

A meeting of the Sand Lake Town Board was held on April 11, 2012 at 7:30P.M. at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

PRESENT: Councilman Turner
Councilman Splain
Councilman Cioffi
Councilwoman Kronau
Supervisor Fasoldt
Town Attorney Russell Bennett

RECORDING SECRETARY: Barbara A. Biittig, Town Clerk

OTHERS PRESENT: James Allen, Tiffany Allen, Andrew Clemente, David Torres, Rose Metchick, Peter Ludder, Richard Reohr, Linda Reohr, Denise King, Barrett Russell, Sean Fennelly, Andrew Gilchrist, Lindsay Marshall, Raymond Sokol, Malcolm McPhersen, Scott Paul, Justin Schultz, Geri Ryan, Carol Seneta, Matt Weaver, Ed Dodge, Fred Erickson, Bill Glasser, Irv Sewell, Jeff Hough, Fred Schreyer, Tom Hatcher, Bill Kelly, Larry Browe, Brian Hunt, Dan Holser, and others.

CALL TO ORDER

Supervisor Fasoldt opened the Public Hearing on the Proposed Zoning Code at 7:31 PM.

Town Clerk Barbara A. Biittig read the notice:

**NOTICE OF PUBLIC HEARING
Town of Sand Lake**

Please take notice that the Sand Lake Town Board will hold the following Public Hearing on proposed Local Law of 2012, which would enact a revised Zoning Code for the Town of Sand Lake at the Sand Lake Town Hall, located at 8428 Miller Hill Road (NY 66), Sand Lake, New York, where all interested parties will be heard at 7:30 p.m. on March 14, 2012 and at 7:30 p.m. on April 11, 2012.

By Order of the Sand Lake Town Board

**Barbara A. Biittig
Town Clerk
February 13, 2012**

Supervisor Fasoldt reviewed Procedural Rules of the Public Hearing.

Town Attorney Bennett gave a summary of the proposed zoning code which is essentially the same as the one that was passed a few years ago which was found to be invalid. The only changes were formatting changes.

Comments Residents:

Andrew Clement – Gave a document to the Board that has a brief description of things that Troy Sand & Gravel have done for the Town of Sand Lake. We have created over 300 jobs, taxes, playgrounds, helped the Veterans, schools and many community projects.

Andrew Gilcrest, Esq. – Represents Troy Sand & Gravel and Bonded Concrete Inc. He wanted the record to show that he handed out a copy to Board of a letter dated December 9, 2009 from his office re: Sand Lake Zoning Code Update Final Draft, and a copy of Article 78 – Troy Sand & Gravel Co, Inc & Bonded Concrete Inc. against the Town of Sand Lake & the Town Board of the Town of Sand Lake. He has many concerns with this zoning code and is hopeful that the Board is considering this mining overlay district.

Fred Schreyer – Town Attorney – Gave a brief summary of his concerns. He stated that Troy Sand & Gravel should convey in writing what they really want and what language in the code is acceptable to them. Zoning is driven by the map. What is the extent of the mine?

Andrew Gilcrest, Esq –At the last meeting we did hand up to the Board a proposed overlay map plus actually language within the zoning code. Said that they would be more than willing to supply what is wanted and they think that the overlay is the way to do this.

Kirk from Nassau – does not understand why we are causing this. It cost too much. Why would we take on a 60 year old company to court because they are going to win.

Carl Clemente – Troy Sand & Gravel – Has enjoyed doing for the Town on numerous occasions. Realizes that he should do for the Town and only to willing to do anything they can.

Carol Senetta – 4 Harvey Way, Averill Park – Supports Bonded/Troy Sand & Gravel a business that has been here for over 60 years. Thankful for all that they do. How can we do this to people who live and work here and put them out of a job? Please make a good decision here.

Rob Dressner – Bauer Road – Compliments to the Board – We have had 2 hearings on this and the Board has not made any decision on this yet. This is not an easy issue.

