

TOWN OF BRUNSWICK
REGULAR TOWN BOARD MEETING
May 8, 2025 7:00 P.M.
TOWN HALL

Board Members Present: Supervisor Herrington, Councilman Cipperly, Councilman Christian, Councilman Balistreri, and Councilman Sullivan.

Also Present: Town Attorney, Dave Gruenberg and Town Clerk Rebecca Del Gaizo.

Supervisor Herrington called the meeting to order at 7:02 p.m.

All joined in with the salute to the flag.

BUSINESS MEETING:

MINUTES OF THE PREVIOUS MEETING:

Supervisor Herrington remarked that while the April minutes are factual, the board chose not to accept the minutes because some comments were more detailed than others.

REPORTS:

Town Clerk: Rebecca Del Gaizo

Ms. Del Gaizo gave the report for the month of April. \$47,220.87 will be remitted to the Supervisor's office. Rounding numbers, recycling fees accounted for \$3,609.00, Community Center and Pavilion rental fees for \$1,865.00, Dog License fees for \$338.00 and \$41,408.87 in miscellaneous fees making up the balance. The Community Center had 9 new reservations. Our share of \$1,934.81 in DEC sales was \$87.19. Ms. Del Gaizo attended the NYS Town Clerk Association Annual Conference in Syracuse from April 27th-30th, 2025. She earned 12 credits towards achieving her Registered Municipal Clerks Certificate. She was also nominated for the Treasurer seat with the Rensselaer County Municipal Clerks Association. Motion to accept the report was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

Highway Superintendent: Michael Bayly

Mr. Bayly gave the report for the month of April. Work included: Patching; Recycle pulls; Shop work; Ball field mowing; Hauling snow sand; Carpenter work; Sweeping; Storm cleanup; Brush pickup; Bag pickup. Motion to accept the report was made by Councilman Christian and seconded by Councilman Sullivan. A copy of the written report is on file in the Town Clerk's Office.

Water & Sewer: Bill Bradley

Mr. Bradley gave the report for the month of April. Mr. Bradley reported a temporary bottom drain has been installed, allowing for water level control of the Vanderheyden Dam. The first spillway concrete pour has taken place, however, there are issues with the location and placement of water stop and expansion joints, temporarily preventing additional concrete placement. The spillway weir and headwall need to be placed before continuing to raise the water level. Last month, the Walmart Sewer Lift Station flooded due to a conductive probe failing. It has been determined rebuilding the station is impractical and a new wet well is required. There has also been tremendous outreach recently concerning drainage issues. There was also a water main break, adding to already saturated ground conditions. Several residents

also reached out concerning the culvert replacement on Route 351. NYS Department of Transportation has a stream restoration project, replacing a 6' culvert with a 19' culvert. It is unclear if downstream impacts were considered in the design, creating potential flooding to homes downstream.

Code Enforcement: Kevin Mainello

Mr. Mainello was unable to attend the meeting. A report has been filed with the Town Clerk's office.

Town Historian: Tracy Broderick

Ms. Broderick was absent. No report has been filed with the clerk's office.

Recycling Coordinator: Thomas Engster

Mr. Engster gave his report for the month of April. Revenues totaled \$3,797.00 and expenses \$3,840.25. 30.46 tons of materials were recycled and landfilled. Motion to accept the report was made by Councilman Christian and seconded by Councilman Sullivan. Unanimously approved. A copy of the report is on file in the Town Clerk's Office.

Community Library: Sara Hopkins

Ms. Hopkins presented the report for the month of April. Last month, there were 3,425 physical checkouts, 2,278 walk in visitors, 3,211 digital checkouts, 167 Wi-Fi users (19/day average), assisted with 97 technical usages and 347 reference questions were addressed. 927 people participated in various programs, and 19 passports were processed. Motion to accept the report was made by Councilman Sullivan and seconded by Councilman Christian. Unanimously approved. A copy of the written report is on file in the Town Clerk's Office.

