

TOWN OF BROADALBIN

201 Union Mills Rd.
Broadalbin, NY 12025
518-883-4657
Regular Monthly Meeting
June 13, 2023

The Regular Monthly Meeting of the Town of Broadalbin Town Board for the month of June was held at 6:30 pm on Tuesday, June 13, 2023, at the Municipal Complex, 201 Union Mills Rd., Broadalbin, NY 12025. Town Supervisor Doug Kissinger presided.

Call to Order

The meeting was called to order at 6:30 pm.

Pledge of Allegiance to the American Flag was said in unison.

Roll Call

Supervisor Doug Kissinger – present
Councilman Dave Bardascini -present
Councilman Dave Bogardus – absent
Councilwoman Junell Pasquarelli – present

Present

Assessor Laurie Bollock
Dog Control Officer Dale Potts
Highway Superintendent Eric Alley
Planning Board Chairman Mike Crispin
Planning Board Member Jay Abrams

Guest Speaker

-Supervisor Kissinger introduced Mary Beth Walsh our member of the New York State Assembly District 112.

-Mary Beth Walsh began by saying she was eager to meet and touch base with the Town of Broadalbin residents, to be available for any concerns they may have. Mary Beth lives in Burnt Hills and has been involved with local government on her Zoning Board, Planning Board and then her Town Board, stating she enjoys small government, making her feel closer to the local people. Her District Office is in Ballston Spa which she stated could be used for communications with the Town of Broadalbin, if the need arises, to answer any questions the residents may have.

-Mary Beth Walsh explained she doesn't believe there will be any redistricting of the 112th District any time soon, only perhaps the Congressional District.

-She explained that any Veteran's deductions for school tax are done at the local level of government, with the assessed values of County and Town Tax, not the State. She also supports the 10% tax relief on taxes for volunteer ambulance and fire fighters.

-A question was asked if the Legislature passed a law to even term limits. Mary Beth stated they thought by doing this they would increase voter participation and save money, which she stated she thinks is not valid due to we will still need special elections and odd year elections. She stated some people get tired of being bombarded with information about elections, that they lose interest in voting. Mary Beth believes another unconstitutional law is the Clean Slate Law. She stated due to the fact that the State Budget was so late, many bills were not passed on time. Usually they work on @1,000 laws per year, some of which are tossed out and any challenge to that law, can only go to four (4) out of the sixty-two (62) districts. A law that is important to her, such as her Local Library bill, would not be of any interest to someone in New York City.

-In closing Mary Beth Walsh thanked the Town Board for inviting her to tonight's meeting and stated she would like to be invited to any local events that might be coming up to be a part of our community.

-Supervisor Kissinger thanked Mary Beth for coming tonight to speak to our residents.

Acceptance of Minutes from Previous Meeting

On a motion made by Councilman Bardascini and seconded by Councilwoman Pasquarelli
RESOLUTION # 2023 - 66 APPROVAL OF SUBMITTED MINUTES FROM REGULAR MONTHLY MEETING MAY 9, 2023

BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted minutes from May 9, 2023, with revision from Councilman Bardascinis' below statement.

Discussion: Councilman Bardascini inquired as to, was it Supervisor Kissinger or Councilman Kissinger or both, in regards to department communications being written as Councilman instead of Supervisor. With this change, the minutes were approved.

VOTE: Bardascini - aye Kissinger -aye Bogardus -absent Pasquarelli -aye

Public Comment

-Sheila Dorn inquired as to why all four (4) districts will be voting at the Village Municipal Building instead of the Town Hall for the June 27th, 2023 Primary Election ? She believes police should be present to help with parking and pedestrian traffic, for the safety of all voters. The Town Clerk responded that she was told by the Fulton County Board of Elections, they believe "voter turn-out will be light" so they decided to have the Primary at the Village Municipal Building.

