

TOWN OF BROADALBIN
2021 REGULAR MONTHLY MEETING
APRIL 13, 2021

The Regular Monthly Meeting of the Town of Broadalbin Town Board for the month of April was held at 6:30 pm on Tuesday April 13, 2021 at the Municipal Complex, 201 Union Mills Rd.
Sheila Perry, Town Supervisor, Presided

Call to Order

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

Pledge of Allegiance to the American Flag

The pledge was said in unison.

Roll Call

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

Present

Carm Greco – Town Attorney
Eric Alley – Highway Superintendent
Laurie Bollock – Assessor
Mike Crispin – Planning Board Chairman
Mike Rorick – Planning Board Member
Jarrod Abrams – Planning Board Member
Lou Magliocca- BYC Director
Dr. Harry Brooks – BYC Grant Writer
Sam Jackling – BYC Board Member
Steve Tomlinson – Superintendent of Schools
Nine members of the public

Acceptance of Minutes from Previous Meetings

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini
RESOLUTION #2021-71 APPROVAL OF SUBMITTED MINUTES FROM REGULAR
MONTHLY

MEETING MARCH 9, 2021 AND SPECIAL MEETING MINUTES MARCH 23, 2021

BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted minutes from March 9, 2021 and March 23, 2021.

No further discussion:

VOTE: Perry -aye Bardascini -aye Kissinger -aye Bogardus
-aye Pasquarelli – abstained

Communications

Town Clerk – Summer hours are now in effect including Wednesday evenings 5-7 pm and have sold 107 new stickers to date.

Supervisor Perry

-Bookkeeper report - the 2020 AUD was submitted on April 4, 2021 to the State by the Town Bookkeeper, Theresa Butkevitch and Financial Advisor Bruce VanGenderen. With this being completed, some adjustments need to be made by interfund transfers. The Union Mills Water District Account (SW 5031) was used for the construction which should now be closed and transferred to the Expense Account (B9901.9).

On a motion made by Councilman Kissinger and seconded by Councilwoman Pasquarelli
RESOLUTION #2021 – 72 A RESOLUTION REQUESTED BY FINANCIAL ADVISOR BRUCE VANGENDEREN CLOSING UNION MILLS WATER DISTRICT CONSTRUCTION ACCOUNT (SW 5031) TRANSFERING TO EXPENSE ACCOUNT (B 9901.9) AND CREDIT REVENUE ACCOUNTS AS FOLLOWS ;

Interfund Transfer of \$1,215.13 From Expense Account B 9901.9
To Credit revenue HU 5031

Interfund Transfer of \$1,524.42 From HU 0630 Checking #0764
To B 0391 Due From Other Funds

Transfer Balance (Close Account) in NBT # 6435 to B Fund HU 0630
B Fund B 0391

Interfund Transfer of \$9,000.00 From Expense Account B 9901.9
To Revenue Account SW 5031

Interfund Transfer of \$8,673.54 From Revenue Account SW 5031
To Expense Account B 9901.9

No further discussion;

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

Supervisor Communications cont.

-County COVID report as of April 12, 2021

3,927 cases to date, 117 active cases, 3,715 recovered, 15 in hospital, 95 deaths, 91,787 tested with a daily average of 3.2%. -Sheriff Giardino recently reported on March 26, 2021, an inmate tested positive at the facility. Within four (4) hours of the positive test, our providers for the facility tested 99 staff and inmates with three (3) testing positive for staff and twelve (12) for the inmates.

There have been no previous positive cases recorded prior to this date. Lockdown separation occurred over the past two weeks now with fifteen (15) staff testing positive, ten (10) out of work and three (3) resigned. On April 10, 2021 inmates in the maximum unit complained of COVID symptoms and were quarantined as per regulations. They refused to comply resulting in a small confrontation having to involve three (3) deputies and four (4) troopers to assist staff to maintain order. The inmates then came compliant and returned to their cells. As of April 12, 2021, Sheriff Giardino reported forty four (44) out of one hundred (100) inmates are now COVID positive.

