



GRAFTON TOWN BOARD MEETING

December 12, 2022 – 7:00PM

Grafton Town Hall – 2379 NY RT 2, Grafton NY 12082

Meeting called to Order by Supervisor Gundrum 7:03PM with the Pledge of Allegiance

ROLL CALL: COUNCILMAN STEVE BEAUDRY – Present

COUNCILMAN PIERCE HOYT – Present

COUNCILMAN FRANK LEWANDUSKY – Present

COUNCILWOMAN JODI DESCHAINE – Absent

SUPERVISOR INGRID GUNDRUM – Present

ALSO, IN ATTENDANCE WERE THE FOLLOWING: Mark Gilchrist, David Buckley, Kim Bacon, Kathy & Steve Swota, Erika & Charles Douglas, Madonna Roy, Amy Reager, Lisa Dooley – Deputy Supervisor, Rynard Gundrum Jr., Tom Kiley, Nancy La Rocque, Estelle & George Hovnanian, Ann Calabro, Jarod Bouchard – Highway Superintendent, John Oliver – BOE, Mike Smith – Board of Ethics, Linda Laveway, Cathy Goyer, Chris Tergliafera – Eastwick Press, James Goyer Sr. – Grafton Fire Dept., Tamara Palmateer – State Park, Le Anna Sweet – Grafton Library, Becky Greene, Rich Lundi, Dave Gruenberg, Chris & Sandy VonSchilligan, Andrew Crandall, Mark Younger, Sharon Hillis, Donna Baldwin, Cynthia Morris, Linda Russell, Marissa Wagar, Donna Wagar, Katherine O'Dell

REVIEW/APPROVAL OF MINUTES FROM: Town Board Meeting November 14, 2022, (with correction to Resolution #51 of 2022 – Yankee Doodle Band – Should have been Resolution #54 of 2022) - Public Hearing Local Law #1 – November 28, 2022, Public Hearing Local Law #2 of 2022 – November 28, 2022, & Workshop/Special Meeting – November 28, 2022

Motion to Approve the above Minutes made by Supervisor Gundrum, seconded by Councilwoman Deschaine

Motion Carried 5 - 0

REPORTS AND REMITTANCES FROM TOWN COMMITTEES:

SUPERVISOR: Attached

TOWN CLERK: Highway Dept – Insurance Reimbursement \$4970.50, Town Clerk Fees - \$245.61, Planning Board - \$175.00, Trash/Recycle - \$2585.91, Building Permits - \$200.00, Youth (Bottles) - \$119.70, Total Revenue \$8792.11 – Payments to DEC \$456.39 – Agri-Markets - \$39.00 – Check to Supervisor - \$8296.72 – Motion to approve Town Clerk’s Report made by Supervisor Gundrum, seconded by Councilman Beaudry – Motion Carried 5 – 0

ASSESSOR: Processed sales and escrows from County, Reviewed properties in field, Meeting with taxpayers, Held Office Hours, Reviewing new construction permits, Attended Sexual Discrimination & Harassment Webinar & Exemption Renewals mailed out

HIGHWAY: Ditching, Buildings are closed in & finished, Bid going out for Roller, Ready to go for winter

BUILDINGS/CODE ENFORCEMENT: 50 permits YTD

RESCUE SQUAD: 11 calls, 111 miles, & 22 volunteer hours

LIBRARY: 292 Books, 322 Ebooks, 254 patrons, Annual letter to community has gone out, Lego Club is going strong 10 -14 participants, Homework Club not going well – may be discontinued in January

STATE PARK: Luminary walk had 1300 +/- participants, Snowshoe rentals are now available at Welcome Center, Multiple winter events coming up including Ice Fishing Contest & Winter Festival

YOUTH: None

DOG CONTROL: 1 dog running at large – owner picked up, 1 barking complaint – owner contact

RECREATION COMMITTEE: 30 attendees at Yankee Doodle Band, working on June picnic – Thanks for use of Roxborough Holdings

SENIOR CITIZENS: None

MERRYMAKERS: End of Year party at Guiseppe's – Thanks to Thomas Withcuskey for paying for all the dinners – Excellent year with multiple speakers – Asked that checks be made out to “Grafton Merrymakers” not an individual

COMMUNICATIONS RECEIVED: David L. Gruenberg, Attorney – Resolution #62 – Supervisor Gundrum/Ethics Report, Rensselaer Plateau Alliance – Resolution #62, & John Munn – Resolution #62

NEW BUSINESS:

OLD BUSINESS: Credit Card Machine is up and running

PUBLIC COMMENTS: Presentation by David Gruenberg – Attorney: Refuting Resolution #62 of 2022, Who wrote Resolution #62, Was a Town Board Member involved in the Ethics Board investigation (as the letter was addressed to a Town Board Member), Why was Attorney Luibrand not in attendance, Multiple statements of support for Supervisor Gundrum, Any plans on reviewing/discussing Forensic Audit, Sign for Entertainment Committee activities, stop spending Taxpayers dollars on personal agendas

MOTIONS AND RESOLUTIONS:

Resolution #59 of 2022 – Approval of Local Law #3 of 2022 - Attached

Resolution #60 of 2022 – Approval of Local Law #4 of 2022 - Attached

Resolution #61 of 2022 – Contract with Columbia-Greene Humane Society - Attached

Resolution #62 of 2022 – Ethics Report/Town Supervisor – Attached

Resolution #63 of 2022 – Historical Society Christmas Party - Attached

MOTIONS TO PAY BILLS AS AUDITED: Vouchers #522 – 570 (excluding 560) Total \$91,276.17 Motion made by Supervisor Gundrum, seconded by Councilman Beaudry – Motion Carried 5 – 0

Roll Call:

Councilman Beaudry – Yes

Councilwoman Deschaine – Yes

Councilman Hoyt – Yes

Councilman Lewendusky – Yes

Supervisor Gundrum – Yes

UPCOMING MEETINGS: Year-End Meeting – 12/26/2022 @ 6:30PM

LEGISLATIVE PRIVILEGE: None

ADJOURNMENT: Motion to adjourn made by Supervisor Gundrum at 8:09PM, seconded by Councilman Lewendusky – Motion Carried 5 - 0

RESPECTFULLY SUBMITTED

Victoria E Burdick
VICTORIA BURDICK

GRAFTON TOWN CLERK

Town Of Grafton

Balance Sheet as of 11/30/2022

Fund: GENERAL FUND A

Assets

CASH ACCOUNT

000200.01.000.00	200 - Cash GENERAL FUND A	\$10,000.00
000201.01.000.00	201 - Money Market / Cash in Time Deposits GENERAL FUND	\$915,620.27
000210.01.000.00	210 - Petty Cash GENERAL FUND A	\$850.00
000231.01.000.22	231 - Cash in Time Deposits, Special Reserves GENERAL FUND	\$7,500.00
Subtotal CASH ACCOUNT:		\$933,970.27
Total Assets:		\$933,970.27

Liabilities

TRUST & AGENCY ACCOUNT

000730.01.000.00	730 - Guaranty & Bid Deposits GENERAL FUND A	\$31,247.00
Subtotal TRUST & AGENCY ACCOUNT:		\$31,247.00

OTHER LIABILITY ACCOUNTS

000688.01.000.00	Other Liabilities GENERAL FUND A	\$221,127.54
Subtotal OTHER LIABILITY ACCOUNTS:		\$221,127.54
Total Liabilities:		\$252,374.54

Equity

FUND BALANCE

000909.01.000.00	909 - Fund Balance GENERAL FUND A	\$767,965.77
000914.01.000.00	914 - Assigned Appropriated Fund Balance GENERAL FUND A	\$7,500.00
Subtotal FUND BALANCE:		\$775,465.77
Total Equity:		\$775,465.77

Month To Date Activity As	11/30/2022	YTD Activity As Of:	11/30/2022
Revenues (980) :	\$8,492.34	Revenues (980) :	\$511,450.54
Expenditures (522) :	\$58,580.01	Expenditures (522) :	\$605,320.58
Fund Balance (909/911) :	(\$50,087.67)	Fund Balance (909/911) :	(\$93,870.04)
		Total Liabilities and Equity:	\$933,970.27

Town Of Grafton

Balance Sheet as of 11/30/2022

Fund: HIGHWAY FUND DA

Assets

CASH ACCOUNT

000201.03.000.00	201 - Money Market / Cash in Time Deposits HIGHWAY FUND	\$397,513.59
000210.03.000.00	210 - Petty Cash HIGHWAY FUND DA	\$500.00
000231.03.000.20	231 - Cash in Time Deposits, Special Reserves HIGHWAY FUN	\$110,000.00
000231.03.000.21	231 - Cash in Time Deposits, Special Reserves HIGHWAY FUN	\$7,000.00

Subtotal CASH ACCOUNT: \$515,013.59

Total Assets: \$515,013.59

Equity

FUND BALANCE

000909.03.000.00	909 - Fund Balance HIGHWAY FUND DA	\$111,434.29
000914.03.000.00	914 - Assigned Appropriated Fund Balance HIGHWAY FUND D	\$117,000.00

Subtotal FUND BALANCE: \$228,434.29

Total Equity: \$228,434.29

Month To Date Activity As	11/30/2022
Revenues (980) :	\$264.00
Expenditures (522) :	\$39,444.28
Fund Balance (909/911) :	(\$39,180.28)

YTD Activity As Of:	11/30/2022
Revenues (980) :	\$979,126.69
Expenditures (522) :	\$692,547.39
Fund Balance (909/911) :	\$286,579.30

Total Liabilities and Equity: \$515,013.59

Town Of Grafton

PO Box G
 GRAFTON, NY 12082
 (518) 279-3565 Fax: (518) 279-3685

Operating Statement for the Period Ending 11/30/2022

		Year - To - Date				
Current		Monthly Amount	Amount	Budget	Variance	% Var
Fund: GENERAL FUND A						
Expenses						
APPROPRIATION ACCOUNT						
10101.1	1010.1 - Town Board PS	\$980.76	\$10,903.74	\$12,000.00	1,096.26	9.1%
10104.1	1010.4 - Town Board CE	\$45.74	\$98.18	\$1,000.00	901.82	90.2%
11101.1	1110.1 - Justices PS	\$1,916.67	\$21,083.37	\$23,000.00	1,916.63	8.3%
11104.1	1110.4 - Justices CE	\$0.00	\$1,294.01	\$2,720.00	1,425.99	52.4%
12201.1	1220.1 - Supervisor PS	\$750.00	\$8,250.00	\$9,000.00	750.00	8.3%
12202.1	1220.2 - Supervisor EQ	\$0.00	\$0.00	\$1,200.00	1,200.00	100.0%
12204.1	1220.4 - Supervisor CE	\$0.00	\$323.94	\$1,500.00	1,176.06	78.4%
13201.1	1320.1 - Bookkeeping Services	\$1,266.25	\$14,428.75	\$15,695.00	1,266.25	8.1%
13204.1	1320.4 - Independent Auditing & Accounting	\$0.00	\$3,507.54	\$0.00	(3,507.54)	0.0%
13301.1	1330.1 - Tax Collector PS	\$350.00	\$3,850.00	\$4,200.00	350.00	8.3%
13304.1	1330.4 - Tax Collector CE	\$1,334.00	\$2,061.15	\$1,200.00	(861.15)	(71.8)%
13551.1	1355.1 - Assessor PS	\$2,369.87	\$26,799.34	\$29,900.00	3,100.66	10.4%
13554.1	1355.4 - Assessor CE	\$120.00	\$299.44	\$1,630.00	1,330.56	81.6%
14101.1	1410.1 - Town Clerk PS	\$1,265.38	\$14,426.87	\$16,200.00	1,773.13	10.9%
14102.1	1410.2 - Town Clerk EQ	\$0.00	\$0.00	\$200.00	200.00	100.0%
14104.1	1410.4 - Town Clerk CE	\$36.00	\$1,793.51	\$1,500.00	(293.51)	(19.6)%
14204.1	1420.4 - Attorney CE	\$2,075.00	\$13,608.33	\$12,000.00	(1,608.33)	(13.4)%
14301.1	1430.1 - Personnel PS	\$841.50	\$7,734.25	\$8,580.00	845.75	9.9%
16201.1	1620.1 - Buildings PS	\$323.00	\$2,102.00	\$3,000.00	898.00	29.9%
16204.1	1620.4 - Buildings CE	\$5,037.96	\$33,327.48	\$58,920.14	25,592.66	43.4%
16604.1	1660.4 - Central Storeroom	\$0.00	\$104.00	\$0.00	(104.00)	0.0%
19104.1	1910.4 - Unallocated Insurance	\$0.00	\$38,355.18	\$35,570.00	(2,785.18)	(7.8)%
19204.1	1920.4 - Municipal Association Dues	\$0.00	\$0.00	\$800.00	800.00	100.0%
35101.1	3510.1 - Dog Control PS	\$0.00	\$2,500.00	\$3,000.00	500.00	16.7%
35102.1	3510.2 - Dog Control EQ	\$0.00	\$0.00	\$175.00	175.00	100.0%
35104.1	3510.4 - Dog Control CE	\$0.00	\$1,950.00	\$800.00	(1,150.00)	(143.8)%