- Sheila Dorn also inquired as to what can we do as a Town to help the gentleman that requested on Face Book, to help maintain the cemetery on Hoesville Rd.
- Councilman Bardascini stated he gave a list of cemeteries to Attorney Casale and is still waiting to see which ones the Town is responsible in maintaining, and which ones are labeled as private.
- Councilwoman Pasquarelli stated perhaps the Boy Scouts would like to help. A great idea would be for everyone, out of the kindness in their hearts, to donate time and effort to help.
- Attorney Casale stated he disputes the fact that he didn't provide documents about the cemeteries and stated he agrees to disagree with Councilman Bardascini's statement. A disagreement resulted in a name being called to Attorney Casale.
- Highway Superintendent Eric Alley stated if the Town Board agrees, he will reach out to the Hoesville Cemetery and ask what help he needs. Eric stated the Town Highway Dept. previously made a ramp for the gentleman for easier access to the cemetery entrance, for his lawn mower.
- Mike Crispin stated the voting location in the Village is for the Primary Election only, not the General Election in November of 2023.

Department Reports

Supervisor

- Supervisor Kissinger nothing at this time.

Department Reports

Assessing

- Laurie Bollock stated Grievance Day was held on Tuesday, May 23, 2023 from 3:00 pm – 8:00 pm with only two (2) stipulations, which are when the resident contacts the Assessing Dept. prior to Grievance Day to concur about their assessment, and with the Assessors agreeing to adjust. There wasn't anyone from the public that called to make an appointment to grieve their assessments or any small claims against the Town.
- Laurie stated, when asked how many parcels are in the Town, there are about 3200 parcels. The Town Board Members congratulated Laurie and her department on a "good job".

Buildings & Grounds

- Supervisor Kissinger stated the back steps have recently been repaired and he is working on pricing a new mower for the Town Hall.

Code Enforcer -not present but provided the Board with a written report of eight (8) permits approved resulting in \$915.00, for the month of May 2023.

Dog Control Officer –Dale Potts stated there was one dog bite and one dog taken to the Shelter last month. On Route 126 a teacup poodle was loose and picked up with a resident taking possession of the dog, after it was not redeemed.

Cont.

-Councilwoman Pasquarelli stated the dog that had been loose on Honeywell Corners Rd. is now living with her, after she finally got her to come to her. If the owner comes forward she will give her back but for now she is in a loving home.

Highway

-Eric Alley stated he met with Darrin Romeyn on the Highway Garage repairs and they are modifying plans. He will report at the next month's meeting.

-Eric stated the new 2024 Western Star plow truck will be delivered sometime in early winter. He would like to know how the Board will use the money budgeted for the truck with money down or finance the whole price.

-Supervisor Kissinger will concur with Bookkeeper Theresa Butkevitch and the previous Supervisor Bruce Van Genderen on how to proceed with the purchase.

-Councilman Bardascini asked if anyone met with the grant writer to see if there are any grants available. Should we put an addition on with upgrades or put the money towards a new building?

-Eric stated a new building would be @ two (2) million.

-Eric also stated a paving date will be known soon so we can put a notice out that the roads will be closed.

Justice Court

-Councilman Bardascini read the court report for May 2023 which consisted of total fines and fees collected \$4,448.50. \$2,939.50 was from cases 2020 and before. There were 44 cases heard, consisting of 38 closed tickets, 27 vehicle and traffic, 4 penal cases, 0 civil, 0 LO and 7 DEC.

Planning Board

-Mike Crispin stated at their May 24, 2023 meeting they discussed the scaled back storage unit on Route 29 project, keeping it at one (1) acre using the right back half of the property at this time. Also there were lot line adjustments discussed, which the Code Enforcer, Tom DiCaprio, has the current maps. One lot line adjustment was put on hold until the June 28, 2023 due to the fact that the notice for advertising the public hearing was sent to the wrong person.

-The Fulton County Planning Board Director, Scott Henze, provided the Board with solar information packets to review. A draft of the regulations will be supplied to the Town Board soon. As of now Mike suggests the Town Board extend the Moratorium on solar farms another six (6) months for further review.

Town Attorney

-Attorney Casale stated we could extend the Moratorium on Solar Farms and Energy six (6) months, or sixty days, or ninety days. If there is ever a court challenge it would be better for a six month extension. He will repair a draft of an extension for the July 11, 2023 meeting.

