

Town of Milton
February 26, 2020
Regular Board Meeting
7:30pm

Meeting called to order by Supervisor Zlotnick at 7:30pm

Pledge of Allegiance by Councilman Frolish

Present: Supervisor Zlotnick
Councilman Blaisdell
Councilwoman Kerr
Councilman Frolish
Councilman Isachsen
Town Attorney Craig
Town Clerk Howe

Supervisor Zlotnick – Before we begin the meeting I am asking for a moment of silence for our previous Historian, Kim McCartney, who has recently passed. She did a great job for us and always had a smile on her face.

Motion made to accept the minutes from the January 22, 2020 meeting by Councilman Isachsen; 2nd by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Public Comment –

Tom Boghosian – I noticed on the agenda this evening is a Resolution 25-2020 that extends the date for the hearing of Heritage Springs Sewer rates. What are you looking to do, because it is grammatically incorrect, so what are you looking to do with that resolution?

Supervisor Zlotnick – I’m going to eat into your time. We need to have a comptroller in the building to help us put the papers in order. Darlene has left and we only have a part-time comptroller. I don’t think we can meet that deadline, so once we get someone in the office we can move forward.

Mr. Boghosian – And what is the comptroller’s presence have to do with your duty under NYS law?

Supervisor Zlotnick – They will know where the bodies are buried when they go through the file cabinets

Mr. Boghosian – Well I would propose to you, Mr. Supervisor that under NYS Transportation Corporation Law Articles 1 and 10, it is this boards responsibility to hold a

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rate hearing every 5 years and you are over 840 some days late. I've read your agenda from the last meeting and I can tell you how long you discussed someone being 8 or 9 hours late for a deadline and you not considering him. So I know that a deadline is a deadline. You said that you were not going to extend deadlines. So my question is you are the board under NYS law and your comptroller has nothing to do with it. It's your responsibility. The date was set and I as a rate user expect it to be followed, so why have you changed it?

Supervisor Zlotnick – This is public comments not question and answer. If you would like to discuss this after the meeting, I'll be happy to stay and discuss this with you.

Mr. Boghosian – The one thing about the internet is it captures all the BS that's spoken. You were asked why you were running for office and you said that you believed when citizens asked questions of Town officials at a Town Board meeting, they deserve answers in a timely manner. I expect you to uphold your promise.

Supervisor Zlotnick – I will answer your question after the meeting. I'll sit right down and speak with you.

Mr. Boghosian – What are you afraid of?

Supervisor Zlotnick – It's public comment.

Mr. Boghosian – And you said you'd speak after the meeting privately. Speak to me publicly in this room.

Supervisor Zlotnick – I will after the meeting.

Mr. Boghosian – That's what I thought.

Member of Audience – I will yield my time to Mr. Boghosian.

Supervisor Zlotnick – There will be no yielding of time. If that gentleman would like to get up and speak for his 3 minutes, he's more than welcome to do so.

Mr. Boghosian – You all ran on Ethics, Ethics, Ethics and open government. I'll quote our President, BS.

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Supervisor Zlotnick – Anyone else? Before you get started Bruce, we’ve done this before, our public comment allows only one member of a family to speak at a public comment. I’m going to allow you to speak this evening at this public comment.

Councilman Frolish – Before we go any further Mr. Supervisor, we have sat here and listen to husbands and wives get up and make presentations. Are you changing the rules now?

Supervisor Zlotnick – No I’m not. I’m not changing them, I’m following them.

Councilman Frolish – Where does it say that?

Supervisor Zlotnick – Well I don’t have them with me but I can get them.

Bruce Boghosian – I’m glad you like to follow rules because the rules state that there will be rate hearings not to exceed 5 years. Are you going to follow that rule too?

Supervisor Zlotnick – To the best of my ability, yes.

Mr. Boghosian – That’s a state law. When is the date of the new hearing, if you do agree to that tonight? How much later will you allow it to be?

Supervisor Zlotnick – We are going to try to extend it by one month and we will get to it then.

Mr. Boghosian – So you will get to it then? So it’s not just an arbitrary date. So extending one month, it will take place on April 24th?

Supervisor Zlotnick - The date is set for April 22nd.

