

At the Town Board meeting of the Waterford Town Board held on June 5, 2018 at Waterford Town Hall, 65 Broad Street, Waterford, NY at 7 P.M. the following transpired:

There were present:

Councilman Ball

Councilman Boudreau

Councilman Marble

Supervisor Lawler

Those absent:

Councilman McClement

## **COMMUNICATIONS AND PETITIONS**

There were none

Supervisor Lawler stated that Councilman McClement is absent tonight as he is attending an educational conference in his roll as Saratoga County Veterans Service Administrator.

## **ACTION ON MINUTES OF PREVIOUS MEETINGS AS FOLLOWS**

Minutes of the Town Board meeting of May 1, 2018, Special Meeting of May 10, 2018 and Agenda Meeting of May 29, 2018 were presented to the Board. A motion was made by Councilman Boudreau seconded by Councilman Marble to accept the minutes as presented. All in favor.

## **COMMITTEE REPORTS**

### **Financial Report and Submission of Bills and Petty Cash**

Supervisor Lawler read the financial report for the month of May 2018. The petty cash report totaled \$68.02. The audited abstracts totaled \$224,998.46 and the payments in advance of audit totaled \$24,561.00. A motion was made by Councilman Ball and seconded by Councilman Boudreau to accept the reports, pay the bills and reimburse the petty cash accounts. All in favor.

### **Committee on Seniors, Highways, Wastewater Treatment, Water Authority, and Cemetery.**

Councilman Jim Boudreau read the May Highway Report as submitted by Highway Superintendent Harry Martel. The Highway crew has been out patching potholes. A new sign was installed at the Waterford Rural Cemetery. A new storage shed has been installed at the Senior Center. They would like to thank the Waterford Halfmoon senior class of 2018 for volunteering to help with a few town projects on Thursday May 24<sup>th</sup>. Summer Trash Drop will be held on June 2, July 7 and August 4 at the Highway Garage. Going forward any requests for new or replacement garbage/recycling cans will now be made through the Town

Clerk's Office. Councilman Boudreau then read the Wastewater Report for the month of May. Sludge was removed and transported to Saratoga and Albany County. They answered 2 alarm calls. Normal maintenance was performed. Damaged piping was replaced at the Suncrest Drive pump station and they installed a generator hookup and transfer switch at the Mallards Landing No. pump station. The sewage boat pump at the visitor center was repaired and put into service. Report was submitted by Craig Falcone, Operator. The Councilman then went on to read the Senior Activities report as submitted by Director Mike Mahoney. The Womans Senior Bocci league started on May 3<sup>rd</sup>, call Gail Oliviere to sign up 518-237-8293. The Seniors held their monthly meeting on May 15<sup>th</sup>, a free health care screening was held by Saratoga County. Their annual picnic will be held on Tues July 17<sup>th</sup>, sign up at the senior center or call 518-235-8500. The annual clamsteam will be held on Tues Aug 21<sup>st</sup>, please call the center for more information and reservations. Officer Dilbone was the guest speaker at the meeting. He spoke on the importance of auto safety and driving considerations for seniors such as vision, hearing and diminished reaction times. He also explained the emergency dispatch system as most seniors did not know it had changed. Thank you to Councilman Ball for arranging that. On May 18<sup>th</sup> 40 Waterford Seniors attended the Saratoga County Dept of the Aging luncheon in Saratoga Springs and they held a raffle at CanalFest on May 19<sup>th</sup>. The Senior Center is open Monday thru Friday call 518-235-8500 for the complete schedule and more information. He then went on to read the Senior Van report for May as submitted by Neil Quantock. There were 133 hours works, 2352 miles driven, 108 people were transported with a daily average of 5. The Water Commissioners reported that 30,930,000 gallons of water was delivered. The staff completed 44 service calls and 33 dig safely locations. New AMR meters were installed, monthly water testing was completed.

