

At the Town Board meeting of the Waterford Town Board held at Waterford Town Hall 65 Broad Street Waterford NY and by teleconference on September 1, 2020 at 7:00 P.M. the following transpired:

There were present:

Councilman David Ball
Councilman James Boudreau
Councilman Laurie Marble
Councilman Frank McClement
Supervisor John Lawler

Communications and Petitions

There were none.

Action on Minutes of Previous Meetings as Follows

Minutes of the Town Board meeting of August 4, 2020, Special Meetings of August 11, 2020 and August 17, 2020 and Agenda Meeting of August 25, 2020 were presented to the Board. A motion was made by Councilman Boudreau seconded by Councilman McClement to accept the minutes as presented. All in favor.

Committee Reports

Financial Report and Submission of Bills and Petty Cash

Supervisor read the financial report for the month of August 2020. The audited abstracts totaled \$378,345.67 and the payments in advance of audit totaled \$61,054.27. The petty cash report totaled \$30.20. A motion was made by Councilman Ball and seconded by Councilman Marble to accept the reports, pay the bills and reimburse the petty cash account. All in favor.

Committee on Highway, Wastewater Treatment, Water Authority, Cemetery and Museum

Councilman Boudreau read the Town Highway Department report for the month of August. The Highway Department backed up all the shoulders of the newly paved roads with Top Soil and Stone Dust. We replaced a manhole on Sun Crest Drive. We replaced curbing on Columbus Ave and paved pot holes on Valley view Ave. We also replaced a Stop sign on Weaver Ave. The Parks department has been cutting and maintaining all of the town parks. Leaf and yard waste collection days are Monday and Friday. The next town trash drop off date is on September 19th 8:00 am to 1:00 pm we will also have our electronic recycling day on September, 19th 2020 8am to 1pm at the town highway garage. I would also like to remind all town residents about putting acceptable and unacceptable items in their Trash Containers, if you put any unacceptable items in your cans it will not be picked up until it is removed. If you are in need of a new garbage can or recycling can please call the Town Clerk's office at 518-235-8282. If you have any question please call the Town Highway Garage at 518-235-3413. The report was submitted by Highway Superintendent, Harry Martel.

Councilman Boudreau went on to read the Waterford Wastewater Department report as submitted by Chief Operator Craig Falcone. Sludge was removed to Albany and Saratoga

Counties. The Department answered 7 alarm calls; 5 multiple alarm calls from high flows due to storms. They performed normal maintenance, repaired the boat pump out at the Visitor Center, cleaned, scraped and painted the pump station structures at the Drake Court pump station. The Councilman then gave an update from Town Historian Russ Vandervoort. Russ wrote an article on the Matten Shipyard for the Saratoga County History Roundtable. To view the article, go to saratogacountyhistoryroundtable.org.

Councilman Boudreau went on to read the monthly report from the Waterford Water Commissioners. The waterworks delivered 35,560,277 gallons of water for the month. The staff completed 23 service calls and addressed 38 utility locales. The staff calibrated and maintained equipment, completed monthly water testing and meter reading. The Commissioners have substantially completed the construction of the new water main along Hudson River Road between Bell's Lane and Schoolhouse Lane. This project is a capital improvement. Restoration work is ongoing and expected to be substantially completed in August.

Committee on Public Safety, Emergency Services, and Liaison to Village

Councilman Ball read the Police Department Call Report for the month of August. There were 21 Domestic Incidents, 31 EMS calls, 33 Animal Control reports, 3 warrants, 103 traffic stops and 87 Traffic tickets issued.

Committee on Veterans, Grants and Funding, Special Projects, Town Hall and Seniors

Councilman McClement read the Senior Transportation report for August as submitted by Driver Andy Walters. The Medical Van transported 32 passengers for a total of 976.8 miles. The Grocery Bus runs on Wednesdays and transported 45 passengers for a total of 112 miles. Saratoga County Office of the Aging will be holding the annual picnic; it is the All-American Salute to Seniors, to be held on September 10, 2020 from 11-3 at the fairgrounds. It will be a "car-hop" style. Attendees will stay in their vehicles, which will be parked at safe distances. There is no picnic table seating. There is a \$4.00 meal ticket advance purchase requirement. For more information contact Office of the Aging at 518-884-4100.

Councilman McClement spoke about the Saratoga County Veterans Trust Fund and stated if there are any Veterans in the community that are having financial difficulty to please call 518-884-4115. They are here to assist in many situations.

