

Town of Broadalbin

2021 REGULAR MONTHLY Meeting

November 9, 2021

The Regular Monthly meeting of the Town of Broadalbin Town Board for the month of November was held at 6:30pm on Tuesday November 9, 2021 at the Municipal Complex,
201 Union Mills Rd, Broadalbin, NY

Sheila Perry, Town Supervisor, presided.

Call to Order

The meeting was called to order at 6:30pm

Pledge of Allegiance to the American Flag

The pledge was said in unison.

Roll Call

Councilman Dave Bogardus-present
Councilwoman Junell Pasquarelli-present
Supervisor Sheila Perry-present
Councilman Doug Kissinger-present
Councilman Dave Bardascini-present

Present

Attorney Carmel Greco
Laurie Bollock, Assessor
Dale Potts, Dog Control/Planning Board
Mike Crispin and Jared Abrams, Mike Rorick, Mike DePaula, Planning Board Members

Acceptance of Regular Monthly Minutes October 12, 2021 and 2022 Budget Meeting Minutes September 14 – October 26, 2021

On a motion made by Councilman Bogardus and seconded by Councilman Kissinger

RESOLUTION # 2021 – 117 APPROVAL OF SUBMITTED MINUTES FROM PREVIOUS MEETINGS

BE IT RESOLVED THAT the Town of Broadalbin Town Board approved the submitted minutes from the previous meeting for the Month of October 2021 and 2022 Budget Meeting Minutes as mentioned above and submitted,

No further discussion;

VOTE: Pasquarelli – aye Bogardus – aye Perry – aye Kissinger – aye Bardascini – aye

Bookkeeper-

Theresa Butkevitch provided the Town Board with the financials for the month October 2021. Supervisor Perry reminded Department Heads to check over their balances and to talk with Theresa if there are any questions about any overages, since it's close to the end of the year.

Town Clerk-

The American Legion is having an Open House Luncheon from 12 pm – 5pm this Thursday, Veterans' Day, to honor the Veterans who served in all wars, to keep this nation free and strong.

Board Communications

-nothing at this time

Supervisor Perry Communications

County News

-Supervisor Perry stated the 2022 Fulton County Tentative Budget has a total property assessment value of \$2,849,374,632. That is an average tax rate per thousand of 10.98 and consisting of a tax cap of 1.5%, with a 9.9% income from State Aid. Expenses for 2022 is equal to expenses in 2021 but stated the County believes they need a County wide Assessment reval to be completed soon. The Town of Broadalbin Assessment values are up 2% from previous 10.52 – 10.73, resulting in an increase of \$.21. The County stated they believe in 2022 it will continue to be strong due to continued strong sales tax and mortgage tax. The County stated there will be 10.1 million dollars in ARPA Funds to be used to encourage tourism in the area.

-Supervisor Perry stated the revenues from the Cannabis Law to be discussed at tonight's Public Hearing, will be distributed at 4%, 3% is to be retained by the Town and 1% will be remitted to the County.

-LifeNet of NY is now fully established at the Fulco Airport with a five (5) year signed agreement. The parent company, Air methods of Greenwood Village, operates eleven (11) air medical transport bases throughout New York.

-Supervisor Perry stated, from her Human Services Meeting, the Mayor of the City of Gloversville asked if ARPA Funds can be used to purchase two (2) buildings for homeless shelters? Mr. Stead replied that he thought it could but he believes that homeless shelters would not be a good fit for the City of Gloversville, stating Fulton County would become a "warehouse for the poor".

At this time Supervisor Perry invited resident Jessica Sharp to address the Board with her concerns of the Charlton Snow Mobile Club's request to use Kasson Lane for Lake access this season.

