residents within 300 yards of the project was not enough; it will affect the whole area around the Route 7 corridor and should have been better publicized; and if it were single family homes proposed he wouldn't have an issue, but this is too much and should not be allowed. There was some further discussion regarding the issue of the sufficiency of notice to the public of the Planning Board proceedings relating to this project. Attorney Cioffi stated that, generally speaking, only notice by publication of the public hearings is legally required, but the town has elected to provide additional notice by mail to owners of property situated near to the project site as an added measure. In addition, the town publicizes the hearings on the Sign Board outside of Town Office and on the town's website.

John Rafter, 24 Woodward Ave., spoke next, also about the apartment project. He was concerned that Woodward Ave. was proposed as an outlet to the project and it is not appropriate at all for obvious safety reasons; it would seriously affect the homes and properties in that area; and he is 100% against it. Michelle Heaton, 11 Lisa Ln., stated she did not receive the notification for the public hearing nor did her neighbor; she has lived in Brunswick for 20 years and it is not the town it used to be; asked when the questions residents had at the Public Hearing would be answered; was here tonight to address her concerns to the elected officials; feels that concerns of residents are not being addressed and the Town is just "pushing the ball down the court"; claims the Planning Department stated the water and sewer infrastructure was currently experiencing capacity limitations; the project impacts the entire community, not just the nearby neighbors; questioned if the Town Board was even aware of the project; felt they were not paying attention to the projects in town and is adamantly against this one. Jim Tkacik, 387 Brunswick Rd., said the town should have been more proactive over the years in planning for the future when projects are proposed; projects are all piecemeal, alone in a vacuum, without forethought concerning the cumulative impact on infrastructure, density and on residents; would like to know how many apartment units are in town now and how many are being proposed; the Planning Board had previously sent a letter to the Town Board with concerns about apartment density; the Town Board and Planning Board should be meeting jointly to stay updated on and to discuss proposed projects; and the Town Board should make a public statement, possibly in the newsletter, on where it stands in regards to the Planning Board's stance on apartment density. Frank Brenenstuhl, 27 Dusenberry Ln., revisited the Hoffman's Car Wash issue. He thought the business should take a stand by enforcing their current policy on noise which is stated on small signs; could post it as no radio/music allowed and enforce it; and since offenders are often gone

before police arrive, people could possibly videotape occurrences so when they are called there would be some proof to show them. Bob Hatman had one more concern about the apartment proposal, noting that it is in the Troy School District; there would obviously be families with children moving in; and these children would be enrolled in School 18 which is already crowded.

**BUSINESS MEETING:**

**MINUTES OF THE PREVIOUS MEETING:**

Councilman Sullivan made a motion to accept the Minutes of the previous meetings, seconded by Councilman Christian. Unanimously approved.

**REPORTS:**

**Town Clerk:** William J. Lewis

Mr. Lewis gave his report for the month of July. \$7,562.95 will be remitted to the Supervisor's office. Recycling fees accounted for \$4,266.00, Community Center fees \$1,000.00, Summer Camp fees \$750.00, and dog license fees \$559.00 with miscellaneous fees making up the balance. The Community Center had 8 new reservations. There were two more late Summer Camp registrations. Hunting licenses are now on sale at our office. Motion to accept the report was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

**Highway Superintendent:** Brandon Hill

Mr. Hill gave his report for the month of July. Department work included: Road patching; Prepared roads for paving; Hauled materials for Water Department work; Assisted Water Department with repairs; Hauled cardboard, tires and appliances to recyclers; Mowed road sides and sports fields; Made monthly pickups of brush and leaf bags; Worked on grounds and repaired tables at football field; Installed lighting and outlets at the Town Beach; Inspected, replaced, cleaned or repaired culverts and storm drains throughout town; Mowed road sides; Cleaned up storm damage in affected areas; Assisted National Grid with tree removal; and assisted Town of Grafton with road work. 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.