Since my question is that everyone on this board with the exception of Mr. Isachsen, voted to have this rate hearing on March 24 and I don’t know what has transpired within that time and I don’t want to make this political but when a member of this Town Board meets with a member of the Sewer company behind closed doors it is not a very good appearance. Mr. Isachsen should know that from his time on the Ethics Board where I know he strived to do a good job. Just an appearance of impropriety is a great concern. Isn’t that correct Mr. Isachsen?

Councilman Isachsen – If there is an appearance of impropriety there is ground work.

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Mr. Boghosian – So could we say that meeting with a member of the company you are supposed to be regulating behind closed doors, that would be a matter of impropriety? Because who knows what happened, and then to compound that, you have that same person who is supposed to be regulating the company voting to have the rate hearing on March 24 and then changing it to April. That would appear to be improper. Do you agree?

Councilman Isachsen – I wouldn't have a statement but it sounds improper. And it falls within the Ethics Code of this town.

Mr. Boghosian – You have over 1800 people on that system. You say you want to help the people you represent. You are all about transparency and honesty and changing what goes on in this town. I haven't seen much change; it's the same old thing.

Supervisor Zlotnick – Anyone else?

MaryAnn Morgan – 640 Rock City Road – I don't know why other administrations were not held to the fire. Thank you.

Carrie Jackson – 942 MacArthur Drive – There is a small child here so please keep this in mind when making statements and comments. She is learning about the democratic method. The rental law that was passed. I am here to speak about that. I would like to ask how many in the audience are in favor of the Short-Term Rental law – How many opposed? The way the law was passed is wrong. Even if this law was not about rental, it should not have been passed the way it was passed. From comments made at other meetings there were a handful of drunken people creating problems. (She read her reviews from online). All the reviews about my rental are good. I request a stay of the law until everything is figured out.

Bridget Herbst – Acland Blvd – I've been to 4 meetings and this is my 3rd time talking. Now you are creating a committee so it appears that something is being done with this and might appease some of the people who oppose this law, it's not a solution. As a Board you've already know who a majority of people feel about this law. Creating a committee will not change anything. The first meeting I attended resulted from a letter being left in my mailbox. We were told that the town was just looking into this. We were blindsided when there was an agenda item in September to pass the law. Again, we spoke against this law and it was tabled. Many of us reached out to the Board and were told that nothing was going to be done in 2019. It was not added to the December agenda until a couple hours. Not only did it not give anyone warning but I can only assume it is a violation of the Home Rule Law. I applaud Councilwoman Kerr and Supervisor Zlotnick on voting no. I can only

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think there was some political game being played by the previous supervisor. My email to you Mr. Zlotnick on January 9th has still gone unanswered. I biggest question is how do you intend to enforce this law? Will you be coming into my house in the middle of summer to count how many people are there and if you determine that I am over, will you kick people out? Repeal. When was the contact information removed from the website?

Councilwoman Kerr – A couple people have mentioned that the contact information was no longer on the website.

Supervisor Zlotnick – We had a glitch this past week and will check into this as well.

Councilman Blaisdell – Are we truly crippled and not able to go forward with the Heritage Springs Sewer meeting? Are we bound to have a comptroller?

Attorney Craig – Not bound but would really be better to have the comptroller involved.

Supervisor Zlotnick – Would like to have a comptroller here to help us. To make it a simpler process.

Councilman Blaisdell – Jim, do you recommend we wait on this?

Attorney Craig – Yes.

Keith Lewis – 38 East High St – Open meetings law states the meetings have to be made public. (He read a section of the law). The town website stated that the December meeting was 12/25/19. There was no notification made to the public. I respectfully ask that anything voted on at that meeting be negated and re-voted.

Bob Mueller – 34 Kaatskill Way – Read about the Town in the Times Union newspaper, headlines. Curious as to why this got into the paper. It was on the Air BnB. So I came to see why it got into the paper.

Public Comment closed.

Supervisor Zlotnick read a letter from Mr. Paruolo regarding an accident involving his son and a request for cross walks.

Supervisor Zlotnick – Spoke with Jason Kemper at the County Planning Board. The problem is the corner of Rowland and Geysers belongs to the Town of Milton so because it's

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Town property the crosswalks have to be from Town funds. We are looking at what funding and grants maybe available.