Town Board – nothing at this time.

Assessor – Laurie Bollock read her written report. The Assessors are getting everything caught up and done so the tentative assessment roll can be submitted to the County, printed by May 1, 2021, signed, and put out for the public to review. This includes contacting the school, the Tax Collector Linda Eastman and the Village Clerk Michele, for any address changes or transfers of property.

Building and Grounds

-Councilman Kissinger stated Supervisor Perry drafted a proposal for three (3) storage units in the basement, @ 14' wide x 13' 8" deep x 6' in height consisting of chain link fencing, pipe, hardware, lockable chain linked gates, with installation to be included. The plans for the basement were provided for the public to review. -Supervisor Perry requests the bid packet be placed on the website and in the Legal Section of The Leader Herald to be returned to the Town Clerk by noon, May 11, 2021, to be read aloud at our next Town Meeting.

On a motion made by Councilman Bogardus and seconded by Councilman Kissinger
RESOLUTION # 2021 – 73 APPROVING REQUEST TO PLACE BIDS FOR PROPOSAL OF THREE BASEMENT AREA SECURE STORAGE UNITS IN THE TOWN MUNICIPAL BUILDING DIMENSIONS 14' WIDE X 13' 8" DEEP X 6' IN HEIGHT. BE IT RESOLVED that the Town of Broadalbin Town Board approved request to place bids for proposal of three storage units in the Town Municipal

Building by advertising in The Leader Herald and the Town Website.

No further discussion:

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

Cont.

-Councilman Bogardus, Councilman Kissinger and Highway Superintendent Eric Alley met with engineers to discuss options to replace/repair the Highway Garage. A two (2) page report will be presented to the Board when all reports are received. During the investigation of the Highway Garage it was discovered that six (6) piers are rotten at the sill plate. It is estimated to do repairs at this time with possible a small addition may cost @ \$200,000 to \$250,000, with an approximate estimate of @ \$1.8 million for a new garage sometime in the future.

All agree to save the existing Garage to use for cold storage of equipment. Federal COVID Stimulus money is also an option but nothing definite yet. Councilman Bardascini stated he believes the first half of any money won't be sent until the end of 2022, with the second half the year after.

-The Town Clerk read the only reply to the bid request to repair the Salt Shed from Jim's Home Improvement to replace the whole roof with a price of \$73,000. Action to be taken is for the Town Clerk to contact Jim's Home Improvements and have him contact Councilman Kissinger to rebid for repairs only, not a full roof replacement.

-Supervisor Perry notified the Board that Highway Part Time Employer Rob Lindsay, has agreed to mow the Town Hall for this season in 2021.

As last year he was paid his part time wage of \$16.00 therefore there is no need to advertise for this position.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger
RESOLUTION # 2021 – 74 A RESOLUTION APPROVING ROB LINDSAY AS THE TOWN HALL MOWER/LANDSCAPER FOR THE 2021 SEASON FOR HIS PART TIME HIGHWAY EMPLOYEE WAGE OF \$16.00 PER HOUR

BE IT RESOLVED that the Town of Broadalbin Town Board appointed Rob Lindsay as mower/landscaper for the Town Hall for the 2021 season with his part time Highway Employee wage of \$16.00 per hour.

No further discussion:

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

Code Enforcer

-Tom DiCaprio provided the Board with a written report of permits he has processed so far for the year 2021 consisting of fourteen (14) various permits totaling \$650.00.

-Supervisor Perry stated the Fulton County Soil and Water Dept. has increased their prices by 18% due to COVID. Most lumber costs have increased drastically during this pandemic, which may result in less building permits for 2021.

Dog Control Officer – not present due to possible COVID symptoms.

