

**TOWN OF BRUNSWICK
REGULAR TOWN BOARD MEETING
DECEMBER 10, 2020, 7:00 P.M.
TOWN HALL**

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

Board Members Absent: Councilman Christian

Also Present: 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:

Arthur Judge, 38 Hakes Road, asked about the possibility (rumor?) that the owner of the trailer park located at 675 Brunswick Road, which also abuts his property on Hakes Road, is seeking to construct a public storage facility. His concerns were; If this was a non-conforming use; That it wasn't contrary to our comprehensive plan; That the condition and upkeep of the property in general is terrible already; Potential light pollution, noise, and traffic with 24 hr. access. Mr. Andrew Gilchrist, Zoning and Planning Board attorney, advised that the park is grandfathered in for its present (non-conforming) use, and in general any other use would not be allowed without a thorough look at the current zoning, exactly what is grandfathered at present and the proposed use being applied for. If not presently allowed, a use variance through the Zoning Board of Appeals could be applied for. A change in zoning could be requested through the Town Board, but this is very difficult, entails strict standards and rarely would be considered for a single property. Without actual proposal in hand, it is hard to determine what course of action the owner or the Town could pursue.

Jim Tkacik, 387 Brunswick Road, asked about what appears to be a wood processing business on a portion of the former Welch Farm land. He was aware of a smaller operation on the site, however, this seems to be growing quite large. Large trucks were in and out and part of the area was being filled in. He was questioning exactly what was being done there; whether it complied with zoning laws; and if the operation could be harming the aquifer he and his neighbors depend on for their water. He was concerned this could get out of hand like in a similar case several years back on Oakwood Ave. which became a huge issue for the town and nearby residents. Mr. Golden, Code Enforcement Officer, will look into it. Mr. Tkacik also asked for some clarification on the property valuation reductions proposed in two resolutions being considered tonight. These will be addressed later when they are offered for a vote.

Glen Hayner, 10 Dixon Drive, related concerns about a neighboring home which is apparently being used as an Air B & B. He observed renters have no regard for the neighborhood. Cars speed, kids are roaming around late at night, there is littering and excessive noise. This isn't all the time, but often enough. He asked if this was an allowable use and if there were any town laws/ that regulate Air B & B's. Also could this rental use devalue homes in the area? Mr. Cioffi, Town Attorney, noted this had briefly come up before and there are no laws in Brunswick regulating this use. Some towns have enacted legislation to do so, and this would require an addition to Town of Brunswick Zoning Laws. He recommended residents document

the problems in writing for the town officials to review. Councilman Balistreri advised Mr. Hayner that the Rensselaer County Sheriff's Department has a neighborhood watch program dealing with speeding, where they will put up signs and patrol the area. He should contact them for more information.

BUSINESS MEETING:

MINUTES OF THE PREVIOUS MEETING:

Councilman Sullivan made a motion to accept the minutes of the November 12, 2020 regular meeting and the minutes for a Public Hearing, also held on November 12, 2020. Motion seconded by Councilman Balistreri. Unanimously approved.

REPORTS:

Town Clerk: William Lewis*

Mr. Lewis gave his report for the month of November. \$6,258.80 will be remitted to the Supervisor's office. Recycling fees accounted for \$4,741.00, Community Center rental fees for \$300.00, Dog Licensing fees \$263.00, and \$952.00 in miscellaneous fees making up the balance. 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.

Water & Sewer: Bill Bradley

Mr. Bradley gave his report for the month of November, Work included: Completed meter readings for the month; Continued installing new radio read meters, targeting specific areas; Updates to the GIS system for streamlining meter reading have been made; While installing new meters, have found, and are continuing to look for, residences where the water line has been tapped before the meter, essentially "stealing" water. Mr. Bradley has been working with Laberge Engineering reviewing the site plan for the Brunswick Acres Project. They are concerned with potential of large quantities of earth needing to be removed from the site. The design firm has not shown any figures for site balancing addressing this issue. 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.