Councilman Frolish – If we do crosswalks at that corner, we will need to do them at all the Town Center intersections.

Supervisor Zlotnick read a letter announcing the Town of Milton Open Space committee receiving a \$10,000 grant from Saratoga County Planning.

Motion made by Councilman Blasdell to allow Jason Miller to roll over 40 hours of vacation; 2nd by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilwoman Kerr to allow Sean Mulvaney to roll over 29 hours of vacation; 2nd by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilman Frolish to accept the resignation of Comptroller Allen; 2nd by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilman Isachsen to allow Dog Controller Officer Polyack to attend training on March 2, 2020 at Mohawk Humane Society in Menands; 2nd by Councilman Frolish; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilman Frolish to accept the resignation of Darlene Allen; 2nd by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick – Building Inspector Lewis did a quick mold test in the basement and received positive results from Pro-Labs. Not elevated but it means there is a water issue. Bill talked to a few companies for bids to do a more in-depth study. Do have a quote for 25 mold samples for \$2,910. There were 2 other bids, one was very low and ineffective and the other was for only about \$1,000 but for only 6 tests.

Councilman Frolish – Is this only checking airborne? My concern is that we already know there is a mold problem. We've been aware since about 2015. Having a test done in a

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quick session is ineffective. We should do an extensive survey of the mold in the building. The mold testing and the roof issues should be handled at the same time.

Councilman Isachsen – Have we done any testing to date?

Supervisor Zlotnick – Only what Bill has done.

Councilman Frolish – This puts us on notice to be looking into this issue. This is something to put on the radar of the Facility Committee. The Board needs a detailed estimate of what the company will be doing as far as the testing is concerned.

Supervisor Zlotnick – The Company is Arch Environmental. I'll call and get a detailed estimate and pass it on to everyone.

Motion made by Councilman Frolish to accept the bid from Arch Environmental for mold testing; 2nd by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilman Frolish to approve Resolution 24-2020 – Supporting Senate Bill S.7280 and Assembly Bill A.9107; 2nd by Councilwoman Kerr;

Discussion - Councilman Isachsen – Is this the same bill as the Village? Supervisor Zlotnick – Yes; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick read Resolution 25-2020

Councilman Blaisdell – So how long is the postponement?

Supervisor Zlotnick – One month.

Councilman Blaisdell – So we are set on that?

Councilman Isachsen - What if we don't have a comptroller in place at that time? Or they are not up to speed? What other options do we have?

Supervisor Zlotnick – I don't think we have any further options. We'll just go from there.

Councilman Isachsen - And do we know why this hasn't been handled before if it's hundreds of days overdue?

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Supervisor Zlotnick – I do not personally no.

Motion made by Councilman Isachsen to approve Resolution 25-2020 – To extend the date of the Public Hearing on Heritage Springs Sewer Works Inc to April 22, 2020 at 7:10pm with the stipulation that there be no further extension; 2nd by Supervisor Zlotnick; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Motion made by Councilman Blaisdell to set a public hearing for March 25, 2020 at 7:35pm to amend Town Code to allow Dog Control Officer to operate in the portions of the Village of Ballston Spa that are within the Town of Milton; 2nd by Councilman Frolish; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick – The 2020 census is set to start in March. You can register online, by phone or by mail. It is very important that everyone is counted for accuracy. We lose senate seats as the population decreases. Aid is affected, such as school, state and veteran, by the population count. We will have information on our website and Facebook page.

Supervisor Zlotnick – We are establishing a committee, chaired by Councilwoman Kerr with 4 residents, 2 people for the law and 2 people against the law, to look at the Short-Term Rental Law. Anyone interested please contact the office or Councilwoman Kerr. If the committee comes up with solid reasons, the Board may look at repealing.

Councilwoman Kerr – Hoping that people from both sides of the issue will step up. I have also added Councilman Isachsen to sit in on the committee. He has not been involved at all so it's a new point of view.

Supervisor Zlotnick – We are creating a committee, with Bill Lewis, Kevin Harkin and JD Wood and myself as chairman, to review and make recommendations to the Route 50 Transition Area Strategic Plan. The plan hasn't been looked at in 10 years.

