

Town of Sand Lake  
TOWN BOARD WORKSHOP  
February 23, 2022

Supervisor Scott Gallerie called the workshop to order at 7:00 pm beginning with the Pledge of Allegiance.

**PRESENT:** Deputy Supervisor Film  
Councilman Nippes  
Councilman Gendron  
Councilman Clemens  
Supervisor Gallerie  
Town Attorney Danaher

Recording Secretary: Town Clerk Barbara Hansen

**Others in Attendance:** Bill Glasser, Kevin Rifenburgh, Scott Blair, Karen Mason, Sherwood Palitsch, Adam Stewart, Tom Cetrino, Christy Carton, Leslie Carroll, Wendy Scarce.

**PAINT CARE PROGRAM:** Presentation by Andrew Radin, New York Director of the Paint Care Program, with a program overview. He explained this is a State Government mandated program which is managed by the Paint Manufacturing industry. It is a not-for-profit 501-c3. The purpose of the program is to develop product stewardship laws, a/k/a EPRs (Extended Producer Responsibility), which simply mean that producers are responsible for the recovery of their products at the end of their useful life. NYS passed a law in 2019 requiring the paint manufacturing industry to recover and recycle leftover paint. He applauded the Town of Sand Lake for taking the lead in the area to establish a paint drop-off site at the Town Convenience Facility, beginning May 1, 2022, to properly recycle paint products. The Program will be funded by a fee attached to the price when paint is purchased based on container size. The fee is not a government tax, as 100% of the fees will be used for the environmental service of paint recovery and recycling. The Board thanked Mr. Radin for his presentation.

**BOARD COMMENTS:** Councilman Gendron advised everyone he locked the gate at the Beach as he believes the ice skating rink is no longer safe. Councilman Clemens attended the Library meeting and there is some concern about the parking lot lights. He hopes to rectify the issue soon.

**PUBLIC COMMENT:** Resolution #2022-02-65 is being presented tonight to appoint Scott Blair and Sherwood Palitsch to fill vacancies on the Zoning Board of Appeals. Several residents expressed their concerns over Mr. Blair's history with opposition to the Zoning Code. Resident Leslie Carroll noted that Mr. Blair was adamantly opposed to the current Code when it was being adopted and questions whether he could be fair and firm in its enforcement.

Resident Adam Stewart said he received an email last night informing him that the Board would be considering Scott Blair's appointment to the Zoning Board tonight. He noted that in this email he was informed Mr. Blair had refused to comply with the Town's ordinances relating to land use after complaints from nearby neighbors and after being advised by Town Officials of

his Code violations. He believes if this is true it raises concerns about his appointment. In a second email he received it said that Mr. Blair advised the owner of a business in Town how to get around the Zoning Ordinance while that person was in negotiations with the Town to come into compliance. Again, he believes if this is true it raises more concerns. This email also confirmed what Ms. Carroll previously stated that Mr. Blair adamantly opposed adoption of the Zoning Ordinance and has been a vocal critic of it and efforts by the Town to enforce it. He noted that Mr. Blair publicly supported a lawsuit brought against the Town by mining interests challenging the Code regarding mining. Mr. Stewart said he struggles to understand how someone who opposes a law is going to do well in enforcing it. Mr. Stewart went on to state that he hopes the Board makes an informed decision in this matter.

Resident Wendy Scarce spoke for herself and her husband. She stated they also are deeply disturbed by the potential appointment of Scott Blair to the Zoning Board due to his history of openly opposing the Zoning Code. She urged the Board to find a candidate who would uphold the Laws of the Town and not oppose them.

**SUPERVISOR’S COMMENTS:** Stop 13 Bridge: The Bids for construction of the Stop 13 Road Bridge have been published with a bid opening date of March 10<sup>th</sup>, 2022. So far 11 contractors have picked up plans. Colliers Engineering, our Project Manager, has informed us that the availability and price of steel has become a significant factor in the cost of these types of bridges.

2<sup>nd</sup> Dyke Culvert: I spoke with Barton and Loguidice about this project. The plans are 90% complete and they will be sending us a copy. The next steps are to finalize the plans and put the project out to bid. Due to parking issues on the 2<sup>nd</sup> Dyke we plan to coordinate this project with Kay’s Pizza so that the work can be done after they close for the season and before winter begins.

Rensselaer County has informed us they plan to do a hazardous waste program this year which is an expensive undertaking. The County has offered to let the Town of Sand Lake participate in the program on a limited basis and for a fee. Having been involved in this kind of program before a large amount of the products brought in were paint products. Hopefully, with our upcoming Paint Care Program much of this can be disposed of without a fee to the Town, leaving room for other hazardous waste that can’t be easily disposed of. I hope to have more details soon.

**BUSINESS:**

**RESOLUTION #2022-02-65**

**Appointing Two Members of the Zoning Board of Appeals**

**Moved by: Supervisor Gallerie**

**Seconded by: Councilman Nippes**

**WHEREAS**, the Zoning Board of Appeals has two vacancies to be filled; and  
**WHEREAS**, the Town Board considered eight candidates resumes and expressions of interest; now therefore be it

**RESOLVED**, that the Town Board of the Town of Sand Lake hereby appoints Scott Blair to the Zoning Board of Appeals for a term ending December 31, 2023; and be it further;

**RESOLVED**, that the Town Board of the Town of Sand Lake hereby appoints Sherwood Palitsch to the Zoning Board of Appeals for a term ending December 31, 2026; and be it further

**RESOLVED**, the appointees shall complete the required training in Harassment and Discrimination, Work Place Violence, and four credit hours related to planning and/or zoning.