Supervisor Fasoldt thanked every one for their comments. She assured everyone that all their comments would be taken under consideration.

Supervisor Fasoldt moved to close the Public Hearing at 8:03PM. This was seconded by Councilman Cioffi.

MOTION CARRIED = UNANIMOUS

APPROVAL OF MINUTES –

Supervisor Fasoldt moved to approve the minutes of March 14, 2012 and this was seconded by Councilman Cioffi. Councilwoman Kronau Abstained.

MOTION CARRIED = UNANIMOUS

Supervisor Fasoldt moved to approve the minutes of March 28, 2012.

MOTION CARRIED = UNANIMOUS

MONTHLY REPORTS: TOWN CLERK- Barbara A. Biittig

- Money paid to Supervisor \$11,917.13
- Money paid to NYS Ag & Markets for spay/neuter program \$92.00
- Money paid to State Health Dept. for Marriage Licenses \$112.50
- Money paid to the Dept of Environmental Conservation (Fishing /Hunting) \$370.37

We continue to have a record amount of Passport processing in the Town Clerks office. Many residents and people out of state are preparing for travel out of the country. Check out the Town Web site for further information or call me at 518-674-2026 ext. 22.

Please mark your calendar for Saturday, April 21, 2012 from 9 am to 1 pm (Earth Day save a tree) for SHRED YOUR WORRIES DAY sponsored by Key Bank. You can bring up to three boxes of documents and have them shredded at Key Bank WSL. This is strictly confidential where you can shred bank, credit card statements, tax forms receipts and any other sensitive paper documents that require safe disposal. All shredded material is recycled. Also, a Child Safety Area where local law enforcement officers will help you complete, a child identity kit as part of Operation Safe Child. This document is very helpful when obtaining a child's passport.

A reminder from the Tax Collector's office that all town taxes must now be paid to Rensselaer County Real Property Tax Service in Troy. As of April 1, 2012 the Town Tax office is closed.

For updates on events, and happenings in the Town please check out channel 17. Any questions please contact me at 518-674-2026 ext 22 we are only too happy to assist you.

SUPERVISOR'S REPORT:

- On March 15 she and Councilman Cioffi met the water study committee.
- Received a letter from the West Sand Lake Fire Department informing the Board that during last years Budget process which this administration was not a part of that the Town had failed to affix the West Sand Lake Fire districts final budget to the Budget resulting in a shortfall of \$14,197.
- Met with George Marshall on the mining.
- March 24 met with Val Balga, Dee Erickson regarding the clean up day on Saturday, June 2. Town Convenience will be open/ free mulch/ also metal.
- Attended Sand Lake Rocks with Councilwoman Kronau.
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COMMITTEE REPORTS:

YOUTH – Lindsay Marshall – Youth Director – Day Camp will be held at Sand Lake School, the camp will run from July 2 – Aug 10, the hours for the camp will be 7:30 am to 5:30 pm. The regular hours 9am to 3 pm cost is \$100 and extended hours 7:30 pm to 5:30 pm the cost is \$130 per week. A 10% discount for 2 or more will be offered. The camp packets will be out soon and on the website.

PLANNING BOARD – Justin Schultz - Planning Board member – No 2nd Meeting this month.

BUILDING/ZONING – Fred Schreyer- No meeting is February. No report

Fred Erickson – Co-Chair of the Bicentennial Celebration – Thanked Kathy Allard for putting the Dance at Crooked Lake together. 120 paid people attended. It was a great event.

Lindsay Kestner – Engineering - On file in the Town Clerk’s Office

Fred Erickson – Planning Oversight Committee – With regard to the search for residents to be on the committees – only 15 applications received and each committee must be 5 members more needed. Gave a copy of the Comprehensive Plan Committee staffing recommendations to the Town Board.

BOARD MEMBERS REPORTS:

PUBLIC WORKS – On file in the Town Clerk’s Office.

HIGHWAY – On file in the Town Clerk’s Office.