Highway

-Eric Alley requested the Board's approval to place bids for paving for 2021 which will consist of Hoesville Rd., Vunk Rd, Vunk Rd. Ext., Hart Rd., Boroski Rd. and Diamond Point Rd., depending on price of asphalt.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger
RESOLUTION # 2021 – 75 A RESOLUTION ALLOWING THE TOWN OF BROADLBIN
HIGHWAY SUPERINTENDENT ERIC ALLEY TO PLACE AN INVITATION TO BIDDERS
FOR THE 2021 PAVING OF SPECIFIC ROADS IN THE TOWN OF BROADALBIN

BE IT RESOLVED by the Town of Broadalbin Town Board that an invitation to bidders for the paving of Hoesville Rd., Vunk Rd., Vunk Rd. Ext., Hart Rd., Boroski Rd., and Diamond Point Rd., be placed by Eric Alley, the Highway Superintendent; and

FURTHER, setting the date and deadline that said sealed bids are to be received in person to the Town Clerk as 12:00 noon on May 11, 2021; and the date and place for the bid opening as 6:30 p.m. on May 11, 2021 at which time they will be unsealed and read into record.

No further discussion:

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

-Eric inquired about upgrading survey markers behind the Highway Garage.
-Councilman Bogardus stated he will look for the old lines, at no cost to the Town.
-If they can't be located, any survey work needed, will have to go out to bid.

Justice Court

Councilman Bardascini read aloud the Court Report for the month of March 2021.

Judge Gilston	\$4,691.00	Old Fines	\$3,562.00
Judge Jennings	1,142.00		486.00
Total	\$5,833.00	Total	\$4,048.00

-Total cases consisting of 74 Vehicle and Traffic, 64 Penal, 7 Civil, 2 violations, and 1 DEC.

-Both Judges are up to date with their virtual training modules required by the Office of Court Administration and the Court Clerks completed their security online training module, also required.

Planning Board

-Mike Crispin stated they are making progress reviewing a site plan with two (2) more coming, along with a lot line adjustment.

Town Attorney – Attorney Greco is at the Mayfield Town Meeting but will be here shortly.

Town Park and Youth Commission

-Keith Buchanan couldn't be here this evening but e-mailed the Town Clerk his report stating the work on the fields has begun to get ready for play. Also stating the water system for the fields is in and will be tested in a couple of weeks. The Town will be signing the contract with Collins Turf, once signed they will begin work. Signs for the Park are being ordered and if there are any questions he can be reached by e-mail or cell number.

-Superintendent Steve Tomlinson stated at the last BYC Meeting on Saturday, April 10, 2021 the Intermunicipal Agreement was thoroughly discussed believing the contract is valid after contacting the Town Attorney and School Attorney. Now it is up to the Town Board to make a decision whether they are comfortable with the wording of this agreement. If they agree with it the school will act on it this Monday Night, April 19, 2021. Steve also thanked Supervisor Perry for communicating with NYMIR the Town's Insurance carrier.

-Several areas of additional liability insurance issues were discussed along with dog leash laws and no smoking at the Park. Steve stated they are working hard to open the Park for the community.

-Supervisor Perry stated before us tonight we have two (2) different agreements, one with the school for the Maintenance of the Park and the Use and Occupancy Agreement with the Broadalbin Youth Commission, Inc. The Articles of Incorporation have been filed by the BYC and they have received an EIN number, now they are waiting for formal conformation of the change in their title.

-Attorney Greco arrived stating he has reviewed both agreements, the Use and Occupancy Agreement and the Intermunicipal Agreement.

-Points of discussion in the Use and Occupancy Agreement are as follows:

-Attorney Greco advised to add an "s" to the word insured to clarify more than one entity having insurance, the Town and BYC Inc.

-Clarifying maintenance costs, who pays for what? Supervisor Perry stated The Town is the owners, the BYC the tenant, the maintenance agreement for the property is with the school. Supervisor Perry read aloud that the school district may elect to turn that maintenance item over to the Town to address or the school district may remedy that item and charge it back to the Town.