**AYES 4 – NAYS 1 MOTION CARRIED**

Councilman Film said he believed both candidates, Scott Blair and Sherwood Palitsch, are qualified to fill the position on the Zoning Board, but felt there was another candidate he would have preferred, and so voted no.

Councilman Gendron said he had been on the Zoning Board of Appeals for 2 years and that the purpose of that Board is not to strictly enforce the Code as it is written, but rather to consider and possibly approve exceptions to the Code, and grant variances to it. He noted that in his 2 years on the Board most appeals for variances were granted, and that there were only 2 appeals for exceptions that were denied during his tenure.

**RESOLUTION #2022-02-66**

**Authorizing Auction of Surplus Equipment**

**Moved by: Supervisor Gallerie**

**Seconded by: Councilman Gendron**

**WHEREAS**, the Town Board has received a request from the Commissioner of Public Works to declare the following Town property to be surplus equipment;

- One 1997 International Single Axle Dump Truck, VIN# 1HTGEAER2VH4342181
- One 1991 International Single Axle Dump Truck, VIN# 1HTGEGDR2MH333151
- One 1999 International Tandem Dump Truck, VIN# 1HTGGAET6XH222835
- One 2005 Chevrolet Silverado 2500HD VIN# 1GCHK29U45E296813
- One 10' Zwack Stainless Steel 10' Sander
- One Leeboy 8500 Asphalt Paver, VIN# 104140401049442804LD
- One Lincoln MIG Welder
- One 1992 Ford F-350 VIN# 1FDKF38GZNNB05431
- One 1991 Mobil Sweeper VIN # 1A9AZ4DB7LR059052
- Two Hi-Flow Milling attachments for a Skid Steer
- One 1999 John Deere 410E Backhoe VIN# T0410EX874
- One 2015 International Terrastar Heavy Duty One Ton Truck VIN# 1HTKPSKK5FH646789
- One 500 Gallon Above Ground Fuel Oil Tank
- One 2022 Chevrolet 3500 8' Pickup Truck Box
- One Trane 7.5 Ton Air Conditioning Unit
- Five Desktop Computers
- Four Printers
- Seven CRT Computer Screens
- Six Battery Back Ups

**WHEREAS**, said equipment is not suitable for use in any other Town Department; now therefore be it

**RESOLVED**, that the property as listed is declared excess; and be it further

**RESOLVED**, that the Commissioner of Public Works is authorized to conduct a public auction or sale or otherwise to lawfully dispose of said surplus equipment now owned by, and in the custody of the Town of Sand Lake.

**AYES 5 – NAYS 0 UNANIMOUS**

**RESOLUTION #2022-02-67**

**Appointing Kyle Kozlowski as the Audio Video Technician for Spectrum Channel 1303**

**Moved by: Supervisor Gallerie**

**Seconded by: Councilman Film**

**WHEREAS**, Spectrum Channel 1003 is the public access channel for the Town of Sand Lake; and

**WHEREAS**, the video hardware that provides the feed for that channel was updated some time back, and now requires a person with technical skills to update information as it changes; and

**WHEREAS**, Kyle Kozlowski is very familiar with this system and has the hardware and software to perform this function; now therefore be it

**RESOLVED**, the Town Board appoints Kyle Kozlowski as the Audio Video Technician for the Town of Sand Lake, at an hourly rate of \$22.50 for an estimated two hours per month.

**AYES 5 – NAYS 0 UNANIMOUS**

**RESOLUTION #2022-02-68**

**Concerning Fire District Tax Overage – Office of the Tax Collector**

**Moved by: Councilman Film**

**Seconded by: Councilman Clemens**

**WHEREAS**, the Town Board of the Town of Sand Lake has been advised that the Town of Sand Lake 2022 Final Budget reflected an overage for the Averill Park No. 2 Fire District above the amount scheduled in the 2022 Fire District Adopted Budget, and

**WHEREAS**, the Town Board of the Town of Sand Lake is further advised that pursuant to the Laws of the State of New York that where an overage is collected for a Fire District, such funds must be turned over to the Fire District who must hold such funds in escrow to be an offset against the 2023 Fire District Budget, in accordance with the rules and regulations of the New York State Comptroller, and good cause appearing therefore; now therefore be it

**RESOLVED**, that the Town Board of the Town of Sand Lake hereby directs that the Town Tax Collector turn over the 2022 Fire District overage to the Averill Park No. 2 Fire District to be held in escrow and applied against the 2023 Fire District Budget.

**AYES 5 – NAYS 0 UNANIMOUS**

Supervisor Gallerie then read a letter sent to the Town Board from the West Sand Lake Fire Department to the Town's Public Works Department thanking them for their quick and professional assistance during a 2 alarm structure fire January 21, 2022 on Garner Road in West

Sand Lake. They assisted during the fire by clearing and salting the roads and aided in removal of portions of the burnt structure to help gain access to the structure and extinguish the fire safely. They returned in the following days to assist the Rensselaer County Fire Investigation Team with additional debris removal and to assist with origin and cause determination efforts. The Public Works staff should be commended for their actions. Their help was greatly needed and very appreciated. Professionalism, kindness and exceptional cooperation was displayed by your staff who responded on that day and we cannot thank you enough. My most sincere gratitude, Edward J. Heffern, Chief of the West Sand Lake Fire Department.

Brian Hunt, Commissioner of Public Works, thanked the Fire Companies for their service and commended them for all they do for the Town and its residents.

There being no further business to come before the Board Councilman Film made a motion to adjourn the February 23, 2022 Town Board Workshop at 7:41 pm. It was seconded by Councilman Nippes.