VETERANS – On file in the Town Clerk’s Office

PARKS AND RECREATION – On file in the Town Clerk’s Office.

CONVENIENCE FACILITY – Paul Splain – On File in the Town Clerk’s Office

INSURANCE – Paul Splain – On File in the Town Clerk’s Office

CABLE – Paul Splain – On file in the Town Clerk’s Office

PHYSICAL FACILITIES - Mark Cioffi – On file in the Town Clerk’s Office

INTERNAL CONTROL – Mark Cioffi – On file in the Town Clerk’s Office

CULTURE AND ARTS - Christine Kronau - On file in the Town Clerk’s Office.

PLANNING OVERSIGHT/LINKAGE STUDY – On file in the Town Clerk’s Office.

YOUTH – On file in the Town Clerk’s Office

SENIORS/SENIOR VAN – Christine Kronau – On file in the Town Clerk’s Office.

ANIMAL CONTROL – Ray Turner - On file in the Town Clerk’s Office.

STREET LIGHTS – None at this time.

BEACH – On file in the Town Clerk’s Office

LIBRARY – Ray Turner - On file in the Town Clerk’s Office.

AMBULANCE/PUBLIC SAFETY – Christine Kronau - On file in the Town Clerk’s Office.

Rose Metchick talked about the 1,000 students at Averill Park High School that had been schooled by the volunteers of the Sand Lake Ambulance and trained in CPR.

ZONING UPDATE – On file in the Town Clerk’s Office.

COMMENTS FROM RESIDENTS:

RESOLUTION #2012-04- 58

Shared Service Agreement – Gasoline

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

WHEREAS, shared service agreements promote taxpayer savings by cooperation and sharing of costs among municipal and public agencies; and

WHEREAS, the Town of Sand Lake maintains a fuel depot and is able to secure wholesale fuel pricing, and

WHEREAS, a shared service agreement will produce savings to the parties, now, therefore,

BE IT RESOLVED, that the Town Board hereby adopts the attached Shared Service Agreement related to fuel storage and pumping facilities at the Public Works Department; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, upon review of Counsel, to sign and execute the attached Shared Service Agreement with participating municipal and volunteer agencies performing municipal functions.

ADOPTED = AYES 5 NAYS 0

RESOLUTION # 2012-04-59

Local Law No. 1 of 2012

Building Code Amendment

Supervisor Fasoldt moved and Councilwoman Kronau seconded the following resolution:

WHEREAS, the current Building Code does not clearly and expressly require that expiring building permits be renewed if a certificate of occupancy is not issued

within the permit term, and

WHEREAS, the current Building Code does not provide for issuance of a certificate of compliance for certain structures and components for which a certificate of occupancy is not appropriate, and

WHEREAS, the Town Board has duly held a public hearing on such amendments and has determined that such amendments will result in improved enforcement, now therefore,

BE IT ENACTED, by the Town Board of the Town of Sand Lake as follows:

Town Attorney Bennett summarized this amendment.

Paragraph L of Section 88-2 is amended to read as follows:

- L. Building permits shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy, whichever occurs earlier. [A permit may be renewed for successive one-year periods if it has not been revoked, the relevant information in the application is current and a renewal fee is paid.] If a certificate of occupancy or certificate of compliance is not issued within the permit term, the permit must be renewed, and a renewal fee paid to the Town by the applicant in accordance with the applicable fee schedule.

Section 88-3 is amended to read as follows:

- A. No building hereafter erected shall be used or occupied until a certificate of occupancy is issued and no portion or component of a building may be used for which a certificate of compliance is required and not issued. No building hereafter
- B. enlarged, extended or substantially altered or upon which work is performed requiring issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy or certificate of compliance is issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy or certificate of compliance authorizing the change has been issued. Applications for certificates of occupancy or
- C. certificate of compliance must be made only by the owner or his agent. A certificate of compliance authorizes the legal use of an accessory building or structure, a minor alteration or addition, an installation such as a wood stove or furnace or construction of a building component. In the case of a building component, a certificate of compliance signifies that the component is complete and built in accordance with all applicable requirements.
- B. A temporary certificate of occupancy or certificate of compliance may be issued if the

building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy or certificate of compliance shall expire 30 days from the date of issuance, but may be renewed three times.

