

TOWN OF BROADALBIN  
2021 SPECIAL MEETING  
MARCH 23, 2021

A Special Meeting between the Town of Broadalbin Town Board and the Broadalbin Youth Commission was held Tuesday, March 23, 2021 at 6:30 pm, at the Municipal Complex  
201 Union Mills Rd.

Sheila Perry, Town Supervisor, presided

Call to Order

The meeting was called to order at 6:33 p.m.

Pledge of Allegiance

The pledge to the American Flag was said in unison.

Present

Supervisor Sheila Perry  
Councilman Dave Bogardus  
Councilman Dave Bardascini  
Councilman Doug Kissinger  
Councilwoman Junell Pasquarelli – absent  
Attorney Carm Greco  
Planning Board Member Mike Rorick  
Planning Board Member Jim Magiolda

BYC

Director Lou Magliocca  
Grant Writer Dr. Harry Brooks  
Consultant Sheila Bleyl  
Member of the Board Sam Jackling  
Fundraiser Keith Buchanan  
School Superintendent Steve Tomlinson

Audience Members

Sheila Dorn  
Donna Magiolda  
Paul and Shelly Palmatier  
Beth and John LaVada  
Sean Focht  
Donna Lewis

-Supervisor Perry began the meeting stating this is a Special Meeting for the sole purpose to discuss the opening of the Town Park. As a reminder, the main guidelines for COVID that will be followed for Board Meetings are as follows;

Masks or Face Coverings are required for entry to the building and must be worn at all times when standing or walking around.

A Hand Sanitizer Station is positioned outside the Chambers for all attendees' use.

Chambers has been rearranged to locate in a linear fashion to establish a minimum of 6 feet separation, with families able to sit together in group chairs.

Once seated, participants/attendees may remove masks.

The Board and other elected officials will sit behind the dias railing, allowing gallery seating to be for the public.

Any public speaker at Board Meetings will stand and address the Board from their seats in the gallery. A clipboard will be passed around to sign to speak during the Public Comment portion of this meeting and handed to the Town Clerk. Each individual will be recognized in the Town Minutes as speaker one, two, etc.

We request your silent attention during this meeting so we can hear each other and work to discuss the opening of the Town Park sooner, rather than later, and thank you all for coming.

Supervisor Perry stated School Superintendent Steve Tomlinson sent over the Intermunicipal Agreement for review, prior to this meeting, to the Town Board Members. This agreement was first offered to the Town Board as a Schedule E Operating Plan. It has been reworked with a few more items added.

Supervisor Perry explained that there are two different agreements for the Town Park, one between the School and the Town for the maintenance of the Park and the other an agreement between the Broadalbin Youth Commission (BYC) and the Town for use and occupancy of the Park. The maintenance Agreement between the school and Town is what is being reviewed this evening.

Steve Tomlinson stated he was in contact with the school lawyers this evening in regard to this agreement before us tonight, stating it is a legal document prepared by their lawyers in terms of intermunicipal agreements, stating it is essentially a maintenance agreement. It states everything that needs to be done to maintain the Park such as garbage pick-up, mowing, etc. which he stated is in the spirit of shared services. Steve stated he believes the Town doesn't have the money to maintain the Park in regards to the staffing and equipment.

The chargeback will be sent to the BYC for the cost of maintaining the Park, with the exception of any single item that would exceed \$1,000.00, that chargeback would be to the Town with discussion prior between the school and Town. Steve stated it is very important to note that it is not legal for the School System, which is a taxing entity, to spend any school tax dollars towards the maintenance of the Park. Steve stated that is why there will be a charge to the BYC for the exact hourly wage for the maintenance of the Park. The school is not allowed to make any money on equipment or gas used to mow the park.

\*\*Supervisor Perry at this time made introductions of members around the head table.

Attorney Greco stated before us tonight is not, technically, an Intermunicipal Agreement in the sense that most are swaps of services, with no money changing hands. Because there are chargebacks here, as an example, technically we can hire someone else to do the maintenance. If we take the word "Intermunicipal" out, then an agreement is just that, an agreement. That would still make it a contract. Steve stated, so by removing the word "Intermunicipal" it will still be a legal document, in which Attorney Greco agreed.

Supervisor Perry stated the school did an amazing job last year mowing the fields. The \$10,000.00 appropriated to the BYC in the 2020 Budget, for the school to maintain the fields, was a low cost of @\$784.00 for mowing. With that explanation, there isn't any taxpayer money being used for this service.

Steve Tomlinson stated he is estimating @ \$500.00 monthly for services in 2021 to maintain the Park, which works out to be @ 22-25 hours of maintenance a month, 6-7 hours per week, well within the \$10,000.00 budgeted amount. Mowing should take place between May 1- October 1. Steve stated any charges over \$1,000.00 will be charged to the BYC.