Operating Statement for the Period Ending

11/30/2022

Year - To - Date

	Current	Monthly Amount	Amount	Budget	Variance	% Var
36201.1	3620.1 - Safety Inspection PS	\$1,373.33	\$15,106.63	\$16,480.00	1,373.37	8.3%
36204.1	3620.4 - Safety Inspection CE	\$31.25	\$963.69	\$800.00	(163.69)	(20.5)%
40201.1	4020.1 - Regis. of Vital Stats PS	\$38.46	\$442.29	\$500.00	57.71	11.5%
45404.1	4540.4 - Ambulance CE	\$264.30	\$21,173.92	\$22,778.50	1,604.58	7.0%
50101.1	5010.1 - Supt. of Highway PS	\$4,615.38	\$53,076.87	\$60,000.00	6,923.13	11.5%
50104.1	5010.4 - Supt. of Highway CE	\$31.25	\$719.77	\$0.00	(719.77)	0.0%
51324.1	5132.4 - Garage CE	\$13,231.00	\$56,400.96	\$0.00	(56,400.96)	0.0%
51824.1	5182.4 - Street Lighting CE	\$495.59	\$5,372.22	\$6,500.00	1,127.78	17.4%
65104.1	6510.4 - Veterans Services CE	\$0.00	\$700.00	\$700.00	0.00	0.0%
67724.1	6772.4 - Programs for Aging CE	\$1,372.85	\$8,749.76	\$3,485.00	(5,264.76)	(151.1)%
71104.1	7110.4 - Parks CE	\$384.85	\$22,167.03	\$22,000.00	(167.03)	(0.8)%
73101.1	7310.1 - Youth Programs PS	\$500.00	\$12,253.40	\$12,830.00	576.60	4.5%
73104.1	7310.4 - Youth Programs CE	\$0.00	\$3,798.73	\$3,500.00	(298.73)	(8.5)%
74104.1	7410.4 - Library CE	\$11,250.00	\$45,000.00	\$45,000.00	0.00	0.0%
75101.1	7510.1 - Historian PS	\$0.00	\$0.00	\$500.00	500.00	100.0%
75504.1	7550.4 - Celebrations CE	\$0.00	\$2,200.00	\$4,400.00	2,200.00	50.0%
80201.1	8020.1 - Planning PS	\$200.00	\$3,762.50	\$5,525.00	1,762.50	31.9%
80204.1	8020.4 - Planning CE	\$570.00	\$10,609.58	\$300.00	(10,309.58)	(3436.5)%
81601.1	8160.1 - Refuse/Garbage PS	\$562.50	\$6,315.00	\$8,000.00	1,685.00	21.1%
81604.1	8160.4 - Refuse/Garbage CE	\$3,119.54	\$63,660.65	\$26,500.00	(37,160.65)	(140.2)%
90108.1	9010.8 - State Retirement	\$0.00	\$30,520.00	\$30,520.00	0.00	0.0%
90308.1	9030.8 - Social Security (Town Share)	\$1,327.58	\$15,430.68	\$17,506.00	2,075.32	11.9%
90408.1	9040.8 - Workers Comp	\$0.00	\$4,204.00	\$4,204.00	0.00	0.0%
90508.1	9050.8 - Unemployment Insurance	\$0.00	\$0.00	\$1,000.00	1,000.00	100.0%
90558.1	9055.8 - Disability Insurance	\$0.00	\$855.70	\$1,500.00	644.30	43.0%
90608.1	9060.8 - Medical Insurance (Town Share)	\$500.00	\$12,236.99	\$15,000.00	2,763.01	18.4%
99509.1	9950.9 - Transfers to Cap/Reserve Projects	\$0.00	\$0.00	\$4,000.00	4,000.00	100.0%
Subtotal for APPROPRIATION ACCOUNT:		\$58,580.01	\$604,521.45	\$557,318.64	(47,202.81)	(8.5)%
		Subtotal for Expenses	\$604,521.45	\$557,318.64	(47,202.81)	(8.5)%

Other Income

REVENUE ACCOUNT	Amount	Budget	Variance	% Var
1001.1	1001 - Real Property Tax	\$92,581.00	\$92,581.00	0.0%
1080.1	1080 - Federal Payments in Lieu of Taxes	\$0.00	\$700.00	100.0%