Monthly Reports:

Animal Control

Building Department

Highway Department

Historian

Town Clerk

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Registrar
Town Justice
Town Tax Collector
Youth Bureau - none

Monthly Liaison Reports:

Councilman Blaisdell: Buildings & Grounds
Councilman Frolish: Highway Department
Councilman Isachsen: Building Department and Town Court
Councilwoman Kerr: Planning/Zoning Boards

Public Comment

John Olenik – Van Tassel Lane – Curious about this Short-Term Rental Law so I picked up a copy. I have been in the town for 47 years and for 47 years renting properties for the summer track people. I don't see how the Air BnB is any different. It is a poorly written law. This law gives the Town a huge liability. You are expecting your inspector to give a seal of approval. If someone goes on that property and gets hurt, the Town can be sued. It is a bad law because it opens the town to a huge liability and it should be repealed.

Tony Zanella – Stone Church Road – Question – Wondering if the Town highway was considering fixing the portion of Rowland Street that the Town owns, this year? It is very bad condition.

Jenna Singer – Acland Blvd – As a voter I trust in the process and hope I can trust the officials. I was very disappointed in December when the Short-Term rental was put on the agenda with very little notice. Ask for at least a stay until you can research this law. IN the past 3 years I have had a neighbor called the sheriff on me when I was hosting a party at home with small children. This neighbor has called on others as well and has expressed in favor of this law. I am sharing this because if this is the people who are behind this law, just know that this type of person is selfish. We are a community and don't need the over reach of the government.

Tom Boghosian – Thank you for passing the law protecting first responders. Couple comments. The Resolution that was passed in December was a unanimous vote and the only one who didn't vote was Mr. Isachsen. Your alluding in your Resolution that you need a comptroller is arbitrary and cupreous because NYS law sets you as the governing body and you are responsible for overseeing and setting rates not your comptroller. Read from December Resolution. Now you are using the excuse that you don't have a comptroller. It

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is this board's responsibility to see that the law is upheld. I find it interesting that you don't want to repeal the Short-Term Rental law but you just repealed law 40-19.

Gentleman read letter for Kim Amiodo of Acland Drive who could not be at the meeting – The current rental law needlessly punishes residence who already adhere to town code. There have been 0 citations for noise or parking or garbage in the years leading up to this ordinance. This board is just picking winners in this economy. This Board over stepped the Town Zoning ordinances amendment process by opposing home businesses in the misguided and unethical way. This town is targeting residents who are using their home legally. The Town of Milton will be facing a lawsuit from over 3 dozen residences over the way they passed the law.

Sharon Alholz – 3765 Lewis Road – I've been at many meetings listening to you people discuss this law. I would ask the Board to repeal it. I think we are in more danger from the Bail Reform Law then from these people making a little money on the side. I think the issue of insurance should be looked into. This wasn't done properly and we need to listen to these people and repeal.

Bridget Herbst – Acland Blvd - Thank you for making that comment about the insurance. I already take on that liability with an umbrella policy. I don't rent to college guys on a weekend party. I know my renters. I meet them first. (Explains her policy).

Bruce Boghosian – I do pay attention. I heard what you said about the census. It is important that every family member needs to be counted. It's just in the Town of Milton where they don't count. I think that every member of a family should be able to get up and speak. I don't know where the rule of no family members speaking came from. I would like the people on Acland Blvd to know that they are getting double billed. They receive a bill from Heritage Springs for their sewer and then again on their County tax bill. What this adds up to is an extra payment for the same service. The law says the "local governing body". That is this board not the comptroller.

Supervisor Zlotnick – Saturday February 29th is Leap of Kindness Day. Ask each of you to take an hour and put it to good use.

Councilwoman Kerr – I am also troubled by this law. I voted against this because I didn't have a copy until that night. I got a copy of the law today from our clerk and I am troubled by it. Article 4, d1 is different between the copy submitted to the state and the copy I got in my packet. The one in my packet has the fee of \$250. I will be fair with this committee. I

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know you are all getting your rentals in order at this time. We will come to a conclusion. I don't want it to affect your rentals this summer.

Gentleman from the audience – If you saw it for the first time that night, who created that law?

Councilman Frolish – The committee. It's not true. She saw a copy of the draft before that meeting.

Councilwoman Kerr – I voted no because I hadn't seen it.