Supervisor Perry read aloud parts of the agreement between the Town and the school to discuss if the word "Town" is to be replaced in part by the words the "BYC Inc."

Attorney Greco advised to leave the word "Town" in this contract because this is an agreement between the Town and the School District, not the BYC Inc.

Supervisor Perry explained last year a transfer of money from the BYC was made to the Town and the Town paid the bills. This is why the Town Board voted to create the new (A1620.41) Buildings and Grounds

Town Park Account, for the BYC to deposit money for the Town to pay Park bills. Supervisor Perry stated there is no mention of a rental agreement with the BYC for the Park, stating the Town Board agreed to eliminate requesting rent so the BYC can have a five (5) year running start. Supervisor Perry stated perhaps a future administration may request rent from the BYC for the use of the Park to reimburse the cost of the construction of the Park.

Steve Tomlinson stated since the Town owns the Park he agrees that is why this agreement should be stated as a contract between the Town and School District.

Councilman Bardascini stated his concern for the taxpayers reading this agreement is that it reads that the Town is going to be billed for maintaining the Park. Councilman Kissinger agreed to make clear to the public that all bills will be forwarded to the Town for payment, but paid for by the BYC, for the maintenance of the Park.

Supervisor Perry stating this agreement is the Maintenance Agreement, the next one to be reviewed will be the Use and Occupancy Agreement.

Attorney Greco explained in the Use and Occupancy Agreement it will have a provision stating whatever is charged back to the Town, will be paid by the Youth Commission (BYC), at no cost to the Town. Attorney Greco stated in this agreement it states the school district can use the Park for school district purposes which is a broad statement. Steve Tomlinson stated they can add for athletic/recreation activities to clarify.

Supervisor Perry clarified as far as taxpayer money that is included in the 2021 Budget is the payoff of the balance of \$550,000 of the initial construction BAN , now converted to a BOND, at a rate of \$110,000 per year for five (5) years plus interest. The cost of the maintenance and operation of the Park will be paid by the BYC.

Sam Jackling stated the Town will need to agree to both agreements before the Park can be opened, stating the Use and Occupancy Agreement is not ready to be reviewed this evening. It is much more complicated with BYC members working on it together. He believes it may be beneficial to meet with the Town again to "tweak" it before a vote should take place.

Supervisor Perry stated the public wants it open as soon as possible but can't yet without the operating plan in place.

Councilman Kissinger and Councilman Bogardus both agreed to move forward to open the Park and asked if the BYC had a date in mind to open it?

Steve Tomlinson and Keith Buchanan both stated they were hoping for May 1, 2021 as their opening date. Steve also stated they have driven around a lot of state and municipal parks and they don't have monitors present. Steve stated the first draft of the Use and Occupancy Agreement is done, which is like the user agreement the Town used with the DEC for the beach. Now they are in the process of revamping the wording and it should be ready to present to the Town Board within a couple weeks. Steve also stated gates are usually left open with signage placed park open dawn to dusk, along with other language of signs, being completed by the end of this month. Steve stated the school district has a software program that people can visit to schedule the use of the Park fields to help with the operation. Each entity(team) is required to have their own insurance and show the limits of their insurance, no insurance is needed for a family to use a field.

Supervisor Perry stated the Highway Superintendent, Eric Alley, stated the Highway Town Employees can use Town Equipment on their own time to remove/replace boulders that are in the way, with a chargeback from Highway to Buildings and Grounds.

Dr. Harry Brooks stated future administrations charging the BYC rent to use is not really the commitment that the BYC is talking about here. In all the discussions of the early planning it was stated that there would be no burden on the taxpayers for the Park. We really appreciate the Town Board for stepping up clearing this financial burden of the balance of the construction of the Park with a five (5) year BOND, allowing the BYC to continue fundraising to pay back the Town to the dollar amount that the Park cost. Dr. Brooks continued stating the BYC is not stepping down from their commitment to continue fundraising.

Supervisor Perry stated since the ban for the construction of the Park was in the Town's name, it constricted our bonding ability and put the Town at risk. The Town Board believed the five (5) year Statutory BOND for the balance of \$550,000 was in the Town's best interest and now we can move forward with the Park.

Lou Magliocca stated the Capital Campaign mentioned at a previous Town Board Meeting may add up to @ \$500,000 which the BYC is still working

on at this time.

Dr. Brooks provided copies of a historical overview of the origin of the Town Park, which first began in the 1950's.

Further amenities being considered for the Park are picnic tables, BBQ grills, benches, trees and a walking trail for the public to use.

Concerns prior to opening are parking and the traffic along Union Mills Rd. Ideas would be to stripe the road and possibly lower the speed limit along that area of Union Mills Rd. which will be further discussed at the next meeting.