-Jessica stated, her family lives on Kasson Lane and is very concerned with her family's safety, as her son almost got hit by a snowmobiler last season. She has three small children and

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doesn't believe a residential area, such as this one, would be appropriate for many people to ride through at all hours of the day and night. She is also concerned with the noise, safety of pets, and possible damage to her and her neighbor's property. Jessica also stated the neighbors were not aware of the Charlton Snow Mobile Club's Trailmaster, Aaron Dyer's presentation to the Town Board in their August meeting, and was never approached by him, to agree to use Kasson Lane as the Lake access. She read aloud a letter by neighbor Heather and Mark Warner of 137 Kasson Lane requesting the Town help find a different route to the Lake. Their concerns were, the damage to their property, which they believe may not be covered by the Snow Mobile Club's insurance, along with the noise and constant traffic near their property.

-Councilman Kissinger inquired as to if one resident refuses, can it be stopped entirely as Lake access?

-Attorney Greco stated the Town did not permit the CSMC to use this private road. The Town only approved the side of Lakeview Rd. by Springer's Farm only.

-Supervisor Perry stated she will be meeting with John Callanan and Aaron Dyer next week to discuss what can be done. Stating removing signs may be premature at this time. There is a possibility that the club can use the west side of Kasson Lane on the Black River Hudson River property only, to access the Lake. Supervisor Perry stated the County has a big push to promote tourism in this area and would like an access point to the Lake. Also stating she will be in touch with the residents on Kasson Lane, of the results of their meeting.

-Councilman Bardascini stated Aaron Dyer did not have permission last season for Lake access, he knew the trail wasn't allowed to go through the Village but posted it anyways.

-Councilwoman Pasquarelli thanked Jessica for coming and stated the Charlton Snow Mobile Club usually makes a presentation every year near our August Board Meeting, if she would like to come.

******7:00 pm Opened the Public Hearing for Local Law #2021-01 A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4.**

-The text of the Local Law presented this evening was read aloud by Supervisor Perry. The Public Hearing was advertised on Social Media, posted at NBT, the Post Office and in The Leader Herald, with extra copies of the Law and Notice available.

-Resident #1 stated he believed it would be much needed revenue for the area.

-Resident #2 stated he believed this area is desperate for businesses. He doesn't smoke pot but knows it's all around us already and believes we should take advantage of the revenue it will bring to the area. Stating it is all around us already, smoking outside of bars, etc.

-Resident #3 stated he believes this would help with tourism and revenue for the area and wants to give it a shot. As of now people are driving to Massachusetts to purchase, and wants the tax dollars to stay in this area.

-Resident #4 opposes it stating it isn't the "cash Cow" everyone thinks it will be. Stating it can be a "gateway" drug and can lead to more crime in the area that the Law is having trouble controlling now.

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-Resident #5 also stated he worries about Law Enforcement detecting usage and controlling a possible increase in crime.

-Resident #6 stated they are very much against pot usage, stating it is very detrimental to ones' health. Also stating it is a "gateway" drug to other drugs and stated does not want children being exposed to people smoking in public. Also stating, worried about increase in crime and lack of Law Enforcement, to handle any problems.

-Resident #7 stated he is not a smoker but he is in favor of the Law for now. Stating Broadalbin may not be a big site for sales and it may be hard to regulate. He believes Colorado, where it is legal, is not seeing a huge windfall in revenues. His position is to wait and see how it goes in other areas, before we jump on the bandwagon.

-Resident #8 stated he also would like to wait and see how it goes in other areas. He stated he knows pot has a high usage in the area, but believes many State jobs can't detect the usage as of now, for employees.

-Resident # 9 stated our Town doesn't have zoning and believes we should opt out as of now and get zoning, stating we need it. How can we know a place won't open next to our school? Advises for those who want to be able to sell get a signed petition to proceed.

-Supervisor Perry stated in Northville they put zoning in places where they can place Cannabis sites. That might be something the Planning Board may want to look into.

-Mike Crispin stated the Town has "Land Use Laws " in place that can regulate where these sites can be established. He is against the use of pot and believes this area should remain mostly single family residential.

-Resident # 10 stated he is not promoting the usage, by State law you can smoke in front of Stewarts now. He believes if a company wants to come in, let them.

-Attorney Greco stated this will still be subject to a referendum by a petition of 25 or more voters, if so desired.