-The fertilization of the fields by Collins Turf Co. is still considered part of the construction of the Park. This is the part the contractor was let out of, we did not pay the contractor to establish turf.

-Councilman Bardascini is concerned that we may be "pigeon holing"

ourselves just in case an expense comes up in the future that the Town would be responsible for.

-Attorney Greco stated add to 7e “and other maintenance costs as the parties may agree”.

Cont. further discussion

-Hours of operation clarification. As per the Grant written for the park, Grant writer Dr. Brook stated it says it must be open to the public, however we do have the ability to set reasonable times. The signage will control times stating open dawn to dusk, closed dusk to dawn. By saying open 24 hours is misleading, along with the locking of the gate. Agreed to state on signage, open dawn to dusk.

-Councilman Bardascini requests that language in agreements state both parties have thirty (30) days to pay/reimburse maintenance costs. Dr. Brooks explained as a tenant and landowner some costs may be the responsibility of the Town, such as a fixed asset the well pump. Dr. Brooks continued stating the BYC is an entity where the only source of income is from fundraising. The BYC is taking on the obligation of running the program on the Town Park.

-Supervisor Perry explained the money from the BYC is what is paying for the school maintenance, in their budget. As last year, the BYC paid the school to mow the 24 acres of the Park.

-Councilman Kissinger stated we should define the daily maintenance of the Park. Steve Tomlinson stated daily/weekly maintenance would be considered as mowing, weed whacking, garbage pickup, anything custodial.

-Councilwoman Pasquarelli wanted clarification of school usage of the Park. Steve Tomlinson stated the purpose of that clause is to give the school district ability to use the Park when they need to use it. Not to say in exchange of maintaining the Park, to be able to use it. The maintenance of the Park by the school will be done regardless.

-Both the Town Board and the School District agrees to the term of this contract stating it shall be for a five (5) year period commencing on the signage of this contract and shall be renewable at the discretion of both parties.

-At this time the Intermunicipal Agreement was voted on as a resolution giving permission to the Town Supervisor to sign it, then it goes back to the school to have the President of the Board of Education sign for the school. Supervisor Perry explained this is an Intermunicipal Agreement between the School and the Town, no other parties.

On a motion made by Councilman Bogardus and seconded by Councilman Kissinger
RESOLUTION # 2021 – 76 A RESOLUTION AUTHORIZING SUPERVISOR PERRY TO SIGN THE INTERMUNICIPAL AGREEMENT WITH THE BROADALBIN – PERTH CENTRAL SCHOOL DISTRICT FOR MAINTENANCE OF THE TOWN OF BROADALBIN TOWN PARK

LOCATED AT 245 UNION MILLS ROAD, BROADALBIN, NY 12025.
BE IT RESOLVED that the Town of Broadalbin Town Board authorized Supervisor Perry to sign the Intermunicipal Agreement mentioned above then to forward to the President of the Board of Education for his signature. No further discussion:

ROLL CALL VOTE: Councilwoman Pasquarelli -yes
Councilman Bogardus – yes
Supervisor Perry -yes
Councilman Kissinger – yes
Councilman Bardascini – no

Continued discussion on the Occupancy Agreement.

-Councilwoman Pasquarelli inquired as to if the general public needs insurance to use the Park Pavilion? Steve Tomlinson answered the general public will not need an insurance policy to use the Park.

-Councilwoman Pasquarelli pointed out that it states the BYC Inc. may install, maintain or remove gates/fences at any entrance to the Park. Attorney Greco stated the perimeter fencing will not be able to be removed, just the internal fencing and gates. Prior to any adjustments, both parties shall be notified and agree to any changes.

Amendments to the Occupancy Agreement are as follows:

7e adding “and other maintenance costs as both parties may agree” and “to be reimbursed in thirty (30) days.”

7i removing park to be open 24 hours per day, replacing with “open dawn to dusk”.

No person shall possess or discharge weapons, firearms or unlicensed fireworks in the Town Park. (page 5)

Steve Tomlinson stated he will make the changes and forward them to the Town Supervisor by e-mail tomorrow.

