

At the Town Board meeting of the Waterford Town Board held at Waterford Town Hall 65 Broad Street Waterford NY and by teleconference on October 6, 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

Town Clerk Carrigan read a letter of resignation from Building Inspector Glenn Hebert.

The Clerk read an email was read from Marty Goldblatt thanking Councilman Boudreau for the Pickleball Court

Notice of Public Hearing for the Northside Fire District Budget Proposal on October 20, 2020 at 7PM at 85 Saratoga Avenue

Notice of Public Hearing for the Halfmoon Waterford Fire District #1 Annual Budget on October 20, 2020 at 7PM at 315 Middletown Road.

Action on Minutes of Previous Meetings as Follows

Minutes of the Town Board meeting of September 1, 2020, Special Meetings of September 11, 2020 and Agenda Meeting of September 29, 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 September 2020. The audited abstracts totaled \$ 355,283.48 and the payments in advance of audit totaled \$57,135.32. The petty cash report totaled \$54.55. 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 Highway, Wastewater Treatment, Water Authority, Cemetery and Museum

Councilman Boudreau read the Monthly Report of the Waterford Highway Department
The Town Highway Department rebuilt a manhole on Clement Lane. We replaced curbing on Van Nass Street and Hill Street. We paved pot holes on O'Connor Drive, in Swayze Acres and on Linda Lane. We also did 32 utility location requests from dig safely. Leaf and yard waste collection days are Monday and Friday. The next town trash drop off date is on October 17, 8:00am to 1:00 pm. We will have our Hazardous Household Waste Day on October 24, 2020 8am to 1pm at the Town Highway garage you must preregister for this event. You can pick up registration forms at the Town Clerk's Office, the Town Highway garage and also on the Town's

web site. The Towns Parks Department is keeping all the parks in good shape. 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. This report was submitted by Highway Superintendent Harry Martel.

The Councilman went on to speak of the loose leaf collection process for the Town.

Loose leaf collection (leaf vacuum) begins mid-October, and will end November 30, 2020. We will make every effort to complete the entire town roads by November 30. However please be advised that winter weather may hamper collection efforts. After November 30 the town highway department will continue to pick up leaf bags and yard waste Monday thru Friday. Residents should put out loose leaves for pickup as early as possible. After November 30 the leaf vacuum will be out service until next fall. Annually we collect about 20,000 cubic yards of just loose leaves - not counting other yard debris. This requires a major effort each fall, beginning in mid-October and lasting until November 30. Specially equipped trucks vacuum up piles of leaves placed by the roadside. It's a labor-intensive process and takes several weeks just to go through the town once, but it can take much longer depending on the accumulation of leaves and weather conditions. To help us pickup your leaves as quickly as possible, please:

- . Place loose leaves on the lawn at the edge but NOT IN THE ROAD WAY.

- . Make sure storm water inlet grates are kept clear to ensure proper drainage

- . Keep yard waste and branches separated from leaf piles. Branches and ornamental grasses will clog the leaf vacuum and slow down pickup. Please remove basketball hoops (it's the LAW) and other obstructions from the roadway edge, as these slow the pickup process and can pose a hazard to our work crew.

Councilman Boudreau went on to read the Wastewater Report as submitted by Chief Operator Crag Falcone. They removed 8,000 gallons of sludge to Albany County and 60,000 gallons of sludge to Saratoga County. They answered 5 alarm calls, checked all pump stations, continued maintenance of outside grounds, vehicles and equipment. They repaired the boat pump at the Visitors Center, replaced the tree way valve at the James Drive pump station. Worked with the A-Team on the partial rehab of the Canvasback Ridge pump station. They also Met with contractor on site for the Murray Avenue and James Drive pump station replacement project.

The Councilman then read the monthly report from the Waterford Water Commissioners. The waterworks delivered approximately 1,138,000 gpd of water during the month. The staff completed 31 service calls and 43 dig safe utility locales. The staff calibrated and maintained equipment, completed monthly water testing and completed meter reading.