- D. No certificate of occupancy or certificate of compliance shall be issued except upon an inspection which reveals no uncorrected deficiency or material violation of the Uniform Code in the area intended for use.

ADOPTED = AYES 5 NAYS 0

**RESOLUTION # 2012-04-60
Bicentennial Celebration - Contract**

Supervisor Fasoldt moved and Councilwoman Kronau seconded the following resolution:

WHEREAS, the Town of Sand Lake Bicentennial Committee has planned a Town of Sand Lake Bicentennial Parade on Saturday, August 25, 2012 at 10 AM, and

WHEREAS, the Town of Sand lake Bicentennial Committee has requested that the Town enter into an agreement with the Uncle Sam Chorus to perform in the Bicentennial Parade; now therefore,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor, upon review of Counsel, to retain the services of the Uncle Sam Chorus for a fee not to exceed \$575.

ADOPTED = AYES 5 NAYS 0

**RESOLUTION # 2012-04-61
Amendments to the Procedural Rules**

Supervisor Fasoldt moved and Councilman Cioffi seconded the following resolution:

BE IT RESOLVED, that the following amendments to the January 1, 2012 Procedural Rules for the Town of Sand Lake Board Meetings are hereby adopted

Town Board Meetings

1. The Sand Lake Town Board will meet at 7:30 P.M. on the second Wednesday of every month at the Sand Lake Town Hall, 8428 NY Route 66, Sand Lake, NY 12153. If that day is a holiday, the Town Board will designate an alternate day at the preceding meeting.
2. The Sand Lake Town Board will hold a Workshop meeting at 7:30 p.m. on the last Wednesday of every month at the Sand Lake Town Hall, 8428 NY Route 66, Sand

- Lake, NY 12153. If that day is a holiday, the Town Board will designate an alternate day at the preceding meeting.
3. All Town Board meetings, including workshops, are open to the public. Meetings shall be recorded and minutes shall be taken and regular Town Board meetings shall be televised.
 4. To ensure a consistent and accurate recording of Town business, the Town Clerk and/or Deputy Town Clerk shall be present at all meetings of the Town Board, including but not limited to all workshops, public hearings and/or special meetings of the Board. Roll call votes shall be called by the Town Clerk as follows: Councilman Turner, Councilman Splain, Councilman Cioffi, Councilwoman Kronau and Supervisor Fasoldt.
 5. The Town Board wishes to encourage the interest and participation of Town residents in Town meetings. Accordingly, the Supervisor shall afford an opportunity for any person wishing to speak on any matter prior to and after the regular business agenda. Any such person shall come to the podium and state his or her full name and address the Board. In the event that a large group of persons wishes to speak on a particular topic, the Supervisor may require that such persons designate a representative to speak on behalf of the group. In her sole discretion, the Supervisor may permit a member of the public to speak on a matter during the business agenda.
 6. The supervisor may limit discussion that is not relevant to Town business or is repetitive, abusive or tends to unduly or unfairly prolong the meeting of the Board. No member of the public, member of the Board, or any other individual shall engage in any demonstration, booing, hand clapping, name calling, and shouting or otherwise disrupt the formality of the Town Board meeting.
 7. Any person who shall become abusive or is otherwise disrupting the meeting of the Board will be asked to step down and may be asked to leave or may be removed from the meeting.
 8. Members of the public are permitted to comment or make statements to the Town Board; it is not the time for members of the public to question the Town Board directly. In his/her discretion, however, if the Supervisor finds that he/she decides to provide a response, he/she may do so or may refer the individual to a member of the Town Board or the Town Attorney for response.
 9. These procedural rules will be prominently posted in the meeting room.