RESOLUTIONS

RESOLUTION NO. 39, 2025

RESOLUTION DETERMINING THAT PREMISES AT 180 McCHESNEY AVENUE IS UNSAFE AND DANGEROUS, AND SHOULD BE DEMOLISHED, AND SETTING A HEARING DATE RELATING TO THIS MATTER

WHEREAS, a structure fire occurred on April 5, 2025, causing substantial destruction to a one-family home located at 180 McChesney Avenue, in the Town of Brunswick;

WHEREAS, the Town Board has received a Structural Assessment – Fire Damage Report from Kevin J. Mainiello, the Town's Building and Zoning Supervisor, showing and describing the interior and exterior damage to the premises; and

WHEREAS, the Town Board has received an EMERGENCY STRUCTURAL CONDITION ASSESSMENT, dated April 9, 2025, from Wayne E. Bonesteel, a licensed engineer at Azar Design Co., concluding that "the present condition of the building is considered dangerous and potentially unstable and is a hazard to public safety", and further recommending demolition of the home;

NOW THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 59-5 of the Town Code of the Town of Brunswick, the Town Board hereby determines that the burned structure at 180 McChesney Avenue is unsafe and dangerous; and it is further

RESOLVED, that the Town Board directs and orders its demolition and removal; and it is further

RESOLVED, that a hearing relating to this matter shall be held before the Town Board at its regular meeting on June 12, 2025 at 7:00pm; and it is further

RESOLVED, that pursuant to Section 59-6 of the Brunswick Town Code, the notice as described therein shall be served upon the owner or owners of the property, to the best of the Town's ability.

The foregoing Resolution, offered by Councilman Balistreri and seconded by Councilman Christian, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 40, 2025

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH KOESTER FOR THE PURCHASE AND INSTALLATION OF A MOUNTED PUMP STATION TO REPLACE THE WAL-MART PUMP STATION

WHEREAS, on or about April 1st there was a failure of the "Wal-Mart" pump station, causing the pump station to flood, and to fail; and

WHEREAS, as a temporary emergency measure, the Water Department has installed an emergency bypass pump, costing the Town approximately \$4,000 per month; and

WHEREAS, when the "Wal-Mart pump" station was installed, an escrow account was established by Wal-Mart in the sum of approximately \$125,000.00, which has a current balance of approximately \$126,483, which funds are available to fund part of the cost of the purchase and installation of a new pump; and

WHEREAS, after consultation and advice from the Town's Water Superintendent, the failure of the pump, and the ongoing costs of renting a bypass pump, constitute a public emergency for the Town, affecting the health and safety of town residents; and

WHEREAS, the Town Water Superintendent has advised the Town that there is only one provider able to provide a similar brand of pump, to provide that equipment in a prompt fashion, and to install the pump; and

WHEREAS, the Water Superintendent has advised the Town Board that he has received a proposal from Koester, providing for the purchase and installation of a new replacement mounted pump station at a total cost of \$145,551.00, and has advised the Town Board that he believes this is the fastest and most efficient way to deal with this emergency; and

WHEREAS, the Town Board has determined that this is a public emergency pursuant to Section 103(4) of the General Municipal Law;

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor is authorized to enter into an agreement with Koester for the purchase and installation of said pump, for the total consideration of \$145,551.00.

The foregoing Resolution, offered by Councilman Christian and seconded by Supervisor Herrington, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 41, 2025

**RESOLUTION MODIFYING AND REPLACING THE 2009 WATER
TRANSPORTATION AGREEMENT BETWEEN THE TOWN OF BRUNSWICK AND
THE TOWN OF POESTENKILL**

WHEREAS, by Agreement dated September 29, 2009, the Town of Brunswick entered into an Agreement with the Town of Poestenkill, whereby the Town of Brunswick transports water from the City of Troy to the Town of Poestenkill, for payments set forth in that Agreement; and

WHEREAS, since that date, the Towns have worked harmoniously according to that Agreement, which has benefited the Town of Poestenkill by the provision of water, and benefited the Town of Brunswick by the receipt of payments for that service; and