**Water & Sewer Report:** Bill Bradley

Mr. Bradley gave his report for the month of July. He met with the City of Troy Comptroller to correct billing errors discovered as a result of malfunctioning meters at South Lake Ave. Department also completed all required water sampling; Repaired 200 feet of water main on Cooper Ave.; Responded to a sewer overflow on Mountainview Ave. which was the result of heavy rainfall. This was reported to DEC and NYALERT, and the City of Troy assisted in making sure there were no blockages; and inspected storm water facilities and construction sites during the major rainfall events which only detected a few problems; a driveway washout on Miller Lane. A runoff issue from an unstabilized building lot on Heather Ridge Road and a shoulder failure on McChesney Avenue Extension. 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.

Code Enforcement: Karen Guastella

Ms. Guastella gave her report for the month of July. The report showed \$6,620.52 was collected for Building Permit and Zoning Variance/Planning Board Fees. 24 building permits were issued, 170 building inspections were performed and active permits totaled 264. The department had 4 code call outs, 9 code complaints and 9 code complaint inspections were performed. Additionally, 2 fire inspections and 10 follow up inspections were completed. There were 9 Planning Board projects open or approved and 3 with the Zoning Board. 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.

Town Attorney: Thomas Cioffi

Mr. Cioffi gave his report for the month of July. Other than routine matters, his work included the following: Worked with the Supervisor's office, the Highway Department and the Water Department on proposed equipment purchases, including the drafting of Resolutions required for these purchases, which were in front of the Board tonight; Participated in several meetings at Town Hall on various matters; Responded to numerous requests for advice, document review and document preparation for town officials, all of which have been addressed. Motion to accept the report was made by Councilman Christian and seconded by Councilman Sullivan. Unanimously approved.

Town Historian: Sharon Zankel

Mrs. Zankel gave her report for the month of July. She noted that the report was short due to her convalescing from previously mentioned medical issues. She has completed her work with the Church of Christ regarding their historic records. They have been temporarily moved to the Brunswick Historical Society, but will ultimately be moved to the Rensselaer County Historical Society where they will be digitalized in the future. She was able to procure several items from the church to add to the Brunswick collection. Continuing her research with the VanDerheyden orphanage, they have located one child who had died while at that facility, buried at Forest Park Cemetery in a private plot. Vanderheyden would like permission to place a stone at the gravesite, but finding relatives of the family may be a problem. She responded to four requests for historical information, three concerning the Church of Christ Disciples and one for genealogical information. She has accepted an invitation from Birchkill Arts and Crafts to present a program to be held September 16<sup>th</sup> at the Brunswick Historical Society at 10 a.m. She received three e-mails from Friends of Oakwood Cemetery about upcoming events. A Family Scavenger hunt August 14<sup>th</sup> at 6:00 p.m., a Twilight Tour August 27<sup>th</sup> at dusk and every Tuesday in August, tours of the Gardner Earl Chapel at 1:00 and 2:00 p.m. The NYS Archives will be presenting a program on identifying, inventorying and retaining records, to be held at the Brunswick Family Community Center on Thursday August 16<sup>th</sup> from 10:00 a.m. to 2:00 p.m. 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.

Recycling Coordinator: Thomas Engster

Mr. Engster gave his report for the month of July. After expenses, there were revenues of \$931.53. 29.06 tons of material were recycled and 19.42 tons landfilled for the month. Mr.

Engster informed the Board that the Town is now being charged for co-mingled recyclables we dispose of that were previously accepted for free. He sees this as a continuing problem as the market for these items has decreased substantially. 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.

Library Report: Natalie Hurteau

Mrs. Hurteau was unable to attend the meeting and e-mailed her report for the month of July. Mr. Fred Wobrock, Library Board President, went over a few items from the report. The Library was having its 30<sup>th</sup> Birthday Party on August 10<sup>th</sup> from 1:00-3:00 p.m. with cake and activities for children. This would also coincide with the conclusion of the Summer Reading Program where awards will be presented. The Library has joined the Rensselaer County Chamber of Commerce which has worked out well for networking and extra media exposure. They are working on the next long range plan, as their previous plans have all been completed. After a survey and focus group meetings, it seems that expansion, of facilities and programs, is the main request. They have met with a library architect, are working on the expansion plans and will be kicking off a Capital Campaign soon. The Fall Fest will be held on Friday, October 12<sup>th</sup>, 3:00-6:00 p.m., which will also be the last day of the Farmers Market. The market has worked out well with about 15 regular vendors, though they would have liked to have seen more patrons. Program schedules, 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 Supervisor Herrington. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