Supervisor Perry stated both agreements are forwarded to the NYS Parks and Recreation Office for review, once they are signed. We may have a rough road for awhile and new needs may arise but we have a starting point in opening the Park.

The Town Board thanked Superintendent of Schools, Steve Tomlinson, Sam Jackling and Dr. Brooks for all their hard work and time spent on the agreements for the Town Park.

BROADALBIN TOWN PARK
2021 CONCURRENT USE AND OCCUPANCY AGREEMENT

On a motion made by Councilman Bogardus and seconded by Councilman Kissinger
RESOLUTION # 2021 – 77 A RESOLUTION AUTHORIZING THE SIGNING OF THE
CONCURRENT USE AND OCCUPANCY AGREEMENT WITH THE TOWN OF BROADALBIN,
ATTACHED HERETO, UNDER THE APPLICABLE LAWS AND REGULAITONS OF THE
STATE OF NEW YORK.

WHEREAS, The Town of Broadalbin herein called the “Town,” hereby
determines that entering into the 2021 Concurrent Use and Occupancy
Agreement with the Broadalbin Youth Commission, Inc., herein called
the “Agreement,” is desirable, in the public interest, and is required
in order to achieve a level of availability and -use of the Town’s
Park commensurate with the value thereof; and

WHEREAS, the Town deems it to be in the public interest and benefit to
enter into the 2021 Concurrent Use and Occupancy Agreement;

NOW, THEREFORE, BE IT RESOLVED BY The Town Board of the Town of
Broadalbin that Sheila Perry Town Supervisor, be and she hereby is
directed and authorized as the official representative of the Town to
sign and act in connection with the 2021 Concurrent Use and Occupancy
between the Town and the Broadalbin Youth Commission, Inc. as amended
on the record at the April 13, 2021 meeting, and to provide such
additional information as may be required; and further

RESOLVED that one (1) certified copy of this Resolution be prepared
and sent to the BYC, Inc., 16 West Main St, P.O. Box 6, Broadalbin,
New York together with the signed Concurrent Use and Occupancy
Agreement; and further

RESOLVED that this resolution takes effect immediately.

ROLL CALL VOTE; Supervisor Perry – yes

Councilman Kissinger -yes

Councilwoman Pasquarelli -yes

Councilman Bardascini -yes

Councilman Bogardus -yes

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the
Resolution, authorizing the signing of the 2021 Concurrent Use and
Occupancy Agreement with the BYC Inc. and involving the use and
operation by the BYC Inc. of the Broadalbin Town Park as adopted at a
legally convened meeting of the Town Board of the Town of Broadalbin
duly held on the 13 th day of April, 2021; and further that such
Resolution has been fully recorded in the Minute Book in my office.
In witness whereof, I have hereunto set my hand this 13th day of April, 2021.

Official Seal

Signature of Recording Officer

Old Business

-Supervisor Perry stated she will be contacting the DEC this week to see if any changes will be made to help with the parking on Lakeview Rd. for beach and boat launch season.

-The partition for the bathrooms, that was constructed at the beach area, will be left there and hopefully used in the near future, should the beach open again. All other items are in the basement of the Municipal Building.

-Councilman Bardascini inquired, when the BYC Inc. pays back the Town for the BOND on the Park, how the money will be spent, requesting it in writing.

-Supervisor Perry stated the previous board did not have anything in writing. This Board agreed to give the BYC Inc. five (5) years to build up their reserves for operational costs of the Park. The HF Field Reserve Checking Account and the HP Park Construction Account were transferred to the new Interfund Revenue Account (A2801) to place any money received from the BYC Inc. in the future.

New Business

-Vacancies on the Planning Board, Board of Appeals, and possibly the Board of Assessment Review need to be advertised.

-Attorney Greco stated any vacancies must be advertised and filled.

-The Town Clerk was advised to advertise for any positions on our boards that have an opening on the Town Website and in The Leader Herald.