### **Committee on Public Safety, Emergency Services**

Councilman Dave Ball gave a summary of police activity for May. There were 28 tickets issued by the ACO, and 4 warrants acted on. Matt Roy will be honored this Saturday for his service as Fire Chief of the Waterford Fire Department. We congratulate him. The Waterford Police Department received a \$2500.00 grant from Saratoga County for the STOP DWI Initiative. Summer Driving Initiatives are being enforced, please obey the speed limit, buckle up and avoid being distracted while driving. John Fairclough of the Waterford Fire Department spoke of the recruitment efforts for volunteer firefighters. There was a recruitment and retention drive last month to bring awareness to the volunteer fire service. All Waterford Departments participated. It allowed community members to come into the stations and learn more. As a volunteer company, it requires large participation. There are other opportunities in the fire department besides fighting fires. The departments go to schools and community events to teach and talk to adults and youth. The amount of training required depends on what level you wish to be involved. All Waterford Fire Departments are volunteer and are always looking for new members. It is a commitment to your community. The Northside and Village Fire Departments are in their departments during Wednesday evening and Halfmoon Fire is available Tuesday nights. Please check their websites also. We encourage anyone who wishes to give back to visit these departments. Councilman Ball said the average age of a volunteer firefighter is 40 years old. Councilman Boudreau asked about an age requirement. Mr. Fairclough stated that in NYS you can be 16 to join the fire service but your duties are restricted. At age 18 there are no restrictions. Mr. Faircough has been a volunteer firefighter for 27 years.

### **Committee on Veterans, Grants and Funding, Buildings, and Special Projects**

Councilman Marble read the Harbor Center Report. The Waterford Harbor opened on May 1st and received its first guest on May 5th. Through Memorial Day, May 28th, we entertained 100 boats and 5 parties of campers. They stayed an average of 2 days. Our boaters & campers were from 21 states, 2 Canadian provinces, and Germany. Our 24 recorded landside visitors came from 7 states, London, and Medellin, Columbia. Five of our guests completed our survey. On average, they spent \$136 each. Extrapolating the total spent from such a small sample is dangerous but we might safely conclude that the total spent in town by boaters, campers, and other visitors in May approaches \$10,000. Our spectacular corps of volunteers, who have been very patient with a number of procedural changes, logged in excess of 500 hours through May 28th. We assisted in the school program on the Erie Canal, run the week of May 14th-19th by the Waterford Museum. 455 students from 8 schools participated in the program conducted by the Museum, the Canal Corporation, the Canal & Towpath Society, and Harbor Visitor Center volunteer Patricia DeCerbo. The Waterford Police responded to 2 calls to the Harbor, one to investigate a property damage collision between 2 boats and the other to deal with a separate dispute between 2 boaters. In the latter incident, I want to comment on Officer Mike Dilbone's professionalism and diplomatic diffusing of the situation. A full calendar of events is scheduled for the rest of the summer. The Waterford Harbor Farmers Market began this Sunday and will continue through mid-October. The Corning Glass Barge, accompanied by the Lois McClure, will visit the Port later this month, on the 23rd & 24<sup>th</sup>. Reservations for the Glass Barge are recommended; visit CMOG.org.

Preparations are underway for our annual Steamboat Meet on July 7th, for the first Waterford Dragon Boat Races on August 18th, and for the Waterford Tugboat Roundup on September 10th. Anyone who wants to attend any of these events as a vendor can apply at TugboatRoundup.com.

The nicest comment we received in our survey was from the "Edith B." from St. Louis, MO, who said, "Elizabeth City, NC, claims to be the Harbor of Hospitality. We will let them know that they have competition for the claim from Waterford, NY. Thanks for the wonderful visit." It's going to be a great summer!

### **Committee on Youth, Playgrounds, Pool, Festivals, Liaison to Village, Museum, Library and WHCS**

News from the school: The PTO chicken BBQ is on June 14<sup>th</sup>. This meal is a pre order at the school by June 8<sup>th</sup>. This Thursday June 7<sup>th</sup> is the High School Awards night and school board meeting. Moving up day is Friday June 8<sup>th</sup> and 6<sup>th</sup> grade graduation is on June 19<sup>th</sup>. Graduation day is on June 23<sup>rd</sup>. 26 High School students participated in community work in May under the direction of Harry Martel. The students did some projects at The Waterford Town Pool, The Visitor Center, and Soldier and Sailor Park. Thanks to all for all their hard work. They painted tables, raked, and planted flowers as other maintenance work.

The 2019 Library budget vote is tomorrow at the library from 9am-6pm. All the residents in the Waterford Halfmoon School district are eligible to vote regardless if they are property owners or not. Absentee ballots can be picked up at the library and must be returned by 5 pm Wednesday. There are also 2 vacancies on the board of trustees that need to be filled. Eligible candidates must live within the school district. If anyone is interested please contact Tim McDonough at the library. 2018 summer reading program kicks off on Monday June 25<sup>th</sup>. They have lots of great activities and programs planned for July and the early part of August. Please stop in the library for more information. Summer time is a great time to sign up for the Field Goods fresh produce program. Customers can sign up on line and have fresh produce from local

farms delivered here to the library each week for pickup. All the information is available at the library. And finally the knitting circle will continue to meet every other Thursday from 6-8 pm. Also there is a community puzzle table that all are welcome to work on.