Operating Statement for the Period Ending 11/30/2022 Year - To - Date

Current	Monthly Amount	Amount	Budget	Variance	% Var
1090.1 - Real Property Tax Interest & Penalty	\$0.00	\$3,060.70	\$3,000.00	(60.70)	(2.0)%
1120.1 - Non-Property Tax Distribution by County	\$0.00	\$255,600.18	\$275,000.00	19,399.82	7.1%
1170.1 - Franchise Fees	\$0.00	\$20,839.63	\$20,000.00	(839.63)	(4.2)%
1255.1 - Town Clerk Fees	\$370.17	\$1,930.87	\$1,200.00	(730.87)	(60.9)%
2115.1 - Planning Board Fees	\$0.00	\$2,875.00	\$1,600.00	(1,275.00)	(79.7)%
2130.1 - Refuse and Garbage Charges	\$2,766.00	\$29,501.75	\$36,000.00	6,498.25	18.1%
2401.1 - Interest & Earnings	\$72.83	\$470.61	\$200.00	(270.61)	(135.3)%
2410.1 - Rental of Real Property	\$2,908.26	\$31,734.92	\$34,414.00	2,679.08	7.8%
2544.1 - Licenses	\$6.00	\$600.00	\$400.00	(200.00)	(50.0)%
2545.1 - Licenses (Other)	\$0.00	\$0.00	\$125.00	125.00	100.0%
2555.1 - Licenses & Permits	\$450.00	\$10,650.00	\$10,000.00	(650.00)	(6.5)%
2590.1 - Permits - Septic	\$0.00	\$0.00	\$150.00	150.00	100.0%
2610.1 - Fines, Forfeits of Bail	(\$175.00)	(\$4,033.00)	\$3,500.00	7,533.00	215.2%
2770.1 - Unclassified Revenues	\$579.08	\$693.90	\$0.00	(693.90)	0.0%
3001.1 - State per Capita Aid	\$0.00	\$8,245.00	\$8,250.00	5.00	0.1%
3005.1 - State Aid Mtg Tax	\$0.00	\$51,961.77	\$55,000.00	3,038.23	5.5%
3820.1 - State Aid Youth Program	\$1,515.00	\$4,738.21	\$2,500.00	(2,238.21)	(89.5)%
4089.1 - Federal Aid	\$0.00	\$0.00	\$12,698.64	12,698.64	100.0%

Subtotal for REVENUE ACCOUNT:

	\$8,492.34	\$511,450.54	\$557,318.64	45,868.10	8.2%
Subtotal for Other Income	\$8,492.34	\$511,450.54	\$557,318.64	45,868.10	8.2%

Net Amounts

	(\$50,087.67)	(\$93,070.91)	\$0.00	\$93,070.91	0.0%
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Town Of Grafton

PO Box G
 GRAFTON, NY 12082
 (518) 279-3565 Fax: (518) 279-3685

Operating Statement for the Period Ending

11/30/2022

Year - To - Date

Current Monthly Amount Amount Budget Variance % Var

Fund: HIGHWAY FUND DA

Expenses

APPROPRIATION ACCOUNT

19891.3	1989.1 - Other General Gov't SupportPS	\$231.00	\$1,530.50	\$1,716.00	185.50	10.8%
51101.3	5110.1 - General Repairs PS	\$0.00	\$105,769.50	\$119,700.00	13,930.50	11.6%
51104.3	5110.4 - General Repairs CE	\$10,463.17	\$79,491.94	\$60,500.00	(18,991.94)	(31.4)%
51122.3	5112.2 - Permanent Improvement EQ	\$0.00	\$123,241.47	\$145,000.00	21,758.53	15.0%
51302.3	5130.2 - Machinery EQ	\$0.00	\$121,218.30	\$99,000.00	(22,218.30)	(22.4)%
51304.3	5130.4 - Machinery CE	\$12,020.34	\$55,605.41	\$60,500.00	4,894.59	8.1%
51404.3	5140.4 - Brush & Weeds (Misc.) CE	\$0.00	\$155.14	\$2,100.00	1,944.86	92.6%
51421.3	5142.1 - Snow Removal PS	\$15,060.00	\$93,283.00	\$146,475.00	53,192.00	36.3%
51424.3	5142.4 - Snow Removal CE	\$0.00	\$39,890.59	\$68,750.00	28,859.41	42.0%
90108.3	9010.8 - State Retirement	\$0.00	\$9,813.00	\$10,681.00	868.00	8.1%
90308.3	9030.8 - Social Security (Town Share)	\$1,169.77	\$15,344.68	\$20,494.00	5,149.32	25.1%
90408.3	9040.8 - Workers Comp	\$0.00	\$11,099.31	\$12,800.00	1,700.69	13.3%
90508.3	9050.8 - Unemployment Insurance	\$0.00	\$0.00	\$400.00	400.00	100.0%
90558.3	9055.8 - Disability Insurance	\$0.00	\$149.10	\$1,000.00	850.90	85.1%
90608.3	9060.8 - Medical Insurance (Town Share)	\$500.00	\$32,951.80	\$52,250.00	19,298.20	36.9%
Subtotal for APPROPRIATION ACCOUNT:		\$39,444.28	\$689,543.74	\$801,366.00	111,822.26	14.0%
Subtotal for Expenses		\$39,444.28	\$689,543.74	\$801,366.00	111,822.26	14.0%

Other Income

REVENUE ACCOUNT

1001.3	1001 - Real Property Tax	\$0.00	\$665,689.00	\$665,689.00	0.00	0.0%
1120.3	1120 - Non-Property Tax Distribution by County	\$0.00	\$25,000.00	\$25,000.00	0.00	0.0%
2300.3	2300 - Transportation Svcs - Fuel Reimb	\$0.00	\$1,820.32	\$677.00	(1,143.32)	(168.9)%
2650.3	2650 - Sale of Scrap	\$264.00	\$937.20	\$0.00	(937.20)	0.0%
2701.3	2701 - Refunds from Prior Years	\$0.00	\$109.81	\$0.00	(109.81)	0.0%

