

At the Town Board meeting of the Waterford Town Board held on December 3, 2019 at the Waterford Town Hall, 65 Broad Street Waterford, NY at 7:00 P.M. the following transpired:

There were present:

Councilman Ball

Councilman Boudreau

Councilman Marble

Councilman McClement

Supervisor Lawler

Supervisor Lawler introduced Ed Hernandez from Adirondack Mountain Engineering. Mr. Hernandez spoke about the Saratoga Avenue Streetscape Project which will begin in the Spring. Part of the project was to evaluate options to improve access to the Waterford Museum from Saratoga Avenue. This study is preliminary, they still need to meet with the museum to evaluate this, and maybe look at other options. The study was prepared by Studio A Landscape. Kirsten Cavalier was introduced and highlighted the contents of the study. The focus was to improve access to the museum, improve landscaping, improve safety, and connections to trails. Two options were presented as part of the study: vehicle circulation- redirect traffic and vehicle circulation- disperse traffic flow. The feasibility/pros/cons of both options were shown. The project is proposed to be done in phases.

Barbara Turpin- Asked who initiated the study and where the funds came from.

Supervisor Lawler stated that this study was included as part of the Gateway Project, it was Town initiated. The Town has always supported the museum and felt incorporating this study would be beneficial to the museum. The study was funded by a grant from NYS and Town funds.

Cathy Walsh- Museum Trustee- The options presented are not acceptable to the museum. The land belongs to the museum and this is private property. They do not want to take away from the parking. Through all the public meetings, the museum has always stated that they just wanted a sign on Saratoga Avenue.

Supervisor Lawler stated that the company delivered a study that Town asked for. With 50% funding, this was a good time to look at the feasibility of improving the museum and make the museum more accessible and bring awareness for the cars that travel Saratoga Avenue. This was looking at a way to improve visibility/accessibility to the museum by being respectful of residents here. The Town is pleased with the study. There is no commitment to move forward. In doing this study, we asked "what did they think would get more people to museum". The pricing was a little more than what the Town had anticipated. The Town is happy with the study and this could work as a basis for another funding request in the future.

Mrs. Walsh commented on the inability of older museum patrons to use the wooden steps by the proposed canal parking lot.

Supervisor Lawler added that the idea of this area was for it to be used as a connection for those walking on the trail. Supervisor thanked all involved in this study and appreciated their hard work.

Supervisor Lawler introduced Waterford Halfmoon School District Superintendent Patrick Pomerville. The Town and school district have a strong partnership and are always willing to help out each other when and where needed.

Mr. Pomerville stated that he developed an outreach program to inform the community about the capital projects being proposed. Joining him are members of the architect firm involved in the project, school board members and the district's financial advisors. The vote is December 10<sup>th</sup> to maintain/improve facilities. The total cost is \$15.185 million. The scope of the project is two propositions: Proposition 1- \$9,890,000; Proposition 2 - \$5,295,000

The scope of work was based on NYS requirements.

There are two propositions, the difference is due to state aid ratios. The aid available was discussed for the two propositions. Retiring debt and bond load was discussed

Proposition 1 – Locker room repairs/ Technology/Art wing rooms repair, windows, parking lot reconstruction and lighting upgrade; additional heating, plumbing and electrical repairs.

Proposition 2- Site Work- field drainage issues, track replacement, turf soccer field

Harry Martel asked if there are plans to put lights on the field.

Mr. Pomerville added that the infrastructure will be in place to add light later. Lighting will be an additional cost.

The timetable of the project was reviewed.

Tax certiorari implications of the MPM Silicones case was discussed. The Town and School District have been working together closely on this matter.

Mr. Pomerville added that Proposition 1 needs to be passed for Proposition 2 to move forward.

Councilman Ball asked if they considered the worst-case scenario for the school district based on taxes/budget for the project in regards to the tax certiorari case.

Mr. Pomerville stated for the district, the worst case would cost in the millions. They would need to look at the reserve, bonding, for payback. This case is still in litigation and this would be speculation.

Councilman Ball asked if this scenario is premature until you know the ramifications? What about the retired debt being mentioned?

Mr. Pomerville answered yes and no. They have debt dropping off- they don't want to lose this window of funding. The tax case could go on longer. They also talked with their financial advisors about moving forward.

Jason Schwartz- Bernard P. Donegan, Inc., Financial Planning- The retired debt is from a 2006 Bond- under 12 million. Timing is important here. Construction costs can rise the longer you wait, waiting to get the tax case resolved can have impacts.