The summer park program will begin on Monday June 25<sup>th</sup> and the pool will be open full time as well. Once again the free lunch program will take place at Clement Park thanks to Pastor Paul from the Wesleyan Church. The program begins the first week of July and runs thru September. Please check the town website for the Pool times, fees, and rules.

The Canalways program took place during the month of May through the museum. The museum hours of operation and current exhibits can be found on the museum website.

## **General Orders**

### **RESOLUTION# 63**

WHEREAS, members of the Waterford Fire Department stand ready to protect the lives and property of Waterford residents 24 hours a day, seven days a week; and

WHEREAS, service to this community has been a steadfast commitment for Matt Roy while becoming 2<sup>nd</sup> Assistant Chief in 2012, 1<sup>st</sup> Assistant Chief in 2014 and serving as Chief from April 2016 through April 2018; and

WHEREAS, Matt has consistently demonstrated through his leadership that no goal is too vast and no amount of effort is too great to put forth in service to his colleagues and the community;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Waterford hereby recognizes, honors and thanks Matt Roy for his dedication and selfless service to the Waterford Fire Department and the Waterford community.

Offered By Councilman Boudreau  
Seconded By Councilman Ball

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

### **RESOLUTION# 64**

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WATERFORD, SARATOGA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$40,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF THE ACQUISITION OF**

## **ONE REPLACEMENT VEHICLE FOR USE BY THE TOWN'S POLICE DEPARTMENT**

WHEREAS, the Town Board of the Town of Waterford (the "Town Board") is considering the acquisition of one replacement vehicle for use by the Town's Police Department(the "Project"); and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

THE TOWN BOARD OF THE TOWN OF WATERFORD, SARATOGA COUNTY, NEW YORK (the "Town") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue \$40,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of one replacement vehicle for use by the Town's Police Department.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$40,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of the \$40,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is three (3) years, pursuant to subdivision 77(first).of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized

by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION8. The Town Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 10. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 13. This resolution shall take effect immediately

The following vote was taken and recorded in the public or open session of said meeting:

AYES: 4

NAYS: 0

Offered By Councilman Ball

Seconded By Councilman Boudreau

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Supervisor Lawler yes

**RESOLUTION# 65**

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes a Dumping Permit be issued to Joseph R. Burniche for land owned and located on Clemente Lane, SBL 286.13-1-6. Said permit is valid for one year and will be kept on file in the Town Clerk’s Office.

Offered By Councilman Marble  
Seconded By Councilman Ball

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

**RESOLUTION# 66**

**WHEREAS** Schoolhouse Lane in the Town of Waterford has been traditionally used as a means of ingress and egress from the properties historically owned by the Town of Waterford, General Electric Company and its successor and/or assigns including Momentive Performance Materials, together with such other commercial establishments located adjacent to said their affair, and

**WHEREAS** Schoolhouse Lane as it runs an east/west direction between New York State Route 4 (HudsonRiverRoad) and the Delaware and Hudson railroad tracks is a public roadway and has been deeded and otherwise dedicated to the Town of Waterford and has been continuously maintained by the Town of Waterford and

**WHEREAS** that portion of Schoolhouse Lane continuing west of the Delaware and Hudson railroad track to the point where it intersects with a public thorough fare known as Bells Lane, has been determined, after due diligence consisting of among other things a certification to the town by Chicago Title Company as well an examination of the chain of title and existing surveys, as to have been part of the chain of title conveyed to General Electric and/or its successors and assigns by various property owners maintain residence along that portion of Schoolhouse Lane and

**WHEREAS** the General Electric and its success or in interest to the property have historically maintained that portion of S choolhouse Lane located west of the Delaware and Hudson railroad tracks and

**WHEREAS**, the Town of Waterford and Momentive Performance Materials wish to document and otherwise clarify any issues concerning the ownership and obligations for maintenance of that portion of Schoolhouse Lane lying west of the Delaware and Hudson railroad to the point where it intersects with Bells Lane. Now therefore be it

