

Regular Meeting  
December 18, 2019  
7:00 PM

Present: Supervisor Ostrander  
Councilman Blaisdell  
Councilwoman Kerr  
Councilman Zlotnick  
Councilman Frolish  
Town Clerk Mevec

Also Present: Town Attorney Craig

Meeting called to order by Supervisor Ostrander.

Pledge to the flag by Councilman Zlotnick.

Motion by Zlotnick seconded by Blaisdell to accept the November 6<sup>th</sup>, 2019 Special Meeting minutes as presented.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Zlotnick seconded by Blaisdell to accept the November 20<sup>th</sup>, 2019 Town Board Meeting minutes as presented.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Supervisor read letter from Raymond Barnes. Jr.

Motion by Frolish seconded by Zlotnick to accept Raymond Barnes, Jr. resignation as MEO with the Town of Milton Highway.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

7:05 p.m. Public Hearing To Amend Code In The Use Of Alternates To Planning And Zoning Boards.

Supervisor Ostrander opened public hearing.

Town Clerk read the public notice.

No one spoke at the public hearing.

Supervisor closed public hearing at 7:06 PM.

Public Comment: The following people spoke: Darlene McGraw; Keith Lewis; and Meg Stevens.

Town Clerk Mevec read statement about his 45 years of being Town Clerk. Shannon Doherty thanked Supervisor Ostrander for doing a Good job over the last two years.

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Resolution#38 introduced by Frolish seconded by Zlotnick Enacting Local Law#2-2019 To Modify Town Code Sections 180-73.2 (G) and 180-75 (G) as follows:

**WHEREAS**, the Zoning Board of Appeals and Planning Board have encountered instances where a board member has been absent or unavailable due to travel, sickness or other family emergencies; and

**WHEREAS**, the Zoning Board of Appeals and Planning Board Chairpersons have requested that Town Code §180-73.2(G) and §180-75 (G) regarding alternates be modified to allow an alternate member to serve when a member of the Board is absent due to travel, sickness or other family emergencies in addition to circumstances of conflicts of interest; and

**WHEREAS**, the Town Board of the Town of Milton believes it to be in the Town's best interest as well as in the best interest of the Town residents and applicants before both Boards to enact said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Milton hereby approves the modification of current Town Code §180-73.2(G) and §180-75 (G), allowing an alternate member to serve when a member of the Board is absent due to travel, sickness, family emergency or other extenuating circumstances, and adopts Local Law # 2, 2019, a full copy of which is attached hereto, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milton and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**Now, Therefore Be It Resolved** by the Town Board of the Town of Milton.  
Frolish – yes; Kerr-yes; Blaisdell – yes; Zlotnick – yes; Ostrander -yes. Resolution adopted.

**§180-73.2(G) and §180-75(G)**

**Remove current language, and replace with the following:**

1. The Town Board may establish alternate Planning Board and Zoning Board of Appeals member positions for purposes of substituting for a member in the event such member is unable to participate. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Town Board.
2. "The Chairperson of the Planning Board or Zoning Board of Appeals may ask the designated alternate, approved and appointed by the Town Board, to substitute for a member when such member is unable to participate on an application or matter before said Board. Situations in which the Chairperson may ask the alternate to participate may include, but are not limited to sickness, family emergencies, travel and conflict of interest.

In cases where the alternate participates due to conflict of interest, the alternate shall see the application through completion of the matter before the Board. In cases other than conflict of interest, the member shall resume responsibility when they return from their leave, so long as the member and the Board Chairperson feel they have sufficient knowledge, information and understanding of the project and application, which decision shall be at the sole discretion of Board Chairperson. When so appointed to participate, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the Planning Board or Zoning Board of Appeals meeting at which the substitution is made."

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Resolution#39 introduced by Frolish seconded by Blaisdell Enacting Local Law#3-2019 Regulating Short-Term Rentals in the Town of Milton as follows:

**WHEREAS**, the Board recognizes that Short-Term Rentals can attract visitors to the Town and can provide an additional source of income to Town residents and Town businesses, and.