Operating Statement for the Period Ending

11/30/2022

Year - To - Date

Current

	Monthly Amount	Amount	Budget	Variance	% Var
3501.3	\$0.00	\$285,570.36	\$110,000.00	(175,570.36)	(159.6)%
3501 - State Aid/CHIPS					
Subtotal for REVENUE ACCOUNT:	\$264.00	\$979,126.69	\$801,366.00	(177,760.69)	(22.2)%
Subtotal for Other Income	\$264.00	\$979,126.69	\$801,366.00	(177,760.69)	(22.2)%
Net Amounts	(\$39,180.28)	\$289,582.95	\$0.00	(\$289,582.95)	0.0%



TOWN OF GRAFTON

Established in 1807

P.O. BOX G, Grafton, New York 12082

(518) 279-3565 (518) 279- 3685 (Fax)

Email: graftontownclerk@albany.twcbc.com

www.townofgraftonny.org

Resolution #59 of 2022

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. OF 2022 ESTABLISHING INCOME LEVELS FOR REAL PROPERTY EXEMPTIONS FOR SENIOR CITIZENS WITH LIMITED INCOME

WHEREAS, the Town of Grafton is desirous of establishing income levels for real property tax exemptions for Senior Citizens with limited income; and

WHEREAS, the Town Board has reviewed proposed Local Law No. 3 of the year 2022, attached hereto; and

WHEREAS, such Local Law appears appropriate as to form and effect, and a Public Hearing so as to consider public comments on such proposed Local Law having been conducted.

NOW, THEREFORE, BE IS RESOLVED, that proposed Local Law No. 3 of the year 2022 is hereby approved; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to file a certified copy of Local Law No. of 2022 with the Office of the New York State Secretary of State.

Motion Made by Supervisor Gundrum, seconded by Councilman Lewandusky

Roll Call:

Councilman Beaudry - Yes

Councilwoman Deschaine - Yes

Councilman Lewandusky - Yes

Councilman Hoyt - Yes

Supervisor Gundrum - Yes

Adopted: December 12, 2022



TOWN OF GRAFTON

Established in 1807

P.O. BOX G, Grafton, New York 12082

(518) 279-3565 (518) 279- 3685 (Fax)

Email: graftontownclerk@albany.twcbc.com

www.townofgrafftonny.org

Resolution #60 of 2022

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 4 OF 2022 ESTABLISHING INCOME LEVELS FOR REAL PROPERTY EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

WHEREAS, the Town of Grafton is desirous of establishing income levels for real property tax exemptions for Persons with Disabilities and Limited Income; and

WHEREAS, the Town Board has reviewed proposed Local Law No. 4 of the year 2022, attached hereto; and

WHEREAS, such Local Law appears appropriate as to form and effect, and a Public Hearing so as to consider public comments on such proposed Local Law having been conducted.

NOW, THEREFORE, BE IS RESOLVED, that proposed Local Law No. 4 of the year 2022 is hereby approved; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to file a certified copy of Local Law No. of 2022 with the Office of the New York State Secretary of State.

Motion Made by Supervisor Gundrum, seconded by Councilwoman Deschaine

Roll Call:

Councilman Beaudry - Yes
Councilwoman Deschaine - Yes
Councilman Lewandusky - Yes
Councilman Hoyt - Yes
Supervisor Gundrum - Yes

Adopted: December 12, 2022



TOWN OF GRAFTON

Established in 1807

P.O. BOX G, Grafton, New York 12082

(518) 279-3565 (518) 279- 3685 (Fax)

Email: graftontownclerk@albany.twcbc.com

www.townofgraftonny.org

Resolution #61 of 2022

WHEREAS, The Town of Grafton is in need of mandated Animal Control services for the Town of Grafton for the year 2023, and

WHEREAS, the Town Council has been advised that the Columbia-Greene Humane Society is willing to provide such services per the attached contract, and good cause appearing therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Grafton hereby approves the attached contract with Columbia-Greene Humane Society for Animal Control Services on behalf of the Town of Grafton for 2023, for the amounts set forth in the attached contract.

Motion Made by Supervisor Gundrum, seconded by Councilman Hoyt

Roll Call:

Councilman Beaudry - Yes
Councilwoman Deschaine - Yes
Councilman Lewandusky – Yes
Councilman Hoyt - Yes
Supervisor Gundrum - Yes

Adopted: December 12, 2022



Celebrating Over 65 Years of Caring for Animals in Need

Chairperson of the Board
Charlene Marchand

1st Vice Chairperson
James Carlucci, Esq.

2nd Vice Chairperson
Robert Gibson, Esq.

Treasurer
Scott Shallo, CPA, Esq.

Secretary
Gisela Marian

Members
Hollie Adams
Jennifer Donoghue
Russ Gibson
Peter Hogan, CPA
Sharyn Richards-Marks

CGHS Medical Director
Jerry Bilinski, DVM

Veterinary Advisors
Barbara Clayton, DVM
Stefani Gagliardi, DVM
Bernardo Mongil, DVM
Danielle Sand, VMD

Honorary Life Members
Hollie Adams
Darlene Bilinski
Jerry Bilinski, DVM
Duncan Calhoun
Deborah Cohen
Russ Gibson
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Elaine Gruener
Eric Hannay
Patricia Kenehan
Jane Krebs
Jim Krebs
Charlene Marchand
Gisela Marian
Edgar M. Masters
Barbara McCullough
Jennifer Newton
Robert Newton
Katrina Perez
Ronald Perez Jr.
Brenda Schram
Charles Schram
Anne Weinberg

President & CEO
Ronald Perez Jr.

