

TOWN OF BROADALBIN  
201 Union Mills Rd.  
Broadalbin, NY 12025  
518-883-4657  
Regular Monthly Meeting  
August 10, 2021

The Regular Monthly Meeting of the Town of Broadalbin Town Board for the month of August was held at 6:30 pm on Tuesday, August 10, 2021, at the Municipal Complex, 201 Union Mills Rd., Broadalbin, NY 12025. Town Supervisor Sheila Perry presided.

#### Call to Order

The meeting was called to order at 6:30 pm.

#### Roll call

Supervisor Sheila Perry -present  
Councilman Dave Bardascini -present  
Councilman Dave Bogardus-present  
Councilman Doug Kissinger-absent  
Councilwoman Junell Pasquarelli-absent

#### Present

Assessor Laurie Bollock  
Court Clerk Jennifer Gilston  
Highway Superintendent Eric Alley  
Dog Control Officer Dale Potts  
Planning Board Member Jarod Abrams  
Planning Board Member Mike Rorick  
Attorney Carm Greco

Acceptance of Amended Abstract July 13, 2021 in the Highway Dept. Voucher # 81 was duplicated resulting in decreasing \$89.91 from the total to read \$20,644.56.

On a motion made by Councilman Bardascini and seconded by Councilman Bogardus the RESOLUTION # 2021 -100 APPROVAL TO AMEND THE JULY 13, 2021 HIGHWAY DEPARTMENT ABSTRACT

Amended Abstract for the Highway Dept. of July 13, 2021 was approved to decrease \$89.91 from the total to read \$20,644.56 as stated above.

No further discussion

VOTE Perry -aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

Acceptance of Minutes from Previous Meeting July 13, 2021

-Councilman Bardascini stated he would like a change in the minutes in the Justice Court report to state that Supervisor Perry granted him permission to speak to the Bookkeeper, Theresa Butkevitch, regarding a budget modification in the Justice Court budget line to increase their A1110.4 line by \$1,800 from the Contingency Line.

-With these changes;

On a motion made by Councilman Bardascini and seconded by Supervisor Perry  
RESOLUTION # 2021 – 101 APPROVAL OF SUBMITTED MINUTES FROM REGULAR MONTHLY MEETING JULY 13, 2021

BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted minutes from July 13, 2021.

No further discussion

VOTE: Perry -aye Bardascini -aye Bogardus – abstained(absent last month) Kissinger -absent Pasquarelli -absent

Communications

Bookkeeper -Financials were provided for the month of July 2021.

Town Clerk – There were no replies to the letter of interest advertisement for the Historian position.

-I was notified today by the Fulton County Planning Board Director that the Robert Sawyer Project on lakeview Rd. has been withdrawn.

-Transfer Station Stickers sold so far 1640 out of 2000.

Town Board

-Bookkeeper Theresa Butkevitch requested resolutions to modify the General Fund Disability Insurance Account.

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini  
RESOLUTION # 2021-102 A RESOLUTION TO MODIFY GENERAL FUND DISABILITY INSURANCE ACCOUNT A9055.8 IN THE YEAR 2021 FOR THE TOWN OF BROADALBIN

BE IT RESOLVED that the Disability Insurance budget in the general fund be increased by \$750.00; and further

RESOLVED, that the Town Supervisor be authorized to make a budget modification in the General Fund as follows:

Increase DBL Ins.	A9055.8	\$750.00
Decrease Contingent	A1990.4	\$750.00

Discussion: Supervisor Perry explained everyone on payroll is mandated to have the Disability Insurance which has been since May 2021, which was not previously appropriated.

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger -absent Pasquarelli -absent

Cont.

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini  
RESOLUTION # 2021 – 103 A RESOLUTION TO MODIFY HIGHWAY FUND DISABILITY  
INSURANCE ACCOUNT DB9055.8 IN THE YEAR 2021 FOR THE TOWN OF BROADALBIN  
BE IT RESOLVED that the Disability Insurance Budget in the Highway  
Fund be increased by \$750.00; and further  
RESOLVED, that the Town Supervisor be authorized to make a budget  
modification in the Highway Fund as follows:

Increase DBL Ins.	DB9055.8	\$750.00
Decrease Contingent	DB1990.4	\$750.00

Discussion: this is also requested by the Bookkeeper to balance budget.

VOTE: Perry-aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

Cont.