-Supervisor Perry stated this Law was sent to us by the State. The Town Board believed the Public should be heard on the subject before we proceeded.

-With a show of hands nine (9) residents were for passing the Local Law with eleven (11) against passing the Local Law.

******7:44 pm Closed the Public Hearing on Local Law #2021-01**

On a motion made by Councilwoman Pasquarelli and seconded by Councilman Bogardus

A motion to move Local Law #2021-01 to adopt to opt out of allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4.

Roll Call Vote: Bardascini - no Kissinger -no Perry -no Bogardus -
yes Pasquarelli -yes

******LOCAL LAW #2021-01 DID NOT PASS BY ROLL CALL VOTE.**

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**Department Reports
Assessor**

-Laurie Bollock read aloud a written report for the month of November 2021. This past month has been very busy with entering a lot of sales, splits, mergers. Also finishing up all the inspections from the permits that we have been given and all the permits from last year that people are starting to fill. We have noticed a lot of sheds and garages that have been built or have been put on the property without obtaining a permit and if a permit was applied for the structure, it was different from the actual permit. For example, a shed permit turned into a garage, and enclosed porch has turned into additional living space, etc. These permits have been turned over to Tom for him to go and check. Also we have found some parcels with inventory that is not listed on their parcels. We have documented the inventory and have sent out letters to the owners.

The permits we have been receiving have been a little difficult for us to work from. As example: permit says garage. We need to know sq.ft., attached or detached, and cost from the home owner not what the building inspector thinks it should cost to build. We just need a base price and we will take it from there. A permit says a new house, again we need to know sq. ft. how many bedrooms and baths, full/partial/basement, style and cost. All this information is on the original plans that a person applying for the permit has. Just a cover sheet does us no good. A cover sheet with all that information is what we need as we have been provided in the past.

The permits from the Village are very difficult to work from. I'm under the impression that the Village does not have a computer system for the permits and they are just done by hand. Permits from the Village just say a fence, garage, shed, and addition, or a house. Again we need more information. I would like to thank Don Simmons for taking the time with me 6:00 pm on a Monday night over the phone to give me all the information that I needed. I have known Don for awhile but that was a very unprofessional way to handle Village business. Don is no longer with the Village and they have hired a new Building Inspector. We do not feel comfortable nor will we be calling anyone at their home to get the information that is needed. So we are hoping that someone on the Board or the Assessor Liaison will in January speak to someone in the Village so that we can get this matter resolved. A cover sheet from the Village Clerk is not enough information. We are not trying to pass the blame off to the building inspectors of the Town or Village. We are just asking for the permits to have all the information that we have received in the past. So when we have to raise assessments and the tax payer's dispute our findings we can go back to the permits and have the proof we need that was submitted by them at the time they applied for the permit. There will be no guessing at the time of the inspections, the proof will come from their original permits. Thank you.

There is an article that was published in the Schenectady Gazette by Jonie Dennie the Gloversville Assessor for the past 19 years. You all have a copy. That article pretty much sums everything up. I will read just a short portion of it. "I have also been following the sales market. And sales are sky rocketing above assessed values. That doesn't mean that maybe the

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assessment is too low it just means people are paying more than the actual house may be worth. An assessment cannot be raised based on the sale price. An assessment can only be raised, if the Assessor has proof that a building permit was applied before the house was sold. Most changes and improvements are made from within with no building permit being applied for. Assessment cannot be raised just on sale price, that is called Welcome Stranger and that is illegal. We go through every sale that we enter. And when we find that the house sold for way more than the assessed value, we send out a letter asking if any other items were obtained that were included in the sale price, if the sq. ft. changed or any other changes done prior to the sale. Some residents return the letter with the actual changes, and some just sign and return the letter. So, we are trying to keep track of all the inventory so that it's updated to justify the sale price. But most of the time the sale is just what it is the sale price and with the prices being paid are overwhelming."

Laurie closed by thanking the Board for their time and requested an executive session at the end of the meeting to discuss continuing litigation.