Mari Cecil from Bernier, Carr & Associates Architects and Engineers - In waiting, more deterioration of the exterior of the building will happen, energy costs are rising, its cost savings to replace the windows now. What the voters vote on is all the district can spend. A conservative approach was taken with this project. They do not know the impacts of energy costs/ tariffs etc. will have. The review process can take a long time to get approval for this project. Financially this is planned out.

Councilman Ball stated that he cannot argue with those points. He recognizes the need for a capital project, but given the uncertainty of the tax certiorari case, taxpayers should be wary.

Councilman McClement asked about reimbursement of the new debt.

Mr. Schwartz stated that they will be bonding the same amount, similar to the retiring debt, over 15 years.

Brochures on this presentation will be available in the Town Clerks Office.

### **Communications and Petitions**

There were none.

### **Action on Minutes of Previous Meetings as Follows**

Minutes of the Town Board meeting of November 7, 2019 and Agenda Meeting of November 26, 2019 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 Lawler read the financial report for the month of November 2019. The petty cash report totaled \$7.15. The audited abstracts totaled \$225,997.92 and the payments in advance of audit totaled \$15,552.06. A motion was made by Councilman Boudreau and seconded by Councilman McClement to accept the reports, pay the bills and reimburse the petty cash account. All in favor.

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

Councilman Boudreau gave an update on the Highway Department activities. The department has been busy plowing these past few days. Thank you to Highway Superintendent Harry Martel and his crew for keeping the roads safe and the long hours worked to accomplish this. Craig Falcone and his crew helped out as well, thank you. The Police Department worked with the Highway Department, thank you for the help and a thank you to the residents who cooperated in moving cars when needed. The Snow Emergency is still in effect. The leaf pickup has ended for the season. As a reminder for the safety of residents and plow drivers, do not place garbage cans in the roadway. If you are in need of a new garbage can or recycle bin please contact the Town Clerk's Office at the 518-235-8282. The Councilman then read the Wastewater Report for November as submitted by Chief Operator Craig Falcone.

The Councilman then read the monthly report from the Waterford Water Commissioners. The waterworks had a total of 102 service calls and 52 dig-safe utility locates were addressed. The staff installed new AMR water meters, calibrated and maintained equipment, completed weekly safety meetings monthly water testing and completed meter reading. With the winter season here any support that can be provided to the community to help clear hydrants for emergency use would be greatly appreciated.

Councilman Boudreau then read an update from Historian Russ Vandervoort. Attended a meeting of the Saratoga County Historical Society in Ballston Spa. Made a presentation on behalf of the Waterford Museum at The Van Schiack Facility in Cohoes on "The Great Waterford Bank Robbery of 1872." I gave another presentation at the Brookside Museum in honor of Saratoga County Veterans. My topic was Sylvester Howland a Waterford resident and a WW I Distinguished Service Cross" winner, who despite the loss of a limb became a hero in private life when assisting with drowning rescue. Made a second presentation of the "Waterford Bank Robbery" at Empire State College as a guest lecturer in their Local Histories Program. Currently working with the Town of Colonie's Historical Society to learn more about a William Griffith who apparently manufactured trunks, leather harnesses and other goods in Waterford until at least 1830. They have just come into possession of a trunk that he made in Waterford. So far our efforts have been unrewarded. They have the trunk and the manufacturers statement; I have requested picture documentation for our museum. I also participated in, for the 43rd year, in what was the 70th annual Thanksgiving Eve Waterford Poker Game. Now if that's not living history, I don't know what is.

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

Councilman Ball read a note of thanks from Tracy Weir of the Rescue Squad. They thank the Town for honoring Ray Swart and the plaque is hanging in the squad as a reminder of Ray. The Councilman read the Calls by Officer report for the Waterford Police Department, there were 310 calls in November; 12 arrests, 8 petty larceny, 8 domestic, 18 EMS calls, 10 motor vehicle accidents and 15 animal controls calls. Councilman Ball congratulated the new appointments for FB Peck Hose; Chief Shawn Gilbert, Asst Chief Jared Gardner and Captain Cameron Gardner. Work on the 8<sup>th</sup> Street Firehouse is set to begin in the Spring.

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

Councilman McClement read the Senior Medical Van Report as submitted by Driver Andy Walters. If you would like to sign up please contact the center at 518-235-8500. The Grocery Bus runs on Wednesdays, please contact the center to sign up.