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini  
RESOLUTION # 2021- 104 TO MODIFY CODE ENFORCER C.E. ACCOUNT B8010.4 IN  
THE YEAR 2021 FOR THE TOWN OF BROADALBIN.  
BE IT RESOLVED that the Code Enforcer C.E. budget in the outside  
village be increased by \$250.00; and further  
RESOLVED, that the Town Supervisor be authorized to make a budget  
modification in the General Outside Village fund as follows:

Increase Zoning C.E.	B8010.4	\$250.00
Decrease Zoning Equip.	B8010.2	\$250.00

Discussion: Councilman Bardascini requests all resolutions be made  
available prior to Board Meetings so he can review prior to voting at  
the meeting. Supervisor Perry stated these resolutions are from the  
Bookkeeper to balance the budget and were left on her desk right  
before she left for vacation. Stating Supervisor Perry was at County  
Meetings all day Monday.

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

Supervisor

Town Report

-Sales tax increased by \$98,097.55 from \$214,209.10 in 2020 to  
\$312,306.65 for 2021 in the Second Quarter. Sales tax revenue is used  
to support the Highway Dept., which is our most expensive department.  
-Supervisor Perry and NYMIR Representative Bill VanGorder met on  
Friday, August 6 to discuss the policy in view of any changes or  
situations since last year. Our policy renews September 1, 2021. Most  
changes were the fact we have the maintenance agreement with the

Broadalbin-Perth Central School District for the park and the User Agreement with the BYC.

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-Highway Superintendent Eric Alley has some forms to fill out on any changes, acquisition, disposals that may be in his department to update his inventory. Eric stated he will e-mail his current spread sheets. Also, the second rented Gradall is now covered until September 2, 2021.

-The Charlton Snow Mobile Club Trail master, Aaron Dyer, will try to come to the September Board Meeting to discuss this year's plans. Stating last year, the trail entering County Highway 110 has become a "free for all" since the fence has been taken down. Also stating when they lost McMurray's as an access to the Lake, everything became a disaster. Also, Aaron stated most of the property owners are on board with using Kasson Lane. One property owner must find out if he owns his section or not, and if so, it's a go. His plan to use the shoulder of Lakeview Rd. from Springers Farm to Kasson Lane is OK with the regulating district, with the State Legislature approving they may use up to 1,500 ft. of a municipal roadway. The distance from Springers Farm to Kasson Lane is 1,000 ft. They have abandoned the plan to use County Highway 107 but may ask the Town to use Jackson Vly instead.

-The President of the Broadalbin-Mayfield Cemetery, Jerry Moore, has been in contact requesting a 100% donation increase for the 2022 budget. The Town of Broadalbin budgeted \$1,000 in 2021 and he requested \$2,000 for 2022. Mr. Moore stated the Town of Mayfield worked off \$1,000 for them by cutting trees this year. More to be discussed during our budget sessions in September.

-As reported last month, Supervisor Perry stated she applied on behalf of the Town for \$402,152.00 in ARPA Funds. She reported half of that amount has been remitted to the Town through the Grants Gateway Portal on July 22, 2021, in the amount of \$201,075.89, and has been moved to a Capital Project Account. Councilman Bogardus will head the committee to plan the use of the money as we wait to see how it can be used.

County

-Supervisor Perry provided information of a little uptick of COVID cases in the past 7-8 weeks. Of the 80 – 83 % are the Delta Variant. There are 8 active cases, 119,270 people tested, 4,450 confirmed, none hospitalized, and we stand at 103 deaths reported since March of 2020.

-The Vail Mill Sewer District collection has been experiencing an

increased amount of inflow and infiltration as of Spring 2021. Recently, County staff have found two compromised manhole covers along NY State Route 30 that have been allowing inflow. Repairs by the State have corrected this issue.

-Supervisor Perry reported that there was a public hearing regarding the tentative FMCC 2022 budget. Dr. Truckenmueller shared that the Federal Funds will prevent an increase in the operating budget amount or raise any in tuition. He stated even with a decrease in enrollment, the college will be able to maintain, due to the Federal Funds they will receive.

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The breakdown from Fulton County is \$1,545,821.00 federal Reserves and Montgomery County Share is \$16,376,574.00 for a total of \$17,922,395.00 for the 2022 budget.

-Supervisor Perry stated Edgar T .(Terry) Blogett was recognized for his distinguished service in the County Treasurers' Office, recently retired on May 7, 2021. Among his accomplishments the implementation of Tax Collection Software used by the County and Towns, and institution of the Hotel Occupancy tax.