TOWN BOARD AGENDA ITEMS

10. Town Board members wishing to place matters or items on the agenda for Town Board meetings shall submit in writing each such item to the Supervisor's office by noon on the Monday preceding the last Wednesday of the month. All such items shall include supporting documentation and/or necessary information to prepare the proper resolution.
11. The Town Supervisor will present a Tentative Agenda to the Town Board at the Town Board workshop meeting for review, discussion and development of a Final Agenda.
12. The Town Supervisor will prepare all proposed resolutions with supporting

- material for the Final Agenda and shall submit resolutions to the Town Clerk on the Saturday preceding the Town Board meeting.
13. At the direction of the Town Supervisor, the Town Clerk will provide assistance with the preparation of all resolutions and other items for the Agenda. The Town Attorney will review all resolutions and assist in preparing local laws or ordinances or resolutions requiring legal review.
 14. The Town Clerk will:
 - a. Prepare the Final Agenda for the Town Board meeting.
 - b. Prepare all resolutions not prepared by the Supervisor, Town Attorney or by Town Board members.
 - c. Distribute copies of all resolutions and the preceding month's meeting minutes to each Board Member via their mail slot in Town Hall and by e-mail on the Saturday preceding the Town Board meeting.
 - d. Distribute copies of Department Head and Board Member Reports to each Board Member and the Town Attorney via their mail slot in Town Hall.
 - e. Transmit the meeting agenda to the official newspaper by 4:30 P.M. on the Monday preceding the meeting.
 - f. Assign an introductory number to each resolution in a format designating year - month - order of introduction (e.g. 2012-01-01) is the first resolution of the year 2012.
 - g. Post all resolutions and documents to the Town's official webpage on the Monday preceding the Town Board Meeting.
 15. Agenda items may be rearranged, added or deleted at the discretion of the Supervisor. Any matter or item not properly on the agenda may be placed on the agenda or otherwise discussed or raised at a Town Board meeting only by a vote of a majority of the Town Board, except that the Supervisor may add any item at her discretion.
 16. All resolutions of one page or less shall be read aloud at the Town Board meeting in their entirety by the Town Clerk or as otherwise directed by the Supervisor. Any resolutions of more than one page may be summarized; however, the resolution in its entirety shall be made available to the public upon request prior to prior to the meeting of the Board.
 17. At the direction of the Supervisor, a summary of Department and Committee reports may be made orally within a five (5) minute time frame.

DISCUSSION: Councilman Splain asked to Table this resolution.

ADOPTED = AYES 4 NAYS 1 (Councilman Splain voted No)

RESOLUTION #2012-04-62

Authorization to Attend Training - NYS Planning Federation Conference

Supervisor Fasoldt moved and Councilwoman Kronau seconded the following resolution:

BE IT RESOLVED, that the following Town officials of the Planning Board and Zoning Board of Appeals – Robert Pabst, James Gifford, Monica Hardy, Jeb Bond, Scott Bendett, Geraldine Burger, and Justin Schultz are hereby authorized to attend the 2012 New York State Planning Federation Conference being held in Saratoga Springs on April 15th – 17th, 2012 and each shall be advanced or compensated for registration fees and transportation expenses.

ADOPTED = AYES 5 NAYS 0

RESOLUTION#2012-04-62
Purchase of a Community Van

Supervisor Fasoldt moved to amend this resolution from Mobility Works to: Gorman Bus Sales a 2012 Dodge Grand Caravan equipped with wheelchair accessibility for ADA compliance. Total cost \$40,797.00 with trade in credit for 2008 Ford E150 Cargo Van in amount of \$13, 500.00 amount due on delivery \$27,297.00. Councilman Cioffi seconded this amendment.