-Councilman Bogardus stated most towns have alternates that don't need to vote unless there is a member absent. As of now there are six (6) seated members. Attorney Greco will check in the Town Law and investigate as to how many Planning Board Members we allow and get back to us at the May 11, 2021 meeting.

Approval to Pay Vouchers (claims)

Pre-paid	\$26,413.66
General	12,635.55
Gen OV	1,690.27
Highway	8,520.43
Total	\$49,259.91

On a motion made by Councilman Kissinger and seconded by Councilman Bardascini
RESOLUTION # 2021 – 78 APPROVAL OF SUBMITTED VOUCHERS (CLAIMS)
BE IT RESOLVED that the Town of Broadalbin Town Board approved the submitted vouchers (claims) for the month of March 2021.

No further discussion:

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

Public Comment

-Donna Lewis inquired about the \$10,000 the Town allocates to the BYC budget, is this money going to be used to reimburse the school district?

-Supervisor Perry stated the Village and Town both budget money to the BYC however the BYC generates money by their registration fees for all the different sports, along with sponsors such as Stewarts. The Town supports them like we do the Fire Department.

-Donna also inquired about any repairs to the road, and fence and painting of buildings, that may be needed to the Park, are those Town expenses?

-Supervisor Perry stated now the BYC has insurance to do maintenance by volunteers. The buildings and pavilions are now doubly insured with the Town insurance and BYC's insurance policies now in place.

-Donna questioned if the taxpayers will be affected if anything unforeseen may happen? Will our taxes increase to maintain the Park?

-Supervisor Perry stated the biggest item was to pay off the Construction BOND of the Park at \$110,000 (+interest) for the next five (5) years. Our NYMIR representative inspected the Park and has the Town covered as best we can, for any disaster that may happen. The rocks will be moved soon allowing more parking space and removing the potential for accidents.

-Councilman Kissinger stated hopefully it will be a long time before any big repair is needed but no way to tell what may happen in the future.

-An executive session was requested to discuss litigation.

ENTERED INTO AN EXECUTIVE SESSION 8:35 PM

On a motion made by Councilman Kissinger and seconded by Councilwoman Pasquarelli

The Town of Broadalbin Town Board entered an Executive Session to discuss litigation.

No further discussion:

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

EXITED AN EXECUTIVE SESSION 8:57 PM

On a motion made by Councilman Bogardus and seconded by Councilman Kissinger The Town of Broadalbin Town Board exited an Executive Session with action to be taken To advise the Town Attorney to make an offer and settle the litigation.

No further discussion:

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

ENTERED AN EXECUTIVE SESSION #2 8:58 PM

On a motion made by Councilman Kissinger and seconded by Councilman Bogardus The Town of Broadalbin Town Board entered a second Executive Session to discuss personnel matters requested by Planning Board Chairperson Mike Crispin.

No further discussion:

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

EXITED AN EXECUTIVE SESSION 9:08 PM

On a motion made by Councilman Kissinger and seconded by Councilwoman Pasquarelli The Town of Broadalbin Town Board exited an Executive Session with no action to be taken.

No further discussion:

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

-Supervisor Perry stated she has the contract with Collins Turf Co., as last year along with a copy of their liability insurance, which needs to be signed for them to move forward to fertilize the soccer fields.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger
RESOLUTION # 2021 – 79 A RESOLUTION AUTHORIZING SUPERVISOR PERRY TO SIGN THE CONTRACT WITH COLLINS TURF CO. FOR THE 2021 TURF MANAGEMENT PROGRAM

BE IT RESOLVED that the Town of Broadalbin Town Board authorized Supervisor Perry to sign the Collins Turf Co. Turf Management Contract for 2021.

No further discussion;

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

Adjournment 9:10 pm

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini the April 13, 2021 regular Town Board Meeting was adjourned.

No further discussion:

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

Respectfully submitted by Cheryl Briggs, Town Clerk