Councilman Boudreau went on to state that the Town Historian met with Jeff Cleary to facilitate posting information on the Towns website. The Waterford, NY History Facebook page had over 3,000 hits again this month.

Councilman Boudreau went on to say that the Waterford Museum remains closed due to the pandemic and all current memberships are extended to Spring 2021 when they will conduct their annual membership drive.

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

Councilman Ball gave an update on the new Waterford Fire Dept. Building. Work is progressing and their goal is to be in the building by January 1st. The Waterford Rescue Squad has a new program called "Leave Behind". Waterford is not exempt from drug issues. When the Rescue

Squad is called to a location of a drug overdose and Narcan is used, the residents will be asked voluntarily, if they would like to be trained in administering Narcan. Councilman Ball read the Police Activity Report for the month of September. There was a total of 92 traffic stops, which is detailed in a three-page report. This resulted in 121 traffic tickets being issued. The stops occurred primarily on Hudson River Road and Saratoga Avenue. The Department reminds motorists to watch your speed, obey all traffic devices and signs, use your seatbelts and properly maintain your vehicles. There were 17 arrests made this month.

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

Councilman McClement spoke of the fundraiser Death Wish Coffee held to benefit the Saratoga County Veterans Trust Fund. The sale of limited-edition mugs raised over \$20,000 for the fund. The Councilman wanted to thank owner Mike Brown and also John Swedish, both gentlemen are Waterford natives. The Saratoga County Veterans Trust Fund is open to Waterford veterans. Please contact the Saratoga County Veterans Agency for more information 518-884-4115. The Councilman stated that the Senior Center remains closed and there is no time line for the reopening. Councilman McClement then read the Senior Transportation Report for the month of September 2020 as submitted by Andy Walters. The Medical Bus Transported 32 Patients and traveled 939 miles. The Grocery Bus transported 52 Seniors for a total of 148 miles. Face coverings are required and there is staggered seating. The Grocery Bus will make two trips when necessary to accommodate all passengers safely. Please contact Andy Walters at 518-527-4589 for more information. The Councilman went on to say that with the winter months approaching he wanted to remind seniors that Saratoga County Office of the Aging is still operating the Home Delivered Meals program. Please contact Office of the Aging at 518-884-4100 for more information or to sign up.

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

Councilman Marble gave an update from the Waterford Library. The Library is planning on inviting kids and their families to come to the library the week of Halloween. For those who come they will receive a goody bag with a Halloween themed book. They hope to have a little parade around the building while practicing social distancing. Due to Covid they have had to change their plans. As this plan is firmed up the information will be available at the library. The library is lending Wifi hotspots from T-Mobile. They currently have 3 of them available for two-week loans. You must be at least 13 years of age and have a valid Waterford Library card to check them out. The Friends of the Library are once again participating in Boscov's Friends helping friend's promotion. 5% of purchases made on Oct 14-15 from 9am to 9pm will be donated to our friends' group. Shoppers need to let the cashier know that they wish their donation to be directed to the Friends of the Library. This works with online shopping as well.

Councilman Marble then read a report from the Waterford Halfmoon School. The Fall sports have been moved to March and will end in early May. The sports are Soccer and Volleyball. There is an emergency evacuation drill on Friday. School dismissal will be a little earlier. The USDA has extended the free meal program thru December 31st. All students are eligible for free breakfasts and lunches.

The Councilman went on to say that the Farmer's market will be hosting a contact free and social distance trick or treating event on Sunday Oct 25th. Please come down and join us. Costumes are encouraged! That will be the last day for the Farmer's market for the season.

Councilman Marble then tread the monthly repost from the Harbor Center as submitted by Director Jeff Cleary. Once again, we owe a special thank you to the Waterford Fire Dept. On Sept 2nd the fire dept returned once again to hose down the walls after recent storms.