**RESOLUTIONS:**

**Resolution No. 49** Resolution to Accept the Water and Sewer Maintenance Roll for the Period of 01/01/2018 Through 06/30/2018. August 2018 Water and Sewer Roll. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows: Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Casale, Voting Absent; Councilman Balistreri, Voting Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 50** Resolution Approving and Accepting Quotation for Sale and Purchase of New Holland Tractor and Alamo Mower/Flail under New York OGS Contracts. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows: Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Casale, Voting Absent; Councilman Balistreri, Voting Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 51** Resolution. Approving and Accepting Quotation for Sale and Purchase of One (1) Doosan Pneumatic Tire Forklift under New York 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 Christian, Voting Aye; Councilman Sullivan,

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

**Resolution No. 52** Resolution Accepting and Awarding Mini-Bid for the Sale and Purchase of 2019 Ford F-350 XL Truck Chassis (Model Code F3H), in Accordance with the New York State Office of General Services Vehicle Marketplace (OGS Group 40500, Award 22904, Class 3-8 Vehicles). The foregoing Resolution, offered by Councilman Christian and seconded by Supervisor Herrington, was duly put to a roll call vote as follows: Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Casale, Voting Absent; Councilman Balistreri, Voting Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**Resolution No. 53** Resolution Approving and Accepting Quotation for Sale and Purchase of One (1) Reading U108A-DRW Pickup Truck Service Body with Installation. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows: Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Casale, Voting Absent; Councilman Balistreri, Voting Absent; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

**CORRESPONDENCE:**

Louise and Mike O'Neil e-mailed complimenting the Highway Department for the tremendous job they have done cleaning up damage from the recent storms.

Marilyn Birmingham also wrote thanking (3 times) the Highway Department for the timely cleanup of the storm damage. She was very happy when she came home from work and the debris was gone!

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Anthony Valenti, representing Grafton Quarry LLC, 3349 State Route 2, brought updated maps showing the property they wanted to extend their operations into, a small part of which lies in Brunswick and would need a Zoning Variance from Agricultural to Heavy Industrial use. On their original application last fall, the land involved consisted of 22 acres. They have since purchased 7 acres from the city of Troy and will include this in their variance request. Mr. Andrew Gilchrist, Planning Board attorney, briefed the Board on the status of the application. Since the land area had changed, it will almost be like starting from scratch. An amended Zoning Application would need to be submitted, an updated environmental review prepared, a review made and recommendation forwarded to the Town by the Rensselaer County Planning Committee and possible DEC review. The new application and documentations will need to be accepted by the Town Board, if they so choose, and recommended to the Town Planning Board for further review/action. Mr. Valenti noted that of the 29 acres in their application the intention was to mine approximately 15 of them. This would leave at least a 300' buffer in place and the

proposed site would not even be visible from State Route 2. Town Attorney Cioffi noted for the record that this was an informational presentation and that no Legislative action was being taken at this time.

**WARRANTS:**

Warrants No. 180741 through 180848, No. 72718001 through 72718009 and No. 81018001 through 81018006 were presented. Councilman Christian made a motion to approve the warrants, seconded by Councilman Sullivan. Unanimously approved. Individual fund expenses were as follows:

General	\$ 148,173.45
Highway	\$ 120,531.20
Water	\$ 13,480.75
Sewer	\$ 327.95
Special Sewer District	\$ 298.27
Special Water District	\$ 33,450.00

**FURTHER COMMENTS FROM VISITORS:**

Jim Tkacik asked if there had been any progress or information available on the status of PILOT (Payment In Lieu Of Taxes) programs concerning commercial solar panel installations. For example the High Peaks Solar installation assessment. Mr. Gilchrist replied that PILOT programs are being discussed with both Borrego Solar and High Peaks Solar. No agreements have been finalized. Mr. Tkacik asked if this would be based on megawatt output and if the Town negotiated program would affect other tax entities such as schools and county. Mr. Gilchrist answered that output was one of the discussion points, Rensselaer County is involved in the negotiations as they receive a portion of taxes and the schools have not been involved but are being informed of the proceedings.

**ADJOURNMENT:**

Councilman Christian made a motion to adjourn the meeting, seconded by Councilman Sullivan. Unanimously approved. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

William J. Lewis  
Town Clerk