-Supervisor Perry stated the County recently revealed their plans for their American Rescue Plan Funds (ARPA). They will be trying to increase tourism with a plan named "Destination Fulton County". The use of their ARPA Funds will be used on a sewer project on State Route 30 and 30A, a Field of Dreams for a Baseball Destination Museum, a two-million-dollar Little League Tournament Complex to rival that in Cooperstown, and a History Museum across from the Northville Bridge on State Route 30, on the history of the Great Sacandaga Lake. This plan will hopefully increase sales tax for our County.

## Department Reports

### Town Board

-Councilman Bardascini would like to express his condolences to the family of Sean Duke on his recent passing.

### Assessor

-Laurie Bollock provided the Board with a written report and read aloud that the office has been quiet. Mike Greco, Marty Young and herself will be starting to collect data and inventory off of the building permits we have been receiving from the Building Inspector/Code Enforcer. Any questions please ask or call her office.

## Building and Grounds

-Supervisor Perry stated the basement storage project has been completed one day early by the Sienna Fence Company. These storage units will be able to hold furniture or files for Town departments, BYC supplies, or anything else needed to be stored by lockable compartments.

-Court Clerk Jennifer Gilston inquired as to if there are any smoke detectors in the basement or if there is any worry about possible flooding, that may happen.

-Supervisor Perry stated there shouldn't be a problem with flooding because of drainage around the foundation. In the past the leaks were from drilling in the walls for mechanicals.

## Code Enforcer

Not present

-Councilman Bardascini stated there is a permit that was in question on Midline Rd.

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## Highway

-The Town last month solicited bids for a used Gradall 2006 or newer with less than 5,000 hours in the Leader Herald to be returned to the Town Clerk by today noon.

-The one bid received was from Yacano Enterprises LLC, which the Town Highway Dept. has been renting a used Gradall from the past two months.

-Bid stated one used 2007 Gradall XL3100 2x4 Serial Number 0210018008 with @ 4300 hours also included is one used 60" Ditch Bucket for \$57,000.00.

-Eric stated he liked how this machine worked after renting it the past month from this vendor.

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini The Town of Broadalbin Town Board accepts the Yacano Enterprises LLC bid for a used 2007 Gradall XL 3100 2x4 Serial Number 0210018008 with @ 4300 hours of use, at a price of \$57,000.00.

No further discussion

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

On a motion made by councilman Bardascini and seconded by Councilman Bogardus  
RESOLUTION # 2021 – 105 A RESOLUTION TO MODIFY THE HIGHWAY DEPARTMENT BUDGET IN THE YEAR 2021 FOR THE TOWN OF BROADALBIN

BE IT RESOLVED that the Highway Department budget in the DB 5130.2

Account be increased by \$57,000.00: and further

RESOLVED, that the Town Supervisor be authorized to make a budget modification in the DB5130.2 Account as follows:

Increase	DB5130.2	\$57,000.00
Decrease	DB5110.4	\$57,000.00

No further discussion

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

-Eric stated the paving of Hoesville Rd to the Galway line, Broskie Rd., Vunk Rd. and Vunk Ext., Hart Rd., and Diamond Point Rd. has been completed by Empire Paving. The voucher for the paving has been submitted in tonight's Highway bills. He also stated all the paving was paid for by CHIPS money with a roll over of @ \$96 towards 2022, which allowed the Highway Department to be able to afford to purchase the used Gradall. The shoulders of the recently paved roads will be done soon with the help of the County.

-Supervisor Perry inquired as to if the Union Contract negotiations have begun, which ends at the end of 2021.

-Councilman Bardascini stated they met twice with the Union and are waiting for an answer from the Union to continue negotiating.

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-Councilman Bardascini inquired as to if the rental fee of the Gradall for the past two months is included in the purchase price? Eric stated the \$11,000 for the past two months did indeed come off the purchase price. It went from \$68,000 to \$57,000.

Justice Court

-Councilman Bardascini read aloud the Court Report provided by the Court Clerks Jennifer Gilston and Janey Dygert. For the month of July 2021 there were total fines of \$4,468 collected of which \$1,566 were from old cases, 2020 and before. There were 70 cases seen of which 45 were closed tickets, 38 VLT, 3 PL, 1 Civil and 3 VO. The Court will soon be busy with evictions unless the dates are moved again.