ADOPTED TO AMEND = AYES 5 NAYS 0

Supervisor Fasoldt moved and Councilwoman Kronau seconded the following resolution:

WHEREAS, the Town of Sand Lake was a defendant in the case Schroeder et al v. Town of Sand Lake in the Federal District Court for the Northern District of New York, and

WHEREAS, on February 29, 2012, the Town Board unanimously approved that the Town of Sand Lake settle all liability in the case without further expenditure of attorneys' fees, and

WHEREAS, the Town Board unanimously agreed to the purchase of a handicapped accessible van and operating it for a minimum period of three years, and

WHEREAS, the Town is under federal court orders to have a wheelchair accessible van on the road within four months, and

WHEREAS, the current Town Board has followed the established procurement policies so as to assure the prudent and economical use of public monies, and

WHEREAS, the purchase of the community van is on state contract through the Office of General Services (General Municipal Law 104), and

WHEREAS, the current Town Board properly budgeted for the purchase of a handicapped accessible van through budget amendments and transfers; now therefore,

BE IT RESOLVED, that the Supervisor, upon review of Counsel, is hereby authorized to purchase from Gorman Bus Sales a 2012 Dodge Grand Caravan equipped with wheelchair accessibility for ADA compliance. Total cost \$40,797.00 with trade in credit for 2008 Ford E150 Cargo Van in amount of \$13, 500.00 amount due on delivery \$27,297.00.

ADOPTED = AYES 5 NAYS 0

**RESOLUTION #2012-04-63
Naming of Road – Labrador Way**

Supervisor Fasoldt moved and Councilwoman Kronau seconded the following resolution:

WHEREAS the existence of a number of roads beginning with the name Holser in the Towns of Sand Lake and Poestenkill has caused confusion and shipping errors and has the potential to delay first responders in the case of an emergency; now, therefore,

BE IT RESOLVED that the roadway extending south of the junction of Holser Road and Holser Road Extension, which contains two residences currently identified as 66A Holser Road Extension, is hereby renamed Labrador Way, and

Be it further **RESOLVED** that, in accordance with subdivision 9 of Section 64 of the Town Law, the Town Clerk shall within 10 days notify the Assessor, the Planning Board, the County Clerk, the County Engineer and the Averill Park Post Office of such change.

ADOPTED = AYES 5 NAYS 0

**RESOLUTION #2012-04-64
Budget Transfer/Amendments**

Supervisor Fasoldt moved to amend this Budget Transfer from A1990.4 Contingency to A5680.2 Transportation Equipment from \$26,940.00 to \$27,297.00. This was seconded by Councilman Cioffi.

MOTION CARRIED = UNANIMOUS

Supervisor Fasoldt moved this resolution and Councilwoman Kronau seconded it.

Budget Transfer

From	To	Amount	Reason
A 1330.4	A 1330.1	\$ 1.00	

Tax Collection Cont	Tax Collection Pers.	
A 6510.1	A 6510.4	\$ 800.00
Veterans Svc. Pers.	Veterans Svc. Cont.	
A 1990.4	A 5680.2	\$ 27,297.00
Contingency	Transportation Equip.	

ADOPTED = AYES 5 NAYS 0

COMMENTS FROM RESIDENTS:

RESOLUTION # _____ -12
Lease Agreement with Creekside Kennel

MOVED: _____

Turner _____

Splain _____

SECOND: _____

Cioffi _____

Kronau _____

Fasoldt _____

Whereas, pursuant to New York State Agriculture and Markets Law, Article 7, 25-b and Article 26 , the Town of Sand Lake has the obligation to seize, shelter, and house stray dogs; and

Whereas, Creekside Kennel Ltd. maintains a boarding facility which meets the requirements of shelter and housing under New York State Agriculture and Markets Law; and

Whereas, Creekside Kennel Ltd. has provided satisfactory service to the Town in the past; now therefore,

Be It Resolved, that the Town Board hereby authorizes the Town Supervisor, upon review of counsel, to execute a lease agreement to retain the services of Creekside Kennel Ltd. located at 1153 Plank Road, PO Box 39, Poestenkill, New York, 12140 for a period ending December 31, 2012.