Committee on Youth, Playground, Pool, Festivals, Library, WHUFSD, and Visitor Center

Councilman Marble read the monthly report from the Waterford Library: The Library is in the process of migrating and updating the library website and once that is completed, they will update it with their board meeting minutes, and other information. Beginning Sept 12, the Library will be open on Saturday's from 10 am-2 pm. Those hours will be limited in-building browsing hours with curbside pickup by appointment. All existing regulations will remain in effect, ie masks required, hand sanitizing, etc.

Councilman Marble then gave an update from Waterford Halfmoon School: There will be Superintendent conference days Sept 2, 3, 8, and 9.

Sept 9 ½ day Orientation K-2 and 7-12 A/B days

Sept 11 ½ day Orientation 3-6 and 7-12 C/D days

Sept 14 is the first full day K-6 and 7-12 A/B days

Sept 16 First full day for 7-12 C/D days

There will be a School Board meeting this Thursday the 3rd. All this information is on the school website

Councilman Marble then read the August report on the Canal Visitor Center as submitted by Director Jeff Cleary. The entire New York State Canal System is open and operating end to end.

No damage to report as a result of Hurricane Isaias that past Waterford on August 4th and 5th. The water crested at 30.91 feet about 3 feet below the top of the wall.

On August 13th The Canal Corp announced that due to a decrease in staff from a Covid incident, the Waterford Flight began operating with scheduled locking's. Currently there are 2 locking's in each direction daily: 7:30 AM and 12:30 PM Westbound Lock E-2 to E-6. 10:00 AM and 3:00 PM Eastbound Lock E-6 to E-2. This will remain in effect until further notice.

Our dock rehabilitation program is continuing.

The Town and the Canal Corp have reached a tentative agreement for the Canal Corp to transport and store the Town's docks for the winter and return them at the appropriate time in the spring. The Canal Corp has announced that the entire canal system will close for the season on Wednesday October 14th. For the month of August, we welcomed 151 boats from 21 states and 3 Canadian provinces.

Councilman Marble stated that the Town Pool had a very busy season this year. We had to practice Covid -19 protocol with social distancing and limited capacity at times. We were at capacity a number of times. We had a good summer and the pool patrons were great at abiding by the rules we had this summer. The pool has been covered and we hope next year we can get back to normal with our special events and swim lessons.

General Orders

RESOLUTION # 78

RESOLVED, that the annual estimate of funds needed to be raised and levied for calendar year 2021 to pay principal and interest on obligations issued for capital expenses for sewer District No. 1 is determined to be \$127,602.00, and be it further

RESOLVED, that the amount of the estimate of funds needed for calendar year 2021 as above determined shall be assessed on the properties in the district benefitted by the sewer improvement in accord with the laws governing such assessments, and it is further

RESOLVED, that the assessment roll for Sewer District No. 1 for 2021 benefit assessments shall be comprised of an assessment for the year for each property based on

(a) a so-called benefit charge to consist of an ad-valorem assessment upon which each \$1000.00 of assessed value of each property at a rate of \$.0 per thousand, and

(b) a so-called basic benefit charge of \$25.00 which shall be levied against all property in the district having access to an operating sewer line and which basic benefit charge shall be computed as follows:

1. For residential property there shall be one charge for each family unit, and

2. For non-residential property there shall be one charge for each estimated flow equivalent to a single family dwelling unit. The ordinary measure of an estimated sewage flow equivalent of a single family dwelling unit shall be water consumption in the 12 months computation of 80,000 gallons or any portion thereof, provided however, that in its discretion the Town Board in computing assessments may use an alternate estimated flow equivalent of a single family dwelling, if, in its judgment,

(a) the user's ration of a sewage contribution in water consumption is substantially different from that of a domestic household, or

(b) the user has not been a consumer of public water for the entire 12-month period preceding its assessment, it being understood any such alternative measure shall be calculated to equitably reflect the user's benefit in relation to the benefit to a single-family unit.