-Supervisor Perry stated she had a call from Andy McEllvee from the Attorney General's Office, Division of Organized Crime and Narcotics who was inquiring to use our Court for a Grand Jury in the near future. He stated there is a huge overload with a lack of sufficient court space due to COVID, to seat a grand jury for a local case from May of 2020. He stated they bring their own analysts and would pay maintenance fees for extra cleanings due to COVID.

-Court Clerk Jennifer Gilston commented that if the Grand Jury is held in the Town Court it would be Mondays, Tuesdays, and Wednesdays only,

9:00 am – 4:00 pm. The Town Court Office will work as usual with Thursdays and Fridays available for their Court sessions. Andy McElvee came and viewed our court room stating he was impressed, and it should work out nicely. He stated he will be in touch with Judge Gilston soon with their decision.

-Supervisor Perry and Councilman Bardascini are working on getting the Peace Officer Registry Certification completed with the Town Constables, due to carrying firearms during court sessions. As it stands, our NYMIR policy covers them under the Town “Reasonable” coverage. Another possibility would be to have the Sheriff’s Dept. supply a deputy, which would be very costly to the Town.

#### Planning Board

-Mike Crispin was not present but Planning Board Member Jarod Abrams stated at their last meeting they discussed Mike Bogdan’s Peacock development. Also stating the project on Lakeview Rd. with Robert Sawyer has been withdrawn at this time. Jarod also stated the last couple meetings there was a large turnout of residents.

BYC – no one present

#### Attorney

-Attorney Carm Greco stated the Town’s legal work is up to date. Tonight, he is asking for a resolution to settle a pending real property assessment in the Town of Broadalbin, previously discussed in Executive Sessions.

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On a motion made by Councilman Bogardus and seconded by Councilman Bardascini  
RESOLUTION # 2021 – 106 A RESOLUTION TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE A PENDING REAL PROPERTY LAWSUIT FOR THE AMOUNT OF ASSESSED VALUATION AUTHORIZED BY THE TOWN BOARD IN PREVIOUS EXECUTIVE SESSION. BE IT RESOLVED that the Town of Broadalbin approved the Town Attorney to settle the pending lawsuit as so authorized in previous Executive Sessions.

Discussion: Councilman Bogardus inquired as to which property they are referring to.

Attorney Greco stated Merriam Rd. in the Town of Broadalbin.

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger  
-absent Pasquarelli -absent

-Attorney Greco stated the petition presented from the Board of the Library (Wilkinson Book Station) has been submitted to the Board of Elections, on the date due of August 2, 2021, as a proposition to be placed on the ballot for the November 2021 election.

-Supervisor Perry personally delivered it on August 2, 2021, and reads as follows.

Ladies and Gentlemen:

I am attaching to this letter the language of the Proposition which should appear on the ballot for the November 2021 general election as regards the Town of Broadalbin. If you need anything further from the Town or from me regarding this matter, please advise at once.

Carmel J. Greco  
Town Attorney

Signed Town Supervisor  
Sheila Perry

The proposition reads as follows.

Shall the Town of Broadalbin, jointly with the Village of Broadalbin, establish a public library and levy library taxes for this purpose?

-Attorney Greco reminded the Board that the Village will have to vote also in their March elections, which will need to pass both in the Town and Village to pursue further.

-Supervisor Perry stated Case Law from the Association of Towns stated that in a second-class town, such as Broadalbin, there must be more than 25 signatures.

-Councilman Bardascini questioned if the signatures were vetted?  
(Meaning taxpayers)

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-Supervisor Perry stated they were by the Town Clerk. In response the Town Clerk stated she witnessed that they were indeed residents of the Town and Village, however, did not check on the status of if they were taxpayers, but assumed that they were.

-Councilman Bardascini stated to be vetted signatures they are supposed to be classified as taxpayers of the Town or Village. Stating this was given to him by Attorney Greco.

-Attorney Greco stated this was the responsibility of the Town Clerk in which she responded she was not aware of them needing to be taxpayers, thought just needed to be residents of the Town and Village

to be valid.

-Supervisor Perry read Town Law as the proposition must be signed by the electors of the Town, with signatures of at least 5% of the number of votes cast for Governor in the last Gove oratorial Election.

Although not less than 25 in a town of second class, authenticated by and filed with the town clerk. If no objection, then goes to the Board of Elections.

-Supervisor Perry continued to read aloud if the petition does not include a request for funding, the Town Board is impowered to determine the amount of funds to appropriate. However, can not set the funding for an inappropriate amount such as zero. This petition is just what they asked for at this time, just for the establishment of a library.