WHEREAS, the Town of Poestenkill has established a new, expanded water district, which will require the provision of additional water, and is in the process of arranging for the financing of that extension; and

WHEREAS, the Town of Brunswick and Town of Poestenkill wish to execute a new replacement agreement, whereby the Town of Brunswick will transport additional water to accommodate the expansion of Poestenkill's water district; and

WHEREAS, in addition to providing for payments for the transportation of water in the future, the proposed Agreement requires the Town of Poestenkill to pay the Town of Brunswick an additional \$37,860 for certain capital expenditures involved in improving the system;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute, on behalf of the Town, the new Water Transportation Agreement, which has been drafted and negotiated between the Towns and presented to the Town Board.

The foregoing Resolution, offered by Councilman Cipperly and seconded by Supervisor Herrington, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 42, 2025

RESOLUTION ACCEPTING THE PROPOSAL OF ARCHITECTURE + TO PROVIDE DESIGN SERVICES FOR A TOWN HIGHWAY STORAGE FACILITY

WHEREAS, the Town previously issued a request for proposals for engineering/architecture services in connection with the design and supervision of construction of a storage facility for the Town's Highway Department at 336 Town Office Road; and

WHEREAS, said request for proposal set forth in substantial detail the services sought to be provided pursuant to the proposal; and

WHEREAS, the Town has received three separate responses to that request for proposals as follows:

Architecture+ \$182,710.00;

Hyman Hayes Associates \$345,500.00, if the structure to be erected is a pre-engineered metal building;
\$428,000.00 if the project is to be a stick built steel-framed structure;

C.T. Male Associates \$452,000.00;
less \$104,000 if construction administration services were not to be included in the proposal; and

WHEREAS, it appears that the bid of Architecture+ offers the best value to the Town;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the fee proposal of Architecture+ in this matter; and it is further

RESOLVED, that the Supervisor is authorized to enter into a contract with Architecture+ pursuant to AIA document B101-2017, as set forth in the request for proposals.

The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Christian, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 43, 2025

RESOLUTION AUTHORIZING THE HIRING OF ANDREW GILCHRIST, JR. AS A COURT CLERK IN THE BRUNSWICK TOWN COURT

WHEREAS, there currently exists a vacancy in the full-time position of court clerk in the Brunswick Town Court; and

WHEREAS, Andrew Gilchrist, Jr. has presented a resume setting forth his qualifications for this position, including experience as a paralegal, has been interviewed and has indicated his willingness to serve in the position; and

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NOW THEREFORE, BE IT

RESOLVED, that Andrew Gilchrist, Jr. is hereby appointed to the position of Court Clerk in the Brunswick Town Court, at an annual salary of \$42,000 commencing on May 19, 2025.

The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 44, 2025

**RESOLUTION AUTHORIZING THE HIRING OF A CLEANING PERSON FOR THE
BRUNSWICK COMMUNITY CENTER ON KEYES LANE**

WHEREAS, the Town of Brunswick owns and operates a Community Center on Keyes Lane;

WHEREAS, cleaning services are required at that facility; and

WHEREAS, Darlene Miller has applied for that position;

NOW THEREFORE, BE IT

RESOLVED, that Darlene Miller is hired by the Town to perform cleaning services for the Brunswick Community Center, at the rate of \$20 per hour; for not to exceed 18 hours per week.

The foregoing Resolution, offered by Councilman Cipperly and seconded by Councilman Balistreri, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

RESOLUTION NO. 45, 2025

RESOLUTION AUTHORIZING THE HIRING OF MARIE BARBERA TO SERVE AS A COURT CLERK IN THE BRUNSWICK TOWN COURT

WHEREAS, there is presently a vacancy in the position of court clerk in the Brunswick Town Court; and

WHEREAS, Marie Barbera has substantial experience as a court clerk, and more specifically, has previously served as a clerk in the Brunswick Town Court, and is familiar with court procedures and rules; and

WHEREAS, the Town Board intends to move forward to hire an individual on a fulltime basis for this position but help is required in the court at this time, and it will be helpful to have fill-in help in the future;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorized the hiring of Marie Barbera as a part-time clerk, to serve in that capacity at sessions of the Brunswick Town Court, for a stipend of \$100 per court session.