Building and Grounds

-Councilman Kissinger thanked Mike Rorick for his Company's repairs to the Salt Shed stating it looks great.

Code Enforcement

Tom DiCaprio not present

Dog Control

Dale Potts stated he placed a very friendly found pit bull at the Johnstown Animal Shelter and placed the info on Face Book to hopefully find his owner. He asked the public to spread the word. He also stated the loose peacocks have been re-homed. Also he had some minor complaints that will be forwarded to the Court.

Highway

Eric Alley (not present)

Justice Court

-Councilman Bardascini read aloud a prepared report from the Court Clerks as follows: The month of October total fines collected was \$5,104 out of these fines \$1,311 was from old cases. Total cases for the month consisted of 74 with 35 closed tickets, 32 vehicle and traffic, 1 PL, 1 TO and 1 ECL. Councilman Bardascini stated the Court Clerks work very hard collecting the fines.

Planning Board

-Mike Crispin (Chairman) stated the Planning Board reviewed one minor subdivision and has changed their next meeting to November 17 at 7pm due to the Thanksgiving Holiday. Notice has been published.

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Town Attorney

-Attorney Greco stated the Town legal work is up to date except the Franchise Agreement with Spectrum. He will contact Spectrum for any changes and discuss at the December 14, 2021 Regular Town Meeting.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger

A motion authorizing Town Attorney Carm Greco to contact Spectrum for any changes needed for the Town of Broadalbin Franchise Agreement to be discussed at the December 14, 2021 Regular Town Board Meeting.

No further discussion.

VOTE: Perry –aye Bardascini –aye Kissinger –aye Bogardus –aye Pasquarelli –aye

-At this time discussion on Resolutions prepared by Supervisor Perry for ARPA Funds to be used for a new highway garage, as per the request of Financial Advisor and the next Supervisor, Bruce VanGenderen, were tabled to be addressed at a Special Meeting scheduled for Tuesday, November 30, 2021 at 5:00 pm.

-Supervisor Perry will contact Scott Henze, the County Planning Board Director, for assistance with this matter.

-The Town Board would like to review all options of using the ARPA Funds prior to a decision.

-Legal notice will be published in The Leader Herald.

-The Town Board tabled the Union Contract Resolution until the December 14, 2021 meeting to have more time to review the contract.

-Supervisor Perry stated all vouchers should be submitted to the Town Clerk by December 13, 2021 for payment, for the end of 2021.

-Approval of October 2021 submitted vouchers

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger

RESOLUTION # 2021 – 118 APPROVAL OF SUBMITTED VOUCHERS

BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted vouchers for the month of October 2021.

Prepaid	\$17,446.22
General	12,160.73

Highway 27,651.21
Water District 3,586.74

Total \$60,844.90

VOTE: Perry –aye Bardascini –aye Kissinger –aye Bogardus –aye Pasquarelli –aye

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Executive Session

-Assessor Laurie Bollock requested an executive session to discuss litigation matters.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger

THE TOWN OF BROADALBIN TOWN BOARD ENTERED AN EXECUTIVE SESSION AT 8:38 P.M. TO DISCUSS LITIGATION MATTERS.

No further discussion;

VOTE: Pasquarelli – aye Bogardus –aye Perry –aye Kissinger – aye Bardascini –aye

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger

THE TOWN OF BROADALBIN TOWN BOARD EXITED AN EXECUTIVE SESSION AT 9:01 P.M. WITH NO ACTION TO BE TAKEN AT THIS TIME.

No further discussion;

VOTE: Pasquarelli – aye Bogardus –aye Perry – aye Kissinger – aye Bardascini –aye

Old Business

-Attorney Greco stated the Referendum for a Town Library was voted down by 60 % .

-Mike Crispin stated the Master Plan completed in 2004 did mention the Library on page 45.

ADJOURNMENT – 9:02 PM

On a motion made by Councilman Kissinger and a second by Councilman Bardascini, the November 9, 2021 Regular Meeting was adjourned.

Respectfully Submitted,

Cheryl Briggs, Town Clerk