Attorney Greco stated in Section 255 it states to establish a public library the petition must have 25 taxpayers, however Section 259 of the Education Law states, which deals with library taxes, says except for the year 2021 the number of qualified voters of a municipality to petition should at least be 25. Both Village and Town residents do pay Town Tax, so they would be taxpayers.

-Court Clerk Jennifer Gilston questioned if the Village taxpayers get to vote twice on this proposition since it will be placed on the Village elections too?

-Marianne Milton, Library President, inquired if singly with the Town or jointly with the Village?

-Attorney Greco stated your petition stated jointly with the Village and Town and that is how they placed it on the proposition.

-Supervisor Perry stated there will be a total of four referendums on the ballot in November.

#### Public Comment

-Judy Frederick stated when they carried the petition, they specifically asked each resident if they were taxpayers of the Town, so there shouldn't be any problem, it should be valid.

-Mike Rorick inquired as to why the Town refused the two houses offered to the library.

-Supervisor Perry stated the Town didn't have anything to do with offering houses, she believes it was the Village that offered.

-Marianne Milton stated the places that were offered were not appropriate buildings to support a library. She stated the Wilkinson Memorial Book Station (Library) has been serving the Town residents for 41 years with volunteers. This petition is to begin the process to becoming a public library and ask the people of Broadalbin if they want a public library.

-Supervisor Perry stated this petition was one of the most professional ones she has seen and hope all are happy to move forward by doing the referendum on the ballot in November.

- Mike Rorick also inquired about dilapidated buildings in the Town, asking if the Town Code Enforcer can cite them? Attorney Greco stated in the past four years he knows of none that have gone to Town Court.
- Supervisor Perry stated the Board will also be looking into the Bonding of Solar Farms and Telecommunication Towers.
- Howard Ferguson, the President of the Union Mills Cemetery, thanked the Town Board for the past support and stated he will provide any documentation needed to continue with Town support at budget time.
- Supervisor Perry stated the Cemetery may want to inquire about publicity to possibly continue with support of donations they received last year from the public.
- Councilman Bardascini stated to reach out to the reporter from The Leader Herald as last year, explaining how their donations were spent, which might encourage more residents to donate.
- Howard stated without the Town’s help they would not be operating.

Old Business- nothing at this time

New Business

-Approval to pay vouchers

Prepaid	\$15,040.48
General	13,221.00
Highway	211,338.54
Total	239,600.02

On a motion made by Councilman Bardascini and seconded by councilman Bogardus  
**RESOLUTION #2021 – 107 APPROVAL OF SUBMITTED VOUCHERS**  
 BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted vouchers for the month of July 2021.

No further discussion

VOTE: Perry -aye Bardascini -aye Bogardus -aye Kissinger  
 -absent Pasquarelli -absent

- Dog Control Officer
- Dale Potts stated there were no dog bites and 2 dogs picked up and redeemed for the month of July 2021.

- Mike Rorick inquired about the assessment litigation mentioned in this meeting, stating he hopes the Board fights hard to keep assessments at appropriate levels so the tax burden doesn’t fall on the rest of the taxpayers in the Town.
- Supervisor Perry stated there were only five grievances this past

year unlike @ eighty in previous years in her day of being Town Clerk. Stating this Board and the Assessors Office hung very tough to make this decision.

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-Attorney Greco stated we are well aware that we are all taxpayers and the change made will not raise our taxes. To prove to lower an assessment there are four things you have to prove to the court.  
-Assessor Lauri Bollock stated everyone has a right to grieve their assessment, however when their request is denied the next step is to go to small claims. This litigation in question could have been settled in small claims court but they stepped over it. In small claims court Laurie stated, it is up to her to fight the assessment. Since they went straight to Supreme Court, Attorney Greco was responsible. We have to follow proper procedures which is what these people did. Stating the tax burden is shifted so much already, it is not the Town's fault nor the Assessing department's fault, nor the Attorney's fault. Laurie explained when sales come in at \$500,000 and assessed at \$200,000 NYS Law says we have to take that into advisement. If it was reversed and the sales price was \$200,000 we don't get protected, they have to honor the sale price. Appraisals are on the Town too but can't be pulled for no reason.

Adjournment 8:02 pm

On a motion made by Councilman Bardascini and seconded by Supervisor Perry the August 10, 2021 Regular Town Board Meeting was adjourned.

Respectfully Submitted

Cheryl Briggs  
Town Clerk