The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows:

COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN CIPPERLY	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

CORRESPONDENCE:

George and Robin Jones submitted a letter addressing the Planning Board, Zoning Board of Appeals, and Town Board regarding the proposed Marie's Muse project. They expressed concern about increased traffic and the volume of vehicles traveling through their neighborhood. The Joneses recommended an outlet onto Hoosick Road instead of Mohawk Avenue, noting that several nearby businesses have dual access points onto Hoosick Road. They also voiced frustration with the boards' lack of response and expressed concern for their well-being of the remaining residents in the neighborhood.

Victoria Galvin submitted a letter regarding the Marie's Muse project. She raised concerns about both the immediate and long-term negative impacts on Mohawk Avenue and the surrounding neighborhood. Ms. Galvin urged the town to consider an outlet onto Hoosick Road instead of the proposed exit onto Mohawk Avenue, again citing other businesses in the area with access to Hoosick Road. She further expressed concerns about privacy, lighting and noise pollution, and traffic safety near her residence.

Mary Beth Bruno emailed to compliment Town Clerk Rebecca Del Gaizo's professionalism during the April's public comment section of the Town Board meeting.

Mary Ellen Adams emailed Supervisor Herrington and the Town Board regarding unprofessional discussion that took place during the April board meeting, following the Town Clerk's apology and explanation to the resident who complained about the clerk's office being closed for lunch. Ms. Adams praised Ms. Del Gaizo's helpfulness and noted that the resident could have had a better experience had they contacted the Clerk's office directly for assistance.

Joseph Anthony submitted a letter addressing drainage issues on Goodman Avenue. He noted that the Highway Superintendent had suggested the matter was the homeowner's responsibility but Mr. Anthony believes it reflects a broader infrastructure problem. He requested that the town conduct a thorough inspection of the drainage systems. Mr. Anthony also commended Receiver of Taxes Jayne Tarbox and Town Clerk Rebecca Del Gaizo for their kindness and willingness to listen.

Kristi Ratoon submitted a resignation letter to the Town Board that outlined multiple concerns about the workplace environment. She noted that, in the absence of a custodian, court staff have helped maintain the restrooms, a responsibility she believes should not fall on them. Ms. Ratoon described a toxic work culture, attributing it to the actions of Tracy Broderick, Becky Legacy, and Pat Poletto. She reported that employees are discouraged from pursuing further education, subjected to inappropriate comments and jokes, and often face passive aggressive behavior. Her letter also raised issues of pay inequality and unmet promises regarding her compensation. She noted a lack of performance reviews and accountability, and stated that male employees receive higher pay than their female counterparts, even when they have less tenure. Concluding her letter, Ms. Ratoon expressed that she no longer feels valued and can no longer offer her loyalty to the Town.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

WARRANTS:

Warrants No. 250411 through 250526, No. 42525001 through 42525009 and No.50925001 through 509250069, were presented. Motion to approve the warrants was made by Councilman Christian and seconded by Supervisor Herrington. Unanimously approved. Individual fund expenses were as follows:

General	\$	714,537.75
Highway	\$	336,683.84
Water	\$	237,532.12

Sewer	\$	746.60
Special Sewer District #6	\$	5,684.06
Special Fire	\$	76,012.11
Trust & Agency	\$	184,280.83

VISITORS WHO WISH TO SPEAK:

Mary Ellen Adams said Supervisor Herrington deflected after hearing the court clerk's resignation read aloud. She said personnel issues shouldn't be discussed at board meetings and referenced inappropriate discussion during the April meeting. Ms. Adams objected to resolution 43-25, which allows for hiring a family member of a Town Attorney, presenting a possible conflict of interest. She encouraged the Town Board to consider the appearance of favoritism and the need for transparency. She also asked the board members to take the letters received by residents on Mohawk Avenue seriously. Attorney Gruenberg said he also received the letters from residents on Mohawk Avenue pertaining to the proposed Marie's Muse project. He explained the town board does not have control over the Planning Board or Zoning Board of Appeals. He said the Town Board passes laws that the other two independent boards must administer. Ms. Adams pointed out that Supervisor Herrington said at a previous board meeting how he appointed a Planning Board member without advertisement, something that is not typical for the independent boards. She also reminded everyone Jennifer Mann's Memorial Service is scheduled for May 31st at 10 A.M. at the Brunswick Church.

Angela and Dan McNish, and Mary Keefe reported water encroachment onto private property that could potentially lead to the loss of an old barn, and environmental degradation of the pond on Tamarac Road. They requested the construction of a retaining wall and a long-term water management and maintenance plan. They highlighted erosion concerns, submerged utility poles, undersized culverts, and deteriorating water quality due to algae and runoff. Mike Bayly advised them to reach out to the NYS Department of Environmental Conservation (NYSDEC).

Victoria Galvin voiced strong opposition to the ongoing Quick Check (Marie's Muse) project and 24/7 business operations. She expressed safety concerns about traffic near school bus stops, increased litter, construction activity, and light and noise pollution. She is frustrated with the Planning Board's inaction, lack of responsiveness, and absence of enforcement regarding "no right turn" signage and project conditions. She requested that the Town Board and Planning Board reconsider the development's impact on long-term residents and quality of life.

Robin Jones questioned the validity of traffic studies used during the approval process of the Marie's Muse project. She also cited inadequate response from the Planning Board and Zoning Board of Appeals. She expressed frustration over 7-day construction operations starting at 6 A.M. and the lack of enforcement or mitigation efforts.

Ellen Montiel, Patti Sbrega, Jack Melsom spoke in opposition to the proposed 16,000-panel solar farm under Planning Board review. They argued that the utility-scale project is inappropriate for agricultural land and requested a balloon test and vision screening assessments. They expressed concern over lack of public input opportunities and the long-term visual and environmental impact. Supervisor Herrington acknowledged the landowners' right to sell and the need to balance agricultural preservation with development offers.

Kim Jensen raised concern over outdated or absent contracts with AIT Computers and other vendors. She noted a six-year lapse in formal proposals and questioned continued service without Town of Brunswick

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proper scope or bidding process. She urged the board to review procurement practices, especially concerning data security and vendor accountability.

Joseph Anthony reported drainage issues on Goodman Avenue and lack of timely response from the Highway Department. He expressed frustration with recurring road erosion and uncleaned storm drains. Mike Bayly responded that his crew has been addressing the issue with limited resources.

Patti Sbrega commended Town Clerk Rebecca Del Gaizo for her responsiveness and performance. She criticized conduct at board meetings, particularly verbal altercations involving elected officials. Ms. Sbrega recommended the development of an organizational chart to clarify authority and improve office functions.

Jack Melsom inquired about the status of a Town ambulance district. Councilman Balistreri stated the survey results for ambulance service costs were in review and a proposal may go to public vote. The matter will return to the Public Safety Committee.

Sue Vitolins noted the April minutes were not approved and suggested the board recommend changes and review them again at the next meeting.

EXECUTIVE SESSION:

Councilman Balistreri made a motion to enter into executive session to discuss legal contracts, seconded by Supervisor Herrington. The board entered into executive session at 9:29 P.M.

Councilman Balistreri made a motion to close executive session and resume regular session, seconded by Councilman Cipperly.

ADJOURNMENT:

Supervisor Herrington made a motion to adjourn the meeting Motion was seconded by Councilman Sullivan. The meeting adjourned at 10:13 P.M.

Respectfully submitted,

Rebecca Del Gaizo, Town Clerk