During the weekend of Sept 12th and 13th Waterford and the Hurst Harbor Center were visited by child star Lawton Denis who was on board a family vessel docked here. He is 13 years old and is known for his roles in the television series Gotham and Sleepy Hollow. He also starred in the film Jack Goes Home. He spent some time in the dock office visiting with our volunteers and staff.

The Canal Corp. has announced that the entire canal system is scheduled to close for the season on Wednesday, Oct 14th at 5 pm. Preparations have begun to prepare for the off season and the removal of docks.

The Hurst Harbor Center is once again designated as a polling site and will be utilized for the presidential election on Tuesday, November 3rd.

For the month of September, we welcomed 118 boats from 26 states and 2 Canadian provinces.

General Orders

RESOLUTION #91

WHEREAS, an assessment roll has been prepared by this Board for and in connection with the improvements of Sewer District Number 1 for the Town of Waterford, consisting of the general sewers and the establishment and equipment of the sewage disposal plant, the roll was completed on September 1, 2020 and filed with the Town Clerk on this date, and

WHEREAS, the Town Clerk has given due notice to the Comptroller of the assessment roll and of where and when this board would meet to hear objections to the roll and to review, correct and amend the roll if necessary, and

WHEREAS, the Notice was published in the Schenectady Gazette newspaper and the Saratogian, both newspapers having circulation in the Town of Waterford and the latter being published in Saratoga County and the Town Board met at the time and place specified and the hearing was held upon the assessment roll,

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk be and she is hereby instructed to annex to the assessment roll a warrant which is to be signed by the Supervisor and countersigned by the Town Clerk, commanding the Tax Collector and the Saratoga County Treasurer, to collect from the persons named in the assessment roll, the sum opposite their names to pay the same to the Supervisor of the Town.

Offered by Councilman Boudreau

Seconded by Councilman Marble

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

RESOLUTION #92

RESOLVED, that the monthly Town Board meeting regularly scheduled for Tuesday November 3, 2020 be rescheduled to Wednesday November 4, 2020 at 7:00 PM at Waterford Town Hall due to election day.

Offered by Councilman Marble

Seconded by Councilman Ball

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

RESOLUTION#93

RESOLVED, that the Town Board of the Town of Waterford hereby chooses to receive the Town of Waterford's share of the 2021 Saratoga County Sales Tax revenues in cash.

Offered by Councilman Ball
Seconded by Councilman Marble

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

RESOLUTION #94

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes the Town Supervisor to sign Change Order #2 with New Castle Paving LLC in association with the Mohawk Gateway Streetscape Project. Said Change Order #2 in the amount of \$106,441.70 increases the total contract with New Castle Paving LLC to \$643,920.89.

Offered by Councilman Boudreau
Seconded by Councilman McClement

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

RESOLUTION #95

RESOLVED, that the Town Board of the Town of Waterford hereby authorizes the Town Supervisor to sign an agreement with Southworth-Milton d/b/a Milton CAT for maintenance of the Town Hall generator during the period 9/1/2020 – 8/31/2023.

Offered by Councilman McClement
Seconded by Councilman Boudreau

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

RESOLUTION #96

WHEREAS, the owner of 58 Towpath Lane, Waterford NY; SBL: 285.14-3-3 has been given seven (7) 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 seven (7) days has come and gone without remedy;

WHEREAS, an invoice in the amount of \$329.21 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 relevy of said unpaid fees onto the taxes for said property.