AGREEMENT

Between

Columbia-Greene Humane Society/SPCA

And

The Town of

GRAFTON

THIS AGREEMENT is made for the period of January 1, 2023 through December 31, 2023, between the Town of GRAFTON, New York, a municipal corporation of the State of New York, hereinafter referred to as the "Municipality"

AND

The Columbia-Greene Humane Society, Inc., a membership corporation existing under and by virtue of the laws of the State of New York, for the prevention of cruelty to and the protection of animals, having its principal place of business in the Town of Claverack, County of Columbia, State of New York, hereinafter referred to as the "Humane Society."

WITNESSETH:

That, pursuant to Article 7 of the Agriculture and Markets Law of the State of New York, the Humane Society, in consideration of payment to it by the Municipality of several sums of money herein agreed to be paid at the time and in the manner hereinafter more particularly described, hereby covenants and agrees for itself and its successors, as follows:

FIRST: That it will undertake, through its duly appointed agents, the impoundage of all unleashed, unlicensed, or untagged dogs brought to it by the Dog Control Officer (hereinafter referred to as the "DCO") of the Municipality, which have been found to have been running at large in violation of provision of Article 7 of the Agriculture and Markets Law of the State of New York and any existing local law enacted by the Municipality. It will also provide proper food and shelter for such dogs while in its possession until redeemed or otherwise disposed of pursuant to, and as provided in, Article 7 of the Agriculture and Markets Laws and any existing local law enacted by the Municipality.

SECOND: The Humane Society will provide and maintain a shelter for seized dogs; will properly care for all dogs in such a shelter; and will humanely euthanize or make available for adoption seized dogs not redeemed as provided in Article 7 of the Agriculture and Markets Law. Such shelter shall at all times during the term hereof be under care and charge of a competent employee and shall be open to the public at reasonable hours for the purpose of receiving applications for the redemption of dogs as provided by law. Such shelter shall be open daily between

the hours of 11:30 a.m. to 4:00 p.m., with New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas excepted, during the term of this Agreement. Such shelter shall be maintained in an approved location in the Town of Claverack so as to not be reasonably objectionable to the residents thereof.

THIRD: The Humane Society and the Municipality will comply with the provisions of Article 7 of the Agriculture and Markets Law and with the applicable provisions of the Public Health Law of the State of New York and any rules and regulations promulgated thereto in relation to the seizure, holding care, redemption, and disposition of seized dogs. This Agreement applies to dogs seized under the provisions of Article 7 only. Any other animals seized for any reason or purpose, including but not limited to quarantine and cruelty cases, will be accepted at the sole discretion of the Humane Society, and shall be billed to the Municipality separately from the fee structures outlined in Paragraph Seventh, below.

FOURTH: The Municipality and the Humane Society each hereby reserve the right to cancel and declare this Agreement null and void at any time during the period of the same for reason of the failure of the Municipality or the Humane Society to perform any of the terms and conditions herein contained.

FIFTH: The Humane Society and the DCO for the Municipality will both file and maintain a complete record of any seizure and subsequent disposition of any dog in the manner prescribed by Article 7, §113 (sub. 4) of the NYS Department of Agriculture and Markets Law. If the dog is an identified dog as determined by Article 7, §117, the DCO shall notify the owner of the dog's location. Redeemed dogs shall be licensed or have proof of a current license prior to leaving the custody of the Humane Society pursuant to Article 7, §117 (sub. 4) of the NYS Department of Agriculture and Markets Law. All licenses must be issued by the municipality wherein the dog's owner resides. The Humane Society will assist in obtaining necessary vaccinations for dogs eligible for redemption to facilitate municipal dog licensing; however, it is the sole responsibility of the redeemed dog's owner to obtain a license from their resident municipality before the dog can be released from the custody of the Humane Society. A tag shall not be considered proof of current license.

SIXTH: The Humane Society will remit all impoundment fees collected in carrying out the provisions of this Agreement to the Fiscal Officer of the Municipality, provided that there are no outstanding fees owed to the Humane Society from the Municipality. However, should the Municipality be negligent in paying contractual fees, the Humane Society may retain the impoundment fees in exchange for monies owed.

SEVENTH: In consideration of the complete performance by the Humane Society of the terms of this Agreement, the Municipality hereby agrees to pay the Humane Society according to the following fee structure:

1. For the first ten (10) days of impoundment, the Municipality will pay the Humane Society \$35 for each 24-hour period of impoundment.
2. If the impounded dog is not claimed by the 10th day of impoundment, the Municipality will be charged an additional \$300.
3. The Humane Society reserves the sole right to make all decisions regarding the dog's disposition. Regular NYS shelter standards shall apply for adoption of dogs retained longer than the stipulated period.
4. All payments will be due upon receipt of an invoice, which will be mailed within the month following the month for which the invoice applies.

5. Any day on which the Humane Society is not open for any reason will be considered an excluded 24-hour period.

EIGHTH: The Humane Society is hereby prohibited from assigning, transferring, conveying, or subletting this Agreement, or otherwise disposing of the same; or its right, title, or interest therein; or its power to execute such Agreement to any other person, company, or corporation, without the prior approval of the Municipality.

NINTH: In the case of an injured dog, the Municipality shall be separately responsible for any emergency veterinary care required.

TENTH: No liability in damages or otherwise shall be incurred by the Humane Society or the Municipality on account of seizure, surrender, euthanasia, or adoption pursuant to the provisions of Article 7.

ELEVENTH: If anyone other than the DCO brings a stray dog to the Humane Society, the Humane Society will notify the DCO and/or the Municipal Clerk of the Municipality in which the dog was found by telephone, and unless otherwise instructed, will subsequently accept the dog. The DCO shall appear at the shelter within twenty-four hours to complete all necessary paperwork pursuant to NYS Agriculture and Markets Law Article 7, §113.

THIS AGREEMENT was duly authorized by the Board of the Columbia-Greene Humane Society, Inc., on November 1, 2022.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed and this instrument to be subscribed by their duly authorized officers the day and year first above written.

By: _____

Supervisor/Municipal Clerk

T/V/C of _____

(Seal)



(Seal)

By: _____

President and C.E.O.