Offered by Councilman Boudreau
Seconded by Councilman Marble

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

RESOLUTION# 79

RESOLVED, that the proposed assessment roll for Sewer District No. 1 for the calendar year 2021 to pay principal and interest on obligations issued and capital improvements to cover financing of the district improvements in the amount of the estimate for funds needed for such year, which has been reviewed at this meeting, is considered complete and the same having been prepared by the Board shall be filed with the Town Clerk, and be it

RESOLVED, that the Board shall meet to consider objections to the assessment roll for Sewer District No. 1 filed with the Town Clerk this date at 6:55 P.M. on the 6th day of October 2020 at the Town Hall, and be it further

RESOLVED, that the Town Clerk is directed to cause notice of completion of said assessment roll and of the date of hearing, etc. to hear objections, etc., to be published in the Gazette Newspaper and in the Saratogian Newspaper, the latter being published in Saratoga County, in accord with the requirements of section 239 of the Town law and other applicable statutes, such notice shall be published at least 10 days and not more than twenty days before the date of hearing, and it is further

RESOLVED, that Notice to the Comptroller of the State of New York before with provided the comptroller and be provided at least three weeks prior to October 6, 2020, the date of hearing.

Offered by Councilman Marble

Seconded by Councilman Boudreau

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

RESOLUTION # 80

WHEREAS, the owner of 58 Towpath Lane, Waterford NY; SBL: 285.14-3-3 has been given ten (10) days notice to comply with the requirements of removal of rubbish as well as the cutting of weeds and grass from the subject property whereas said ten (10) days has come and gone without remedy;

WHEREAS, an invoice in the amount of \$1,014.15 has been sent to said property owner and has not been paid and thirty (30) days has passed;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes and directed to effectuate the re levy of said unpaid fees onto the taxes for said property.

Offered by Councilman Boudreau

Seconded by Councilman McClement

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

RESOLUTION # 81

RESOLVED, By the Town Board of the Town of Waterford that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A: a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1) after they have met the minimum retention periods described therein;

b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Offered by Councilman Marble

Seconded by Councilman Boudreau

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

RESOLUTION # 82

Resolved, that the Town of Waterford/Location Code 30096 hereby establishes the following as the standard work days for the elected and appointed officials listed below and will report the following days worked to the New York State and Local Employees' Retirement System based upon the Record of Activities submitted by these officials:

Town Board Member, Francis S. McClement, 6 Hour Standard Work Day from 1/1/2020 – 12/31/2023, 3.48 days worked to be reported each month.

Offered by Councilman Boudreau

Seconded by Councilman Marble

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

**RESOLUTION NO. 83 OF THE YEAR 2020
OF THE TOWN BOARD OF THE TOWN OF WATERFORD**

AFFIRMING RESOLUTION NO. 70 AFTER PUBLIC HEARING

WHEREAS, on August 4, 2020 the Town Board determined by resolution that a certain premises located at 1A Weaver Avenue was an “Unsafe Building” pursuant to Chapter 63 of the Town Of Waterford Code and ordered that a fence or barrier be constructed upon the Premises which, in the opinion of the Town Building Inspector, is sufficient to safely secure the Premises against unauthorized entry by the public (hereinafter “Resolution No. 70”); and

WHEREAS, pursuant to Section 63-9 of the Town Code, a duly noticed public hearing was held on August 25, 2020 for the purpose of providing all interested parties an opportunity to be heard regarding the determination in Resolution No. 70 that the Premises was unsafe and requirement that a fence or barrier be erected;

WHEREAS, at said hearing the life tenant of the Premises and her legal counsel appeared and were heard in relation to Resolution No. 70; and

WHEREAS no other evidence or comments were offered or received in relation to Resolution No. 70;

NOW, THEREFORE, BE IT RESOLVED, that, upon due consideration of the evidence and comments received at the hearing, Resolution No. 70 is hereby affirmed and the Margaret M. Pieper Family Trust, Timothy Murphy, Trustee, is ordered to erect a fence or barrier upon the Premises which, in the opinion of the Town Building Inspector, is sufficient to safely secure the Premises against unauthorized entry by the public; and it is further

RESOLVED that the Margaret M. Pieper Family Trust, Timothy Murphy, Trustee, is ordered to commence the construction of said fence or barrier on or before September 17, 2020 and construction shall be completed on or before October 17, 2020; and it is further

RESOLVED that in the event of the refusal or failure to comply with said order of the Town Board, the Town Board shall provide that the Premises shall be made safe and secure either by Town employees or by contract and all expenses incurred shall be collected or assessed against the owner of the Premises as permitted by law; and be it further

RESOLVED, that the failure to comply with said order shall further be punishable as set forth in Section 63-15 of the Town Code.