Code Enforcement: Charles Golden

Mr. Golden gave his report for the month of November. The report showed \$10,627.10 was collected for Building Permit and Zoning Variance/Planning Board Fees. 17 building permits were issued or renewed, 39 building inspections were performed and active permits totaled 313. The department had no code call outs, 8 code complaints, 8 code complaint inspections, 1 fire inspection and 1 follow up inspection. There were 12 Planning Board projects open or approved and 6 with the Zoning Board. No new vacant/abandoned properties were identified. Last year there were 12 new housing starts and this year there will be 16 to 17. Mr. Golden noted that the Dusenberry Lane solar project is expected to start in January. Also, new inquiries by several solar companies have been received and there is potentially a sketch plan meeting to take place for a solar array to be located east of the current Borrego solar farm off of Brick Church Road. Councilman Sullivan asked if Mr. Golden knew where modular homes traveling on Pinewoods Ave. were headed. Mr. Golden thought they could be for the

subdivision being developed on Cole Lane. Councilman Cipperly ask if vacant trailers in a park were within our purview. Mr. Golden replied that they were and he currently had seven listed as unsafe/unfit. The owner of the park is looking into whether the sites would still be grandfathered in when the trailers are removed. Motion to accept the report was made by Councilman Sullivan 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. Other than routine matters, his work included the following: Prepared public hearing notices and resolutions concerning Center Brunswick and Brunswick #1 Fire Department budgets; Prepared legal notices and provided assistance for the public referendums being held concerning the amendment of the Town administered Length of Service Award Program for volunteer firefighters; Researched Town speed limit ordinances/laws in preparing proposed Local Law #3 concerning the limits on North Lake Ave.; Attended meetings with the Building Department on various matters; participated in a conference call with council for the developer (Leon) concerning the commercial project on NY 7; Consulted with the Building Department on several outstanding FOIL requests; Prepared other resolutions for tonight; Researched and prepared a resolution for the appointment of Acting Assessor, allowed by Real Property Tax Law #314, due to the resignation of the current Assessor. Motion to accept the report was made by Supervisor Herrington and seconded by Councilman Cipperly. Unanimously approved.

Due to the Covid-19 pandemic, department heads continue to have the option of not attending the monthly Board Meeting. The following reports for the month of November were submitted by the respective department heads in lieu of personally appearing to present orally, and copies were included in each Board Member's packet.

Highway: Terry Scriven

Town Historian: Sharon Zankel

Recycling Coordinator: Thomas Engster

Library Report: Sara Hopkins

Motion to accept submitted reports was made by Supervisor Herrington and seconded by Councilman Balistreri. Unanimously approved. Copies of the written reports are on file in the Town Clerk's Office.

RESOLUTIONS:

Resolution No. 73 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 Cipperly, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 74 Resolution Approving Agreement with the Brunswick Fire Company #1, Inc. The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Cipperly, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Abstain; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 75 Resolution Approving Agreement with the Volunteer Fire Company of Center Brunswick, Inc. The foregoing Resolution, offered by Councilman Balistreri and seconded by Supervisor Herrington, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 76 Resolution Approving and Authorizing Supervisor to Execute 2021 Animal Shelter Agreement. The foregoing Resolution was tabled and not voted on. The foregoing Resolution was thereupon not declared duly adopted.

Resolution No. 77 Resolution Declaring Items to be Surplus Property. The foregoing Resolution, offered by Councilman Sullivan and seconded by Supervisor Herrington, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 78 Resolution Appointing Acting Assessor. The foregoing Resolution, offered by Supervisor Herrington and seconded by Councilman Cipperly, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 79 Resolution Accepting Bond for Decommissioning of Solar Equipment. The foregoing Resolution was tabled and not voted on. The foregoing Resolution was thereupon not declared duly adopted.

The following two Resolutions concern Highland Creek and Duncan Meadows projects. Supervisor Herrington recused himself from the meeting, noting that even though there is no direct conflict of interest, he has previously recused himself from any matters under consideration for these projects and will continue to do so.