Councilman McClement read an update on the Seniors as submitted by Liz Callaghan. The Christmas party will be held on Sunday, December 15th. It begins at noon and promises to be a great time for everyone. A fantastic meal catered by Joe Forget who, we all know, has done a fabulous job for us in the past. It will be held at the Center. The cost is \$25 and can be dropped off to Gail our treasurer, who will be at the center each Tuesday, by December 10th. If you'd like to participate in the grab bag, bring a wrapped gift, minimum \$10, to the party. Also, we'll have a raffle on a "Lottery ticket tree" so if you would like to contribute a lottery ticket, you can also drop that off at the Senior Center if you're there next week or give it to Sue.

At the meeting, Fran Lawler talked about a scheduled trip to "Lights in the Park" in Albany's Washington Park. The trip scheduled for December 10th quickly filled up at the meeting, but the town has agreed to provide the bus again on December 17th. It will leave Van Schoonhoven at 5:15, the Center at 5:30. Following the journey through the park to see the 125 displays, the bus will make a stop at the park's Lake House where there are craft vendors and refreshments. The cost is \$5 - stop in at the Center to sign up, or if you live at Van Schoonhoven, let Sue know.

There will be no meeting in December, but mark your calendar for the next meeting on Tuesday, January 21st. Also, the grocery bus will be running on Tuesday, December 24th and Tuesday, December 31st (instead of Wednesdays for those weeks because of Christmas and New Year's both being on Wednesdays). Additionally, there will be no transportation for medical appointments the week of December 16th to the 20th. Just a reminder that the Center will be closed on Thursday 28th and also on Friday, the 29th for Thanksgiving Holiday.

Councilman McClement spoke of the congregate meals program at the center. On December 20<sup>th</sup> there will be a special dinner, reservations are required. A donation of \$2.00 is appreciated, \$6.00 for nonmembers. Please call 518-884-4100 to sign up through Office of the Aging.

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

Councilman Marble stated that Waterford Christmas Parade was a lot of fun as always. Many thanks to all who participated. The Park and Recreation Director did a great job in planning. Thanks to the Wesleyan Church for the hot chocolate and the school choir for singing at the tree. Santa had a different ride this year. He was in the bucket of Kavanaugh's fire truck. Northside and the rest of the fire departments really out did themselves with the decorations on the fire trucks. I don't think we could have decided which truck was the best decorated because they all looked fantastic. I heard it was a fire truck light parade. The weather was a bit chilly but we had a great turn out from the community. Thanks again to everyone and if you see any of our Highway Dept. workers please let them know they did a wonderful job on decorating the park.

Councilman Marble then gave an update on the Waterford-Halfmoon School: Sports Booster mtg at 6:30 on Monday Dec 9 followed by the HS Christmas concert at 7. The Capital project vote is on Dec 10 from 12-8. The Elementary Christmas Concert is Dec 12 at 7 pm. Christmas

vacation will be Dec 22- Jan 3<sup>rd</sup>. Councilman Marble read the Library report for November: The next community conversation will be Dec 5 at 5:30 pm at the library. They are looking for input from the community as to what they would like to see happen at the Library. It is a part of a strategic planning project. The Gingerbread house program will be coming up closer to Christmas. The information for that is on the library's face book page.

Councilman Marble read the Canal Visitor Center report for November. On November 1<sup>st</sup> after heavy rains the river crested at 20 inches over the wall and floating docks, flooding the Dock Office and Farmers Market rooms. Many thanks to Highway Superintendent Harry Martel and his crew for an outstanding cleanup effort. Also, Paul Terry who spent many days cleaning out the interior of the visitor center. The refrigerator in the Farmers Market was the only known loss. With the help of many we were able to have polling at the Hurst Harbor Center on November 5<sup>th</sup> for Election Day. On November 8<sup>th</sup>, I attended the CANAL NY annual conference in Baldwinsville, NY. We were updated on the "Re-Imagine the Canal" program by the NYS Canal Corp. and Power Authority. On November 13<sup>th</sup> the NYS Canal Corp. removed our floating docks, they are being stored between locks 3 and 4 for the winter. Planning for next year's season and festivals are underway to ensure that 2020 will be a success. Submitted by Jeffrey D. Cleary, Canal Visitor Center Director/Harbormaster

Councilman Marble wished Councilman Boudreau a Happy Birthday.