Councilman Frolish – That's not true Barb, because you asked me in that meeting and I explained the changes.

Councilwoman Kerr - You explained the changes. Would you like to look at Municipal Law Section 20?

Supervisor Zlotnick – No guys we are not going there.

Gentleman from the audience – So Mr. Frolish, who created the law?

Councilman Frolish – The Town attorney.

Supervisor Zlotnick – We have already stated that after the meeting is adjourned we will sit here and discuss this.

Woman from the audience - Is there going to be any discuss about a Stay?

Supervisor Zlotnick – This is not going to happen. We will adjourn in a minute and then we can have a discussion.

Woman from the audience – So it will be off the record?

Gentleman from the audience - You have no problem shoving through Cromie last month but you won't have a stay?

Audience keeps speaking over the Board.

Supervisor Zlotnick – Motion to adjourn the meeting

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Councilman Frolish – I'm not done yet. We've got a report of this roof being in rough shape. Is this something that the facility committee should be looking at?

Supervisor Zlotnick – I called Joel at 1 and he called me back at about 4. Someone from MJ will be here to look it over.

Councilman Frolish – You could have called me at 1.

Audience talking over the Town Board

Councilman Frolish – I would like to sit with these people in the audience and go through this law bit by bit. How many here have read this law?

Supervisor Zlotnick – John can we just ...

Councilman Frolish – No because there are a lot of accusations here that are not true. So, let's sit down and hash it. I don't mind staying and hashing this out. Anytime I talked about this at a meeting I said anyone can contact Town Hall and I will talk to them about it. I never got an email. My point is that I would like to sit down with this group and see what they are objecting to.

Bridget – With all due respect Mr. Frolish, I have twice given my questions in writing. And they have never been answered.

Councilman Frolish – Everything you had questions on have been answered in this law. Our Building inspectors will be doing the inspections.

Bridget – So will you be coming to my house at 10pm to inspect?

Councilman Frolish – Only if we have a complaint.

Gentleman from the audience - That's what the sheriff is for. You are creating a noise ordinance for my house.

Discussion about the noise ordinance.

Councilman Frolish - We aren't looking to put you people out of business.

Gentleman from the audience – It's a money grab.

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Councilman Frolish – Where are we grabbing for money?

Gentleman from the audience – The permit fee

Councilman Frolish – There is no permit fee.

Supervisor Zlotnick – Can we adjourn and handle this after?

Councilman Frolish – Honestly Benny by having Councilwoman Kerr and 2 people against the Law, you have already stacked the deck.

Supervisor Zlotnick – I need a motion to adjourn. Anyone who wants to stay after, we can discuss this one at a time.

Audience – It won't be on the record. We want it on the record.

Supervisor Zlotnick - Fine if you want to sit here tonight and make no progress and waste hours of our time, fine. John, would you like to answer questions.

Audience - Who create the law and whose idea was it?

Supervisor Zlotnick – Excuse me. We will answer questions but if 3 or 4 of you are going to yell over each other or respond before Mr. Frolish has a chance to answer

Councilman Frolish – Can I give you a time line of where it all started?

Audience – Let's be clear, we need to begin where it was the last administration.

Supervisor Zlotnick – We have a question. Can we get one question answered at a time?

Councilwoman Kerr – I'm going to answer your question. I've been very upfront about this. I received some complaints. Back in ...

Shannon Doherty – Back in 2018.

Councilwoman Kerr – I had no idea who was renting and who wasn't. I went to the supervisor at that time and handed him the complaints. He took them and appointed Mr.

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Frolish as chair of that committee. I was totally out of it. I handed all my information to him. I thought I'd followed the proper procedures. So I guess I started this.

Bridget Herbst – Can I ask how many complaints you had?

Councilwoman Kerr – At that time I only had 3 or 4 complain. Since this law has passed we have received letters and calls of people who are in favor of this. That's where we are. Personally I'd like to see neighbors work it out.

Audience and Board discussed the issue of the rental law and the neighbor who continues to complain about kids playing. The discussion went on for about 30 minutes with the audience and the board talking over each other and many accusations.

Motion made by Councilman Frolish to adjourn; 2nd by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Meeting Adjourned at 9:45pm

APPROVED