**WHEREAS**, the Town Board has also determined that short-term, transient rentals can be incompatible with the sense of privacy, community and ambience currently enjoyed in residential neighborhoods in the Town and have the potential to create a threat to the public health, safety and well-being within the Town, and

**WHEREAS**, the Board appointed a Committee to research the topic and come up with recommendations for regulating such with the Town; and said Committee did in fact provide recommendations and a draft local law for consideration by the Town Board; and

**WHEREAS**, after consideration and modifications to the draft local law, the Town Board did set a Public Hearing for the matter, and official notice of said public hearing was duly and properly advertised in the official newspaper of the Town of Milton, and on September 25, 2019, a public hearing was held as is required by law, and all those interested were invited to attend and be heard on the subject; and

**WHEREAS**, the Town Board of the Town of Milton believes it to be in the Town's best interest as well as in the best interest of the Town residents to enact said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Milton hereby approves and adopts Local Law # 3, 2019, a full copy of which is attached hereto, regulating short term rentals within the Town, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milton and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**BY ORDER**, of the Town Board of the Town of Milton.

Frolish – yes; Kerr-no; Blaisdell – yes; Zlotnick – no; Ostrander -yes. Resolution adopted.

Resolution#40 introduced by Zlotnick seconded by Blaisdell To Set Rate Hearing And Review Of The Rates Charged By, And Physical Condition Of Heritage Springs Sewer Works, Inc. Within The Town Of Milton as follows:

**WHEREAS**, pursuant to the New York State Transportation Corporation Law (TCL), the Town has the right and the obligation to review the rates that any private sewer company is charging its' customers within the Town; and

**WHEREAS**, Heritage Springs Sewer Works, Inc. (the sewer company), which operates in the Town of Milton, supplies sewer services to approximately 1,740 customers in the Town; and

**WHEREAS**, it has been over 5 years since the last formal rate review, and the Town intends and needs to review the rates that Heritage Springs Sewer Works, Inc., charges for sewer services and sewer hookups within the Town, to make sure and assure they are and remain fair, reasonable, and are uniformly applied, to all customers and potential customers and users within the Town; and

**WHEREAS**, the first step in the process is to review the financials of the sewer company and set a formal rate hearing to review same and allow public comment and input on the matter; and

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**WHEREAS**, in accordance with Section 121 of the Transportation Corporation Law, the Town Board had last previously reviewed the sewer rates at a time when the sewer company had yet to have recouped all of its' alleged initial investment; and

**WHEREAS**, the sewer company was formed on or around 1989, and has been in operation in the Town of Milton for in excess of 30 years, and both the Town and the sewer company have enjoyed a long and mutually beneficial relationship during that period; and

**WHEREAS**, the Sewer company provides to the Town a yearly report showing in part its' yearly income from sewer charges and hookup fees, along with its' operation and maintenance costs, and a running total indicating the status of the recoupment of its initial investment; and

**WHEREAS**, the sewer company's most recent report appears to show that it may have in fact recouped all of its' initial investment through hook-up fees collected over the past 30 years, along with a significant amount of return on that investment; and

**WHEREAS**, the Town Board has reviewed the yearly required financial report showing the sewer company's revenues, operating, maintenance and other expenses, and received input from both the Town Engineer and the Town Comptroller regarding same, and believes it to be in the best interests of the Town and sewer customers within the Town to formally review the sewer company's rates, and in particular, the hook -up fees being charged, as well as to take a hard look at its' current physical condition and infrastructure; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Board hereby sets a public rate hearing to be held on March 24, 2020, at 7:00 o'clock in the evening, at Town Hall, which is more than ninety (90) days from the date hereof as is required by law, at which time the public is invited to attend and provide comments for or against the rates and fees currently charged by Heritage Springs Sewer Works, Inc., within the Town, and as to the physical condition of the system and its' infrastructure; and it is further

**RESOLVED**, notice of this hearing is to be properly advertised as is required by law, and be provided to Heritage Springs Sewer Works, Inc. immediately to allow them sufficient time to provide all relevant information regarding their current rates, fees, costs, expenses, and whatever additional information the Town, its' engineers, the Town Comptroller, or any third party hired by the Town may require in order to review and inspect the financial or physical condition of the system.