Offered by Councilman Ball
Seconded by Councilman Marble

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

RESOLUTION #97

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WATERFORD, SARATOGA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF \$976,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE PAYMENT OF A REAL PROPERTY TAX REFUND PAYABLE WITH RESPECT TO CERTAIN PARCELS OF LAND WITHIN THE TOWN PURSUANT TO A JUDGMENT IN PROCEEDINGS BROUGHT UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW

WHEREAS, pursuant to a Consent Judgment of Settlement, dated August 20, 2020 approved and so ordered by the Supreme Court of the State of New York, County of Saratoga, in the matter of *MPM Silicones, LLC, Petitioner, against Assessor of the Town of Waterford; Board of Assessment Review of the Town of Waterford, Town of Waterford, New York, and Assessor of the Town of Halfmoon; Board of Assessment Review of the Town of Halfmoon, Town of Halfmoon, New York, Respondents, and Waterford-Halfmoon Union Free School District, Shenendehowa Central School District, Intervenors-Respondent*; Index Nos.: 2016-1885, 2017-2152, 2018-2193, and 2019-2388 (the "Consent Order"), with respect to proceedings brought pursuant to Article 7 of Real Property Tax Law, the Town of Waterford (the "Town") is obligated and has agreed to pay to MPM Silicones, LLC a refund for real property taxes assessed and collected by the Town for the 2016 through 2019 tax assessment years in the amount of \$946,334 (the "Judgment Amount"); and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town's serial bonds and bond anticipation notes to finance the \$940,972 portion of the Judgment Amount that does not relate to the taxes levied by the Halfmoon-Waterford Fire District No.1 (the "Town Portion of the Judgment Amount"), plus costs incidental to the issuance of such bonds and notes.

NOW THEREFORE, 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 up to \$976,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the payment of the Town Portion of the Judgment Amount, including all costs incidental to the financing thereof..

SECTION 2. Serial bonds of the Town in the principal amount of \$976,000 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 object or purpose.

SECTION 3. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$976,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of up to \$976,000

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) to the extent necessary, 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 4. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is twenty (20) years, pursuant to subdivision 33(c). of paragraph a. of Section 11.00 of the Law.

SECTION 5. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 6. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(3)(l) of the Law.

SECTION 7. 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 Regulation Section 1.150-2.

SECTION 8. 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 9. 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 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 one or more of the objects or purposes 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 the object or purpose authorized by this resolution of the Town Board, 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 10. The Town Supervisor 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 11. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. 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 effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 13. The Town Board hereby determines that the payment of the Tax Refund 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 14. 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 15. 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 16. This resolution shall take effect immediately.

Offered by Councilman Boudreau
Seconded by Councilman McClement

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

RESOLUTION #98

RESOLVED that the following places be designated as polling places for the Town of Waterford:

District #1- Waterford Hurst Harbor Visitor's Center
District #2- Kavanaugh Fire House
District #3- Ford Hose Fire House
District #4- Northside Fire House
District #5- Tri-State Emergency Team
District #6- Living Hope United Methodist Church
District #7- Waterford Halfmoon High School
District # 8-Waterford Halfmoon High School

Offered by Councilman Boudreau
Seconded by Councilman McClement

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

RESOLUTION #99

RESOLVED, that David Woodin be and he is hereby appointed as interim Building Inspector without additional compensation.

Offered by Councilman Marble
Seconded by Councilman Boudreau

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

RESOLUTION #100

RESOLVED, that James Maloney be and he is hereby hired as a full-time Highway Department Laborer at a salary of \$15.88 per hour to be paid in weekly installments without the necessity of pre-audit by the Town Board pending successful completion of pre-employment requirements.

Offered by Councilman Boudreau
Seconded by Councilman McClement

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

Other Business

RESOLUTION#101

RESOLVED that Patrick O'Connell be and is hereby hired to provide weapons training and certification to the Waterford Police Department in accordance with DCJS standards and to maintain all records and respond to requests for information at an annual salary of \$2000.00 to be paid in quarterly installments without the necessity of pre-audit by the Town Board.

Offered by Councilman Ball
Seconded by Councilman Marble

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

Councilman Ball made a motion to close the meeting at 7:41PM, seconded by Councilman McClement. All voted in favor of the motion.

Respectfully submitted,

Mary Shannon Carrigan
Town Clerk