Offered by Councilman Boudreau
Seconded by Councilman McClement

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

Supervisor Lawler stated that there will be a slight change in the schedule this evening for those that have a copy of the agenda.

Supervisor Lawler and Councilman Ball invited Sgt. Pat O'Connell and Sgt. Shudt to join them as they presented Sgt. O'Connell with a plaque to honor his retirement from the Waterford Police Department. Supervisor Lawler spoke of Sgt. O'Connell's 22 years of service since graduating first in his class at the Zone 5 Academy. Supervisor Lawler went on to speak of Sgt. O'Connell's accomplishments such as being recognized by MADD as a top DWI enforcer in the Capital District. Supervisor Lawler stated that Sgt O'Connell has been a true friend to Waterford and he will be missed. Sgt. Shudt spoke of his years working with Sgt. O'Connell and congratulated him on his retirement.

RESOLUTION# 84

The Town Board of the Town of Waterford hereby resolves to honor and congratulate Sergeant Patrick O'Connell upon his retirement as an officer of the Town of Waterford Police Department.

The Town Board further wishes to extend its thanks and appreciation to Sergeant O'Connell for his dedication and service to the community and the faithful execution of your duties during your years of service.

Congratulations on a job well done.

Offered by Councilman Boudreau
Seconded by Councilman Marble

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

Supervisor Lawler and Councilman Dave Ball invited Officer Michael Dilbone to join them to congratulate Officer Dilbone on his promotion to Sergeant. Sgt. Dilbone received his Sergeants Badge and was presented a plaque. Councilman Ball spoke of the steps involved to become a Sergeant and spoke of Sgt Dilbones service to the community. Councilman Ball stated that Sgt. Dilbone also handles and organizes the Accreditation process for the Police Department. Sgt. Schudt congratulated Sgt. Dilbone and stated this promotion was well deserved.

RESOLUTION # 85

Resolved, that Officer Michael Dilbone be and he is hereby appointed to Sergeant at an annual

salary of \$70,464.61 according to the current union contract to be paid in weekly installments by the Town Supervisor without the necessity of pre-audit by the Town Board.

Offered by Councilman Boudreau
Seconded by Councilman Marble

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

RESOLUTION # 86

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes a Dumping Permit be issued to James Davis for land owned and located at 29 Middletown Road, SBL 291.9-1-31. Said permit is valid for one year and will be kept on file in the Town Clerk's Office.

Offered by Councilman Boudreau
Seconded by Councilman McClement

At this time Supervisor Lawler referred to Town Engineer Dominick Gabriel who asked to speak on this resolution.

Mr. Gabriel stated that this property is located next to the property where the landslide occurred. The property owner wants to dump construction debris to fill in this area. From an engineering perspective, that is not the way to handle this situation. By dumping into this area, it will be adding more weight to the landslide and cause what's already there to slide out even further. If the property owner were to submit a more professional plan, that follows specific guidelines for soil, we would look into this. Mr. Gabriel stated his professional opinion is to not allow this permit.

Councilman Ball yes
Councilman Boudreau no
Councilman Marble no
Councilman McClement no
Supervisor Lawler no

OTHER BUSINESS

To replace Resolution No. 72 that was tabled on August 4th
RESOLUTION # 87

RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF WATERFORD FOR THE YEAR 2020
APPROVING BID TOWN HALL RENOVATIONS

WHEREAS, the Town Board of the Town of Waterford, by public notice duly published according to law, invited sealed proposals for renovations and reconfigurations of selected spaces at Waterford Town Hall in the Town of Waterford;

WHEREAS, all such proposals received were considered publicly at Town Hall, on the March 18, 2020, the time and place specified in said public notice, and

WHEREAS, said Town Board has determined that Wainschaf Associates, Inc. is the lowest responsible formal bidder for the work as detailed in the specifications, with a bid of \$519,400.00 and

WHEREAS, that as a result of negotiations with the low bidder for the deduction of certain work as set forth in correspondence dated August 31 from Adirondack Mountain Engineering PC (a copy of which is attached hereto) a total project cost of \$196,827.00 is proposed,

NOW THEREFORE, NOW BE IT RESOLVED, that the said BID of Wainschaf Associates, Inc. Including proposed deductions resulting in a total project cost of \$196,827.00 be and the same is hereby accepted,

FURTHER RESOLVED, that the Town Supervisor is authorized to enter into a contract with said successful bidder for renovations and reconfigurations of selected spaces, in accordance with the specifications for said bid project, to be approved by the attorney for the Town and further subject to the receipt and approval by the attorney for the Town as to form and required bonding documents for performance, labor and materials.