**Now, Therefore Be It Resolved** by the Town Board of the Town of Milton. Frolish – yes; Kerr-yes; Blaisdell – yes; Zlotnick – yes; Ostrander -yes. Resolution adopted.

## Resolution#41 introduced by Frolish seconded by Blaisdell Resolution Establishing A Highway Reserve Fund For The Relocation, Construction And/Or Finance Of The Highway Cold Storage Building And Fuel Island Station, And All Costs Associated With Such Subject To A Permissive Referendum as follows:

**WHEREAS**, pursuant to the New York State General Municipal Law, the Town of Milton is authorized to establish, fund and make use of a Capital Reserve Fund for the construction, reconstruction or acquisition of capital improvements and buildings; and

**WHEREAS**, pursuant to such law, a reserve fund may be established to fund in whole or in part the construction, reconstruction or relocation of Highway Department structures such as cold storage and fuel islands; and

**WHEREAS**, the Town of Milton's Highway Department's current cold storage and fuel island structure are antiquated, in need of serious repair and/or replacement and are aging and nearing the end of their useful life; and

**WHEREAS**, it will become necessary in the immediate future to systematically replace such structures and possibly relocate them to the Rowland Street Highway Department site, the approximate cost of which is \$600,000.00 for the cold storage shed and \$350,000.00 for the fuel islands, and the Town Board reasonably anticipates a need for funding for such in future

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years and finds that it is prudent and a matter of responsible budgeting to set aside funds to be used for same;

**NOW THEREFORE BE IT,**

**RESOLVED**, that pursuant to Section 6-c of the General Municipal Law, as amended, and upon the consent of the Town of Milton Highway Superintendent and the approval of the County Highway Superintendent (if required by law), the Town Board of the Town of Milton does hereby establish a Highway Facilities Capital Reserve Fund to finance all or part of the cost of the procurement and replacement of the Town Highway Department's cold storage shed and fuel island station and costs associated therewith; and be it further

**RESOLVED**, that the Town Comptroller is hereby directed to deposit moneys of this reserve fund in a separate account to be known as the "Highway Facilities Cold Storage and Fuel Island Capital Reserve Fund" (Reserve Fund); the initial amount to be funded is \$660,000.00 (\$600,000.00 from the Capital Projects account and \$60,000.00 from the 2019 General fund landfill closure proceeds ), with additional funds to be deposited from time to time; and be it further

**RESOLVED**, the Town Comptroller is hereby authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law; and be it further

**RESOLVED**, that no expenditure shall be made from this fund except upon request from the Town Superintendent of Highways with the consent and authorization of the Town Board; and be it further

**RESOLVED**, that pursuant to Section 6-c of the General Municipal Law, as amended, the purpose of the Reserve Fund is to accumulate moneys to systematically finance the cost of the Town Highway Department's construction and/ or relocation and construction of the cold storage shed and fuel island station, as they are outdated, in serious disrepair, obsolete and in need of replacement; and be it further

**RESOLVED**, the Comptroller is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Comptroller may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Milton. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Comptroller shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balances and a schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund. Except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of this Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law, and be it further

**RESOLVED, this Resolution is subject to a permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.**

**BY ORDER** of the Town Board of the Town of Milton, Ballston Spa, New York.

Frolish – yes; Kerr-no; Blaisdell – yes; Zlotnick – no; Ostrander -yes. Resolution adopted.

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**Resolution#42 introduced by Frolish seconded by Blaisdell  
Authorizing Comptroller Allen To Make Inter Budget Transfers To  
The 2019 Budget as follows:**

<b>From</b>	<b>To</b>	<b>Amount</b>
TA0688-000-050	DB5110.400.000	\$170,500.00
	<b>Total</b>	<b>\$170,500.00</b>

Frolish – yes; Kerr-yes; Blaisdell – yes; Zlotnick – yes; Ostrander -yes. Resolution adopted.

Supervisor read letter from Tina Woodard on behalf of the Saratoga County Magistrates & Clerks Association.