Columbia-Greene Humane Society/SPCA



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Established in 1807

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Resolution #62 of 2022

WHEREAS, The Town of Grafton Town Board has received a Report and Recommendation from the Town of Grafton Ethics Board concerning allegations of unethical behavior by the Town Supervisor, and

WHEREAS, the Town Board, based upon such Report and Recommendation from the Town of Grafton Ethics Board, retained Special Counsel, Kevin A. Luibrand, Esq., to review this matter and report to the Town Board, and

WHEREAS, such Special Counsel has submitted the attached legal opinion with recommendations, and good cause appearing therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Grafton hereby approves the attached legal opinion from Special Counsel, and admonishes the Town Supervisor for her unethical actions, and urges her to immediately resign from office, and it is further

RESOLVED, that the Town Clerk is directed to transmit a copy of this Resolution, with attachment, to the Rensselaer County District Attorney who is urged to consider bringing possible criminal charges against the Town Supervisor for her improper conduct.

Motion made by Councilman Lewendusky, seconded by Councilman Beaudry

Roll Call:

Councilman Beaudry - Yes
Councilwoman Deschaine - Yes
Councilman Lewendusky - Yes
Councilman Hoyt - Yes
Supervisor Gundrum - No

Motion Carried 4 - 1

Adopted: December 12, 2022

LUIBRAND LAW FIRM, PLLC
950 NEW LOUDON ROAD, SUITE 270
LATHAM, NEW YORK 12110

Kevin A. Luibrand, Esq.
Ashlynn R. Savarese, Esq.

Phone: (518) 783-1100
Fax: (518) 783-1901
Service by Fax is not accepted

Paralegals:
Janet L. Murray
Jennifer Setford

Professional Staff:
Mary Grace Luibrand
Cameron Murray

November 16, 2022

Frank Lewandusky
Town of Grafton
Grafton Town Hall
2379 NY-2
Grafton, New York 12082

Re: Town of Grafton Ethics Report

Dear Mr. Lewandusky:

At the request of the Town, I have reviewed in detail materials related to supervisor Gundrum's actions pertaining to the Grafton Community Forest Project and Grant and the transfer of a large parcel of property in the Town of Grafton to the Rensselaer Plateau Alliance for \$412,000.00.

In reviewing the materials provided and those that I otherwise obtained, I understand that the father of Supervisor Gundrum owned a large parcel of property in the Town of Grafton. The Rensselaer Plateau Alliance was interested in acquiring some piece of property and its interest became the particular property owned by Mr. Gundrum. The Rensselaer Plateau Alliance chose to rely upon a federal grant to obtain the money to purchase the Gundrum property, and it appears the necessity of the federal grant was critical to the acquisition.

The federal grant application process required local support from the municipality where the property was located, in this case the Town of Grafton. In order for the federal grant to move forward and become available to the Rensselaer Plateau Alliance, the federal funding agency required approval from the Town of Grafton. The records provided to me show that there was never any resolution of the Town to support the project or grant. Notwithstanding, and without an expression of the Town of Grafton support, Supervisor Gundrum notified the Director of the Rensselaer Plateau Alliance, that the Town of Grafton, indeed, supported the project. In essence, without official Town support, Supervisor Gundrum represented that such support existed so that the grant would be approved and would fund the purchase of property with the payment providing direct financial benefits to the Supervisor's family. In particular, Supervisor Gundrum's

father was able to receive approximately \$412,000.00 for a parcel of property based upon an inaccurate representation by Supervisor Gundrum that the Town supported the grant of the money for the project.

The Town of Grafton Board of Ethics issued its committee report on August 15, 2022, which I have relied upon for both documents and factual information. The report made particular findings that confirmed the actions of Supervisor Gundrum were not in accord with the Code of Ethics for the Town and also violated certain state laws. New York State Public Officer's Law §36 sets forth the statutory basis for removal of the Town Supervisor for improper conduct. Section 36 reads in pertinent part as follows:

Any Town officer...may be removed from office by the Supreme Court for any misconduct, maladministration, malfeasance or malversation in office.

The actions documented within the Board of Ethics considerations describe conduct that would be the basis for an application for removal of Supervisor Gundrum. The actions constitute each of the required basis for removal as it was misconduct, maladministration, malfeasance, and malversation, specifically, inaccurate representations to a federal agency and a financial gain for a family member of a supervisor based upon those false representations.

However, the Town as a body may not bring such a proceeding. The balance of Public Officers Law §36 reads as follows:

An application for such removal must be made by any citizen resident of such town...in which such town is located, and shall be made to the appellate division of the supreme court held within the judicial department embracing such town...

Because each of the Town Board members are required by Town law to be residents of the Town of Grafton, each does have the authority, individually or collectively, to file a removal proceeding under Public Officer's Law §36. However, an opinion of the New York State Attorney General states that the Town may not use Town resources for the legal fees associated with the removal petition process. There would be substantial legal fees incurred because a full record must be created and filed with the New York State Appellate Division and there is a full proceeding within the appellate division involving changes and ultimately a hearing at the appellate division. In addition, the Town could not reimburse a citizen who brought such an action as that, as well, would be an improper use of town resources.

Based upon the above, the actions of Supervisor Gundrum violates Public Officer's Law §36, but the town cannot, as a body, bring a proceeding to remove Supervisor Gundrum using Town resources. The Board has the right to authorize a resolution requesting that the Supervisor

resign and/or vote on a resolution referring the matter to the Rensselaer County District Attorney who has statutory authority to seek removal under these circumstances.

If you have any additional resources, please do not hesitate to contact me.

Very truly yours,

Luibrand Law Firm, PLLC

A handwritten signature in black ink, appearing to read 'KAL', is written over the printed name of the law firm.

By: Kevin A. Luibrand, Esq.