Councilman Balistreri made a motion to appoint Councilman Sullivan Temporary Chairperson of the meeting. Seconded by Councilman Cipperly. The motion was put to a roll call vote as follows: Councilman Sullivan, Voting Aye; Councilman Cipperly, Voting Aye; Councilman Balistreri Voting Aye. The foregoing motion was adopted. Councilman Sullivan continued the meeting as Chairperson.

Attorney Gilchrist gave a brief explanation of the assessment reductions being proposed in pending litigation that are addressed in the next two Resolutions. On both of these proposed reductions, if accepted, there will be a three year freeze on the 2020 assessment locking in the rate and also prohibiting the property owner from bringing forward any other litigation for that time. The reduction figures shown are at full value and when the equalization rate is applied - approximately 25% - the actual loss in revenue is not so great. He noted this also affects the School Districts and the County as well. The proposed adjustment were arrived at after extensive research and comparisons of similar projects in the same area.

Resolution No. 80 Resolution Authorizing and Directing Settlement of Litigation: BPP Development. The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Balistreri, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Recused. The foregoing Resolution was thereupon declared duly adopted.

Resolution No. 81 Resolution Authorizing and Directing Settlement of Litigation: Highland Creek Realty Group. The foregoing Resolution, offered by Councilman Balistreri and seconded by Councilman Cipperly, was duly put to a roll call vote as follows: Councilman Christian, Voting Absent; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Recused. The foregoing Resolution was thereupon declared duly adopted.

Supervisor Herrington returned to the meeting.

INTRODUCTION OF LOCAL LAW

Councilman introduced Introductory Local Law #3 of the year 2020 entitled "A Local Law Amending Local Law No. 1 of the year 1988 Entitled "A Local Law Setting Speed Limits on Town Highways and County Highways within the Boundaries of the Town of Brunswick, Rensselaer County, New York""

A Public Hearing on the Introductory Local Law was scheduled to be held Thursday, January 14, 2020, at Brunswick Town Hall, commencing at 6:30 p.m.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Town Clerk Lewis asked that the Board Members consider setting the date and time for the annual year end meeting. He pointed out that it is usually the first Thursday after Christmas, however this year that would be New Year's Eve. After discussion, the Board agreed unanimously to hold the meeting on Tuesday, December 29, 2020, at Town Hall commencing at 5:30 p.m.

WARRANTS:

Warrants No. 201173 through 201, No.112720001, through 112720010 and No. 121120001 through 121120009 were presented. Motion to approve the warrants was made by Councilman Sullivan and seconded by Councilman Balistreri. Unanimously approved. Individual fund expenses were as follows:

General	\$ 108,227.74
Highway	\$ 39,995.19
Water	\$ 10,300.32
Sewer	\$ 409.19
Special Sewer	\$ 500.79

FURTHER VISITORS WHO WISH TO SPEAK:

Brandon Hill, 1 Line Drive, stated he has not received a termination letter that he is entitled to and it has been months since his request. Supervisor Herrington believed this would be handled between attorneys. Mr. Hill strongly objected asking why he should have to retain his lawyer for this when it is a document stating the reasons for termination/firing that should be supplied as common practice. Mr. Cioffi, Town Attorney, stated tat since mr. Hill has etainsd council, he could not speak one on one about this. He informed the Board Members that if they wished to discuss this, it should be done in executive session since there is potential litigation involved and there may be privacy issues which should not be public.

At 8:21 p.m. Councilman Sullivan made a motion to enter into executive session, seconded by Supervisor Herrington. Unanimously agreed. At 8:45 p.m. Councilman Sullivan made a motion to return from executive session, seconded by Councilman Cipperly. Unanimously approved. No formal votes were taken during the session.

Councilman Balistreri inquired of Attorney Cioffi if the Board could supply Mr. Hill's letter and how long it might be. Mr. Cioffi thought by the end of the year. Mr. Hill was not pleased and wished to debate some more. The Board Members declined.

ADJOURNMENT:

Supervisor Herrington made a motion to adjourn the meeting, seconded by Councilman Sullivan. Unanimously approved.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

William J. Lewis
Town Clerk