Councilman Bardascini inquired if there is any problem with the Town Procurement Policy needing to bid out the mowing for the 24 acres of the Park? Supervisor Perry stated the price is very reasonable with the school doing the mowing at this time.

Attorney Greco advised the Town Board to perhaps allow the Park to be run for one (1) year with options to renew and review how things are going. As it stands now both agreements are asking for a five (5) year commitment with mutual agreement of option to terminate.

Dr. Brooks stated with NYS Grant Funds, it states that the Park must stay open, therefore it is in the best interest of the Town to make a commitment to the school district for five (5) years to operate the Park.

Keith Buchanan stated fundraising done by the BYC such as the Home Show, Golf Tournament, and Junk in the Trunk, will continue with @ \$48,000 collected annually to go towards the operating costs of the Park.

Supervisor Perry asked each Board Member present this evening if they were to vote on this User Agreement between the Town and the School District what their vote would be;

Kissinger -yes,

Bogardus-yes,

Bardascini -no stating he would like to see the Operational Agreement first

Perry-yes,

Pasquarelli-absent (sick)

Attorney Greco advised both agreements be adopted at the same time after a thorough review.

Supervisor Perry stated our next Town Meeting will be April 13, 2021, inviting the BYC to attend.

Steve Tomlinson requested a formal vote as soon as possible so we can move forward with the opening of the Park.

Speaker 1.

Congratulated everyone for coming together to get this done, which is a long time coming. She believes both agreements should be voted on as one, since both entities, the BYC and the School, must coincide as one, for the Park to open and run efficiently. Believes the Town shouldn't hurry for an opening date prior to all being settled and agreed upon.

Speaker 2.

Agrees the Town Board should wait for the second agreement before the Park opens.

Inquired as to who covers the insurance for the Park and at what cost?

-Supervisor Perry stated the Town is the landowner of the Park therefore it is covered by our NYMIR Policy of \$1 million liability.

The NYMIR risk management officer has been through the Park twice to investigate what is needed for the Park. The BYC has an accidental insurance policy.

Speaker 3.

Questioned the cost of mowing to the Town and have all of this down on paper prior to opening the Park. He is concerned with using school taxpayers money to mow the Park. Are the other nine (9) towns, belonging to the BYC, contributing to the cost of the Park?

Speaker 3 also stated because of the tax rate going up to BOND the Park people lost out on their State Rebate this year. He believed there was not going to be any taxpayers money for this Park.

-Steve Tomlinson answered the person mowing will be making between \$16-\$17 an hour but will be using a part time person at this time.

Shared services is the right way to go for the Town because they can't afford the equipment that the school already has.

-Lou Magliocca stated there are registration fees for all students to join the BYC.

-Supervisor Perry stated there will be people from out of town that have no tax investment at all using the Park, as per the State Grant agreement.

-Keith Buchanan stated the school will be using the soccer fields for their modified soccer league and will be maintaining fields for their teams too.

-Supervisor Perry stated the name of the Town of Broadalbin is on the BOND and we couldn't default. Hopefully the BYC will be able to reimburse the Town for the BOND in the near future.

Speaker 4.

Thanked the BYC for coming tonight and wished they had been coming to the Town Board Meetings right along so all these questions could be answered. He also apologized to Steve Tomlinson and Keith Buchanan for his previous short temper last time.

-Sam Jackling stated he can't always be here due to conflicts of scheduling.

-Lou Magliocca stated he agrees someone should be here at the Town Board Meetings to answer the public's questions on the Park and is available when asked.

Speaker 5.

Spoke of his concerns about the traffic and parking along Union Mills Rd. when the Park opens. He stated he lives on Lakeview Rd. during the boating season and there is a lack of enforcement of parking by any police force.

-Supervisor Perry stated she has been in contact with Sheriff Giardino about Lakeview Rd. parking and the lack of tickets given and had him speak at a Town of Broadalbin Town Meeting. His response is always they are spread very thin. Perhaps we can contact the Fire Police for help. This all should be addressed in the Operational Plan.

-Councilman Bardascini stated we have to cover ourselves the best way we can and hold them accountable for road patrols.

Keith Buchanan inquired if the school can get in the Park to work on things before the agreement is signed tonight to lay out the soccer field and get the softball fields ready?

-The Town Board agreed to allow the school to continue to ready the Park prior to signing this agreement tonight, with Supervisor Perry confirming with NYMIR first.

Speaker 1.

Another question was, did the Town have to procure this with bids?

-Supervisor Perry stated no RFP had to go out with the school doing a great job mowing for the cost.

Adjournment

The March 23, 2021 Special Meeting was adjourned at 7:50 P.M.

Respectfully submitted

Cheryl Briggs, Town Clerk