Town Park / BYC

- Keith Buchanan stated at the recent opening for the season there were @ 300 people attending, with the presentation of the \$25,000 check.
- The Home Show was a success with about 1,000 people attending on Saturday and 450 on Sunday. Over 50% of booths are already filled for the 2024 Show.
- At the Town Park there are 300 kids playing soccer at any given time during a game or practice.
- The BYC Board is approving the purchase of a \$10,000 Watering Wheel, which waters on a timer for irrigating the playing fields.
- Councilwoman Pasquarelli stated Keith has done a great job on the Town Park.
- Supervisor Kissinger stated he believes since the Town Park construction was paid off by BONDING the balance with tax payer money, the BYC will need to repay that to the taxpayers of Broadalbin. Discussion took place on whether the interest should be included with a Memorandum of Understanding to be established between the Town and BYC. This will be discussed at the July 11, 2023 meeting. Also we should include a maintenance contract with a stipulation if COVID is a problem again, therefore for potential lack of income.
- A question was brought up of how do we get the money spent on the BOND back to the tax payers?
- Councilman Bardascini stated he believes the \$.22 per \$1,000 should be removed from the tax payer's town tax, when it is paid back by the BYC.

Legislation

- Attorney Casale stated since we are once again short a Board Member the Resolution we had ready for this month to approve Councilman Bardascini Deputy Supervisor will have to be tabled until the July 11, 2023 meeting.
- Attorney Casale suggests making sure all Board Members can be here at each meeting, stating we need a three out of five approval for a quorum. He also stated he was sorry for the words during the discussion with Councilman Bardascini.

Old Business

- Councilman Bardascini inquired what the Board does if there ever is a tie vote.
- Attorney Casale stated the vote dies. To be tabled to another meeting if so desired.
- Councilwoman Pasquarelli read aloud the First Quarter Sales Tax news stating the disbursement to the Town of Broadalbin was for \$293,107.79, which is down 7.45% from last quarter and up 4.10% from the last year about this time. Overall sales tax for the County is down 2.25% from last year after deductions. She also stated Mortgage Tax will probably be down this year too. Home inventory is down at this time.
- Councilman Bardascini inquired what we do with the vacant seat on the Board presently, since Councilman Kissinger has been appointed Supervisor. He also stated the Resolution appointing him did not say "acting", not interim, not temporary therefore he believes his Board seat is now vacant. Supervisor Kissinger stated he believes at this time he is acting Supervisor for the remainder of 2023 and will check with the Board of Elections.

Cont.

-Attorney Casale stated he respectfully disagrees with Councilman Bardascini. There is no dispute that the Board of Elections has this on the ballot, or that there will be an election in November to fulfill the remainder of Mr. Van Genderen's term.

-Councilman Bardascini stated that the Association of Towns Attorneys state we can't hold that seat and I contacted you and you said I am in agreement with you, that we can't hold that seat, there has to be an election. And then you said to call you and touch base with you before the last meeting. Which I did. I did touch base with you with a witness to the phone call, and you said if the resolution says acting or interim or temporary, and I said I don't know because I don't have the resolution in front of me. Then we get to the meeting and you totally change your stance again. If you can please provide me the section of law you are stating your case.

-Attorney Casale stated he doesn't have that tonight because he wasn't asked to bring it.

-Attorney Casale stated in regards to the phone call between he and Councilman Bardascini, as to which he says he had a witness; I told you if the resolution has the words interim or permanent, swearly you have no argument to make. But the opposite point to that is not true; the omission of those words does not result in Mr. Kissinger, now serving as Supervisor, for the remainder of Bruce's term. So if I was to try to dumb this down, in laymen's terms, is there an election coming up to fulfill the remainder of Bruce's term? If no then we have an issue to fill the Board seat by Mr. Kissinger resigning his position as Board Member, but since the answer is yes, there is an election coming up. And that determination is made by the Board of Elections.

As he previously stated in the past two months meeting minutes, on record here, I referred all election rules/issues to the Board of Elections.