**RESOLVED** that the Supervisor be and is hereby authorized to enter into an easement and right of way agreement which documents and otherwise clarifies the ownership and obligations with regard to the maintenance of S choolhouse Lane as it is located west of the Delaware and Hudson railroad tracks to the point where it intersects with Bells Lane ,so as to provide an unfettered easement and right-of-way to the Town of Waterford and its agencies for ingress and egress to all town properties, while at the same



time requiring all maintenance obligations for said easement and right-of-way to be undertaken by Momentive Performance Materials, its successors and/or assigns and it is further

**RESOLVED** that nothing contained in this resolution or in any easement shall serve as a waiver, relinquishment, and assignment or in anyway diminish the inherent rights of the Town of Waterford to exercise any of its future rights under any applicable state or federal law.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby approve this Resolution.

Offered By Councilman Boudreau  
Seconded By Councilman Marble

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

**RESOLUTION # 67**

RESOLVED, that the Supervisor be and he is hereby authorized to sign a contract with Santore's World Famous Fireworks, LLC for fireworks displays for the year 2018 at a cost of \$30,000.00.

Offered By Councilman Marble  
Seconded By Councilman Boudreau

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

**RESOLUTION# 68**

RESOLVED, that the Town Supervisor be and he is hereby authorized to sign an agreement with The Gorman Group LLC, under Saratoga County contract, for road paving.

Offered By Councilman Boudreau  
Seconded By Councilman Ball

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

**RESOLUTION# 69**

RESOLVED, that the following individuals be and they are hereby appointed as seasonal hires for the Parks and Recreation Department:

Concession:

Nathaniel Hathaway at \$10.40 per hour

Elsie Stalker \$10.40 per hour

Park Counselors:

Jacob Carberg at \$10.40 per hour

Hunter Guertin at \$10.40 per hour

Lifeguard

Miranda Corley at \$12.48 per hour

All hires are to be paid in weekly installments by the Town Supervisor without the necessity of pre-audit by the Town Board.

Offered By Councilman Marble

Seconded By Councilman Ball

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Supervisor Lawler yes

**RESOLUTION# 70**

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes the Town Supervisor to execute an agreement with EllisWorks, The Center for Occupational Health, authorizing EllisWorks to perform pre-employment physicals for candidates seeking employment with the Town of Waterford Police Department.

Offered By Councilman Ball

Seconded By Councilman Boudreau

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Supervisor Lawler yes

**RESOLUTION # 71**

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes the purchase of a 2018 Ford Explorer Police Interceptor from Genesee Valley Ford LLC as per NYS Contract Pricing for Mini-Bid #18040010. Bid Price - \$30,838.70.

Offered By Councilman Ball  
Seconded By Councilman Boudreau

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

## **RESOLUTION # 72**

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 to the Clerk of this body:

Town Supervisor, John Lawler, 6 Hour Standard Work Day from 1/1/2018 – 12/31/2019, 10.12 days worked to be reported each month.

Board Member, Laurie Marble, 6 Hour Standard Work Day from 1/1/2018 – 12/31/2021, 11.78 days worked to be reported each month.

Chairman, Zoning Board, Charles Fusco, 6 Hour Standard Work Day from 1/1/2018 – 12/31/2018, 1.93 days worked to be reported each month.

Offered By Councilman Boudreau  
Seconded By Councilman Ball

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

The Supervisor asked if there were any questions or comments from the audience.

John Fairclough asked about the Schoolhouse Lane easement resolution.

Supervisor Lawler stated that for years they have been unsure as to who owned the road west of the tracks. The Town and Momentive have both done maintenance on the road. Momentive is required to control access to their plant, this road plays a part in that. The Town conducted a full title search to see who owned the road. The residents who were there before GE was built, transferred land to GE. Schoolhouse Lane from Hudson River Road to the tracks was transferred to the Town, this was not the case west of the tracks. This agreement works out well for everyone: the Town does not have to spend money to maintain the entire road and Momentive will be able to secure a portion for their needs. The easement allows the Town to gain access to the area behind the plant where the old landfill exists.

John Fairclough asked for more clarification from an emergency response side. Supervisor Lawler stated that below the tracks the WFD would respond, west of the tracks would be Momentive.

Paul McInerney questioned the response for structure fires? Supervisor Lawler stated that any building would be the Town's responsibility, the Momentive Brigade would only respond to fires on Momentive property.

Councilman Boudreau made a motion to close the meeting at 7:55PM, seconded by Councilman Ball. All in favor.

Respectfully submitted,

Mary Shannon Carrigan  
Town Clerk