**Motion by Zlotnick seconded by Blaisdell to approve the Town Court to use the Board Room on March 31<sup>st</sup> from 4:30 – 9:30.**

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Supervisor read letter from Personnel Committee.

**Motion by Zlotnick seconded by Blaisdell to appoint Mary Pokrzywka as part time Data Collector in the Assessment office, with a start date of 12/19, 2019 at \$15.00 per hour.**

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Councilman Zlotnick asked to go to an Executive Session.

**Motion by Zlotnick seconded by Kerr to enter Executive Session to discuss the employment history of a particular individual or individuals.**

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Zlotnick seconded by Blaisdell to return to the regular meeting.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

**Motion by Zlotnick seconded by Frolish to accept Mark Delong's resignation from the Highway Department effective December 23<sup>rd</sup>, 2019.**

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

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Supervisor read letter from Personnel Committee.

Motion by Frolish seconded by Zlotnick to provisionally appoint Mark Delong as Assistant Building Inspector at Grade 8 Step 5 \$28.63 per hour effective December 23<sup>rd</sup>, 2019.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Supervisor read letter from Personnel Committee.

Motion by Blaisdell seconded by Zlotnick to appoint Lee. R. Larkins as Part-time Seasonal Clerk in the Tax office.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Supervisor read letter from Jason Miller.

Motion by Blaisdell seconded by Zlotnick to accept Jason Miller's resignation from Parks & Recreation.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Frolish seconded by Zlotnick to approve OJCS Mandatory Clerk Core Training 2020 for Denise Swahlan, Christina Woodard, Greta Brown- Vergare with expenses paid for by the Town.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Zlotnick seconded by Blaisdell authorizing issuance of a 2020 Peddler's Permit to Mr. Ding-A-Ling Ice Cream, 324 Old Niskayuna Road, Latham, New York, 12110.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Frolish seconded by Blaisdell to approve the Town Highway Superintendent to do winter road maintenance on Fair Oaks Phase One Development. (Huntington Way & Hudson Street).

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

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Motion by Zlotnick seconded by Blaisdell authorizing Building Inspector William Lewis and Assistant Building & Fire Inspector Fred Harris to attend the 2020 Adirondack Code Enforcement Officials Educational Conference In Lake Placid on March 2<sup>nd</sup> – March 5<sup>th</sup> cost not to exceed \$1250.00 per person, with expenses paid for by the Town.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Zlotnick seconded by Frolish authorizing Supervisor to sign insurance agreements with Jaeger & Flynn for health insurance plans for 2020.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Motion by Zlotnick seconded by Kerr to accept Laura Orminski's resignation as Registrar for the Town of Milton effective December 31, 2019.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

**Reports:**

Animal Control Report read by Animal Control Polyak and filed.

Building Department Report read by Councilman Zlotnick and filed.

Comptroller Budget vs. Actual Report, Cash Balances and Detail Transaction Reports Filed

Highway Department Report read by Councilman Frolish and filed.

Historian Report read by Historian Staulters and filed.

Registrar Report read by Supervisor Ostrander and filed.

Town Clerk Report read by Town Clerk Mevec and filed.

Town Justice Report read by Councilman Zlotnick and filed.

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Liaison Reports by the following:

Councilman Blaisdell: Parks / Buildings & Grounds

Councilman Frolish: Highway

Councilwoman Kerr: Planning / Zoning

Councilman Zlotnick: Building Dept. / Court

Councilman Frolish thank the Short term rental committee.

Thanked Sharon Sommer for her years of service. Wished everyone Merry Christmas.

Councilman Zlotnick thanked Town Clerk Mevec and Deputy Town Clerk for their 45 years of service.

Supervisor Ostrander acknowledged Town Clerk Mevec and Deputy Town Clerk Mevec.

Motion by Zlotnick seconded by Kerr there is no further business to adjourn.

Frolish – yes; Kerr – yes; Blaisdell – yes; Zlotnick-yes; Ostrander – yes. Motion carried.

Meeting adjourned at 8:28 P. M.

Respectfully submitted,

William J. Mevec  
Town Clerk