-Supervisor Kissinger stated if he has to resign his Board seat he will. Attorney Casale stated you do not have to, if you decide NOT to run for the Supervisor Position as of January 1, 2024 you may go back to your Board Seat. You do not hold two seats at this moment. If there are any questions, #1, please contact the Board of Elections and #2, always put your inquiries in writing prior to a Town meeting.

-Councilman Bardascini stated the County would not let a Supervisor vote if you were designated as an "acting" or "interim", you had to be a full fledged Supervisor. That was the problem; there are 51 votes that would be wasted.

-Supervisor Kissinger will check with the Board of Elections to be sure how to proceed.

-Councilwoman Pasquarelli stated that is what was mentioned at last month's meeting, there is a 30 day window for anyone who may want to run.....Attorney Casale stated please contact the Board of Elections.

-Councilman Bardascini stated three months ago we discussed a condemned building and wanted to know what we are doing about it.

-The Town Clerk stated the Town follows the New York State Law. It is my understanding that the grandson of this property is the owner and paying the taxes.

-Councilman Bardascini also inquired about the unemployment issue with an elected official. The Town Clerk stated Theresa Butkevitch, the Bookkeeper, is working on it, trying to contact a representative.

New Business

-Approval to Pay Vouchers (claims)

Pre Paid	\$12,559.68
General	11,717.77
Gen Ov	10.92
Highway	8,376.13
Total	\$32,664.50

On motion made by Councilman Bardascini and seconded by Supervisor Kissinger

RESOLUTION # 2023 – 67 APPROVAL OF SUBMITTED VOUCHERS (CLAIMS)

BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted vouchers (claims) for the month of May 2023.

No further discussion.

VOTE: Bardascini -aye Kissinger -aye Bogardus -absent Pasquarelli -aye

Public Comment

-Sheila Dorn stated the last day to file for a Republican Petition was April 6, 2023 at 4:00 pm for any open positions. The Town Clerk put positions available in the Town Paper sometime in February for 2 council seats, 2 assessor seats, and Highway Superintendent. Bruce gave verbal resignation on the 5th of March. He wrote his resignation on March 27, 2023 and it was received by the Town on or about March 29, 2023. The Town Board Meeting was on March 14, 2023 at which time about the Board could have acknowledged the pending resignation of former Supervisor Bruce VanGenderen allowing those interested in running for Town Supervisor to pick up a petition and submit it by April 6, 2023. On April 11, 2023 the Appointment of Doug Kissinger to vacant Supervisor and stated he was going away. At May 9, 2023 Town Board Meeting Doug mentioned nothing about running hence the vacancy became open with no one knowing except Joe DiGiacomo who ran as an Independent. We were being told there was only 1 possible vacancy on the Board but was not until the Primary in June. At the time of appointing Doug as Supervisor there should have been a motion to except the recommendation of the County, requiring a motion and a second. Instead the Town went to resolution. There should have been an opportunity for anyone interested in a petition to come forward during the debate with the motions. Then once voted on the resolution is voted on by the Board. The voting in of the Deputy Supervisor was done correctly meaning there was a motion, it was seconded, voted on, moved to resolution, which is now tabled until next meeting. I am green at this knowing Town and Election Law, etc., but willing to do the research to get the answers. We will need transparency, inclusion and accountability. And there must be equitable opportunity to compete in the elections. The most fundamental principle defining credible elections they must reflect the free impression of the will of the people. I just want Town Law and Election Law to be filed correctly. And if someone on the Board, Attorney, and the Board of Elections Republican Party can see wrong, that someone speak up instead of sweeping it under the rug.

What remains broken is easy to do it again. We the people of the Town are better than this and deserve better. I am not making any personal attacks on anyone. Just pointing out, we as a Town do our best to make the Town of Broadalbin a proud place to live. Let's come together. We can agree to disagree on some things, but in the end we are working to make Broadalbin a better place. Let's do the right thing all the time not just some of the time. Thank you for allowing me to speak.

-Supervisor Kissinger thanked Sheila.

Adjournment 7:47 pm

On a motion made by Councilwoman Pasquarelli and seconded by Supervisor Kissinger the June 13, 2023 Regular Town Board Meeting was adjourned.

Respectfully submitted by

Cheryl Briggs
Town Clerk