Councilman Marble stated that the Waterford Lions Club is having a Christmas Party on December 4<sup>th</sup> from 6-8PM at McGreivy's. Proceeds will go towards the school backpack program. The cost is \$25.00 per person. Please contact Fran Lawler at 518-469-7037 or Liz Callaghan at 518 857-4156.

## **General Orders**

### **RESOLUTION #158**

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WATERFORD, SARATOGA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION AND INSTALLATION OF EQUIPMENT AND RELATED COMPUTER SOFTWARE SYSTEMS FOR USE BY THE TOWN'S POLICE DEPARTMENT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$45,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$45,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

WHEREAS, the Town Board (the "Board") the Town of Waterford, Saratoga County, New York (the "Town") proposes to authorize the issuance of \$45,000 in serial bonds of the Town to finance the acquisition and installation of equipment and related computer software systems for use by the Town's Police Department, consisting of hardware, software, tower servers, vehicular cameras, body cameras, cabling, docking bases, transfer station assy, including other ancillary and incidental costs relating to the financing thereof (collectively, the "Project"), at an estimated maximum cost of \$45,000; 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 undertake the acquisition and installation of equipment and related computer software systems for use by the Town's Police Department, consisting of hardware, software, tower servers, vehicular cameras, body cameras, cabling, docking bases, transfer station assy, including other ancillary and incidental costs relating to the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$45,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$45,000 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$45,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions 32., 108. and 89. 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.

SECTION 6. 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.

SECTION 7. 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.

SECTION 8. 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

Offered by Councilman Marble  
Seconded by Councilman Ball

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

**RESOLUTION # 159**

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes the purchase of Body Cameras, In-Car Cameras and associated equipment and software for the Waterford Police Department as per proposal submitted by WatchGuard in the amount of \$43,164.20. NYS Contract PM21090.

Offered by Councilman Marble  
Seconded by Councilman Ball

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

### **Other Business**

Councilman Boudreau announced that the Museum is holding their “Dashin and Dancin” fundraiser at the Cohoes Music Hall on December 7<sup>th</sup> from 7-10PM. The cost is \$25.00 per person. Music by the Refrigerators. Contact the Museum at 518-238-0809 for more information.

Supervisor Lawler stated that a resolution is needed to reschedule the December Agenda meeting due to the holiday. This will also be the organizational meeting.

### **RESOLUTION #160**

RESOLVED, that the regular December Agenda meeting of the Waterford Town Board be rescheduled to December 30, 2019 at 7:00 PM at Waterford Town Hall.

Offered by Councilman Boudreau

Seconded by Councilman McClement

Councilman Ball yes

Councilman Boudreau yes

Councilman Marble yes

Councilman McClement yes

Supervisor Lawler yes

The Supervisor opened the meeting up for public comments.

Lynette- Clifton Street- She would like to speak about issues on Clifton Street in regards to snow removal. She heard compliments on the good job that was done, but her experience was not pleasant. She dug her car out and the snow plow came and put the snow back after she had shoveled. She asked the driver to come back and was told they would, but never did. Today, she parked where she should have and was asked to move her car. The way she was spoken to is not okay.

Councilman Boudreau asked if she would meet with him after the meeting to discuss the situation.

Supervisor Lawler stated that anyone is always welcome to attend a meeting, not just if there is a problem.

Lynette- She understands there are issues on her street, but does not feel Clifton Street is treated the same, most of her problem is how she was talked to.

Supervisor Lawler added that he does not want anyone to feel disrespected. Councilman Boudreau will meet with you and get specific details.

Lynette- Added that when she bought her house she signed a piece of paper that says the Town owns a piece of the land. Is the Town taking care of this piece, a resident fell shoveling up the street and was hurt.

Supervisor Lawler stated the Town does not own the sidewalks, each homeowner is responsible for their sidewalk. The Town does have utility easements and for water and sewer issues, not sure what that piece of paper is. This is the only plow related issue that we have had, not diminishing your issue at all, we don't want anyone to be disrespected. We do everything we can do to solve the issue when brought to us. He drove around Town and was happy with job that has been done plowing, overall extremely pleased.

Councilman Boudreau will speak with you and take steps to work with you. Thank you for taking the time to come down and speak with us and we welcome you to come again.

Councilman Boudreau made a motion to close the meeting at 8:40PM, seconded by Councilman McClement. All voted in favor.

Supervisor Lawler wished everyone a safe and Merry Christmas.

Respectfully submitted,

Mary Shannon Carrigan

Town Clerk