Offered by Councilman McClement

Seconded by Councilman Boudreau

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

RESOLUTION # 88

WHEREAS, the Town Board has been apprised by the Town Highway Superintendent and the Town Engineer that a significant portion of the pavement surface of Garrett Drive between Hillview Avenue and Belanger Avenue has been eroded due to several significant rainstorms; and that approximately 50% of Garrett Drive is no longer structurally capable of motor vehicle use; and such that Garrett Drive is the sole access to approximately 50 homes resulting in the need for immediate and emergency services to reestablish the integrity of the road and in order to protect public health and safety; and

WHEREAS, a site inspection of the area by the Town Engineer revealed the source of the problem to be the result of insufficient drainage structures to capture stormwater runoff and that there is a need for immediate contracted services in order to prevent further damage to the roadway and to avoid risk to the health of the residents of the Town, and

WHEREAS, the Town Board has carefully considered the situation and concurs with the emergency nature of the matter and concurs that the above described emergency necessitates dispensing with competitive bidding.

NOW, THEREFORE BE IT RESOLVED that the Town Supervisor is authorized to execute an agreement with Evolution Construction Services to install two (2) drainage structures connected with a 12 inch pipe, to install approximately 134 feet of 6 inch underdrain pipe, to remove the damaged asphalt surface and to replace the removed asphalt surface with a new structurally sound asphalt surface at a total cost not to exceed \$38,700.00.

Offered by Councilman Boudreau
Seconded by Councilman McClement

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

RESOLUTION # 89

RESOLVED, that Timothy Jacques of Lea Avenue be and he is hereby appointed as member of the Zoning Board of Appeals for the term of September 1, 2020 thru September 1, 2024

Offered by Councilman Boudreau
Seconded by Councilman McClement

Councilman Ball yes
Councilman Boudreau yes
Councilman Marble yes
Councilman McClement yes
Supervisor Lawler yes

Supervisor Lawler opened the meeting up for comments and phones were unmuted at this time.

Quincy Rene- 40 2nd Street – asked for more detail on the Verizon 5G article that was published by the Town and if there are any residents on the task force that was established and is this possible.

Planning Director Dave Woodin stated this article refers to the Town only, not the Village. He went on to explain the 5G capacity and use, placement of these 5G poles in community and the

service that will be coming to our area and the. This is a nationwide program. There are 20 cities with these 5G poles now. Locally, Verizon has a Master License Agreement with Schenectady and Niskayuna, they are currently working with Troy, Albany, Watervliet and a few other municipalities on these agreements as well. Mr. Woodin went on to explain the Verizon requirements, the FCC role in this process and the guidelines already established for things such as pole permits, fees and time limits. These poles will serve Verizon, but eventually will expand to Sprint and AT&T. The task force was established in June and currently does not have any residents on it, the Task Force has had one meeting with Verizon so far. Mr. Woodin went on to say that the Master License Agreement is in the hands of the Town Attorney for review.

Supervisor Lawler added that 5G project being discussed only applies to the Town, and he has no objections to residents participating. Information will be put on the website as to how residents can sign up.

Chris Connell- asked the advantage of participating in this program now rather than later and asked if the Village was participating. She also questioned how pole locations is decided.

Mr. Woodin stated that by signing onto the project now it will be an easier process when 5G does come to our area, the Town will be one of the first to have 5G instead of one of the last. The Town is the smallest municipality asked to participate by Verizon so far. The advantage will be to improve wireless capacity around the Town. He added that the Town approves the poles and their locations as part of the permit process. Aesthetics will also be a part of the permit and the Town can establish rules that will help to hide the poles as much as possible. Mr. Woodin went on to say that the spacing of the 5G poles will be closer together, but this allows for higher speed and capacity.

Supervisor Lawler stated that no decision has been made to go forward with this yet, the Town Attorney has the agreement and will be reviewing that. The Town does not want this project to dramatically affect the quality of life of our residents, this is why the Task Force was created. With the Town being invited to participate, it allows us to be ahead of the curve when 5G capacity does come to our area.

Councilman Boudreau made a motion to close the meeting at 8:18pm seconded by Councilman McClement. All voted in favor of the motion.

Respectfully submitted,

Mary Shannon Carrigan
Town Clerk