KAL/jes

1978 N.Y. AG LEXIS 106

Office of the Attorney General of the State of New York

1978 N.Y. Op. (Inf.) Att'y Gen. 197

NY Attorney General Opinions

Reporter

1978 N.Y. AG LEXIS 106 *; 1978 N.Y. Op. (Inf.) Att'y Gen. 197

June 22, 1978

Core Terms

town board, village, vacancy, attend, has, improvement district, district attorney, fire district, town attorney, local law, municipal, removal proceedings, appellate division, board meeting, home rule, session, declaratory judgment action, removal of an officer, special counsel, inquire, notice

Syllabus

[*1]

NEW YORK CONSTITUTION, Article IX, §§ 2 (c) and 3 (a [2]); MUNICIPAL HOME RULE LAW, §§ 10 (1 [i, ii]) and 11 (1 [e]). PUBLIC OFFICERS LAW, § 30 (1 [d]) and 36.

A town board may not commence a proceeding for the removal of a town board member under Public Officers Law, § 36 or pay for the legal expense of such a proceeding but may commence an action at town expense for a declaratory judgment to determine whether a town board member has moved his residence and that as a result a vacancy exists on the board.

A town board does not have authority to pass a local law requiring town board members to attend regular board meetings and work sessions and, in default of such attendance, empowering the town board to declare the office vacant.

Opinion

Hon. Herbert A. Kline
Town Attorney, Kirkwood

We acknowledge receipt of your letter as Town Attorney and a letter of Supervisor Shafer of the Town of Kirkwood, commenting on failure of one of the town board members to attend board meetings and work sessions and the possible cessation of residence in the town of the town board member, he having gone to Florida last September for the announced purpose of helping to care for his wife's seriously ill [*2] parents, since which time he has attended only one town board meeting in December, 1977 and one work session in January, 1978. You state that the town board believes he is now residing in

Florida. We take it from this that he is not available to provide a direct answer to the question of his residence.

You inquire whether this office investigates such circumstances and, where appropriate, initiates removal proceedings of such an officer, and if we do not, whether any other state officer or agency does so.

This office does not perform such a function and we are not aware of any other state agency which does.

You also inquire whether the town board may initiate an application for removal of the town board member under [Public Officers Law, § 36](#) and, if so, whether the town attorney or special counsel retained and paid by the town board could represent the town board in the application for removal of the officer.

[Public Officers Law, § 36](#) provides as follows:

" § 35. Removal of town, village, improvement district or fire district officer by court

"Any town, village, improvement district or fire district officer, except a justice of the peace, may be removed from office by [*3] the supreme court for any misconduct, maladministration, malfeasance or malversation in office. An application for such removal may be made by any citizen resident of such town, village, improvement district or fire district or by the district attorney of the county in which such town, village or district is located, and shall be made to the appellate division of the supreme court held within the judicial department embracing such town, village, improvement district or fire district. Such application shall be made upon notice to such officer of not less than eight days, and a copy of the charges upon which the application will be made must be served with such notice. "

In our opinion, the application for removal of an officer under [Public Officers Law, § 36](#) must be made by "any citizen resident" or the district attorney of the county, not by the town board (*Matter of Citizens Council Village of New Hyde Park, Inc.*, 55 AD2d 911 [1977], *Application of Tompkins*, 11 AD2d 895 [1960]). Individual members of the board, singly or in any combination, just as other citizen residents of the town, may make the application but it would be inappropriate for the legal expense to be paid [*4] by the municipality. However, the town board may pass a resolution requesting the county district attorney to institute a removal proceeding in his official capacity but the district attorney has discretion as to whether to exercise his jurisdiction to commence the removal proceeding.

Although the town board, as such, may not institute a proceeding under [Public Officers Law, § 36](#) to remove a town board member the town board has the duty to fill a vacancy on the board (see informal opinions of the Attorney General reported in 1970 Opns Atty Gen 65 and 1973 Opns Atty Gen 145, copies enclosed), and [Roher v. Dinkins](#), 32 NY2d 180 [1973] and the concomitant duty, where uncertainty exists, to ascertain whether there is a vacancy on the board, so it would be perfectly proper for the town board to institute an action for a declaratory judgment to obtain a determination as to the place of domicile of that town board member because, if he has moved out of the town, a vacancy in office exists under [Public Officers Law, § 30](#), subd. 1, par. d. The court in considering this could [*5] bring such an action on behalf of the town board and at town expense.

You also ask whether the town board may retain a private investigator to investigate to produce information which would assist the town board in determining whether the town board member has changed his residence.

We feel that such an expenditure would not be necessary. Certain basic investigations may be made by town officers and employees and if the results are not conclusive an action for a declaratory judgment, as above described, can be brought.

You ask our opinion, also, as to whether a local law may be adopted by the town to authorize the town board to declare a vacancy on the town board when an incumbent fails to attend board meetings and perform other services required by, and expected of, his office.

[Public Officers Law, § 36](#) vests the power of removal of the board member in the Appellate Division of the Supreme Court. A local law such as you suggest would divest the Appellate Division of the Supreme Court of that jurisdiction. The grant of home rule power specifically excepts from the grant any authority to legislate in relation to the courts. See [New York Constitution, Article IX, § 3](#), subd. [*6] a, par. (2) and [Municipal Home Rule Law, § 11](#), subd. 1, par. e. In addition, such a local law would amend a state statute, [Public Officers Law, § 36](#), which applies alike to all similar municipalities, which is contrary to the provisions of the [New York Constitution, Article IX, § 2](#), par. (c) and [Municipal Home Rule Law, § 10](#), subd. 1, pars. (i) and (ii).

In our opinion, a town board does not have authority to pass a local law requiring town board members to attend regular board meetings and work sessions of the board and, in default of such attendance, empowering the town board to declare the office vacant.

Load Date: 2014-07-15

NY Attorney General Opinions



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Resolution #63 of 2022

WHEREAS, The Town of Grafton Historical Society has requested the use of the Grafton Town Hall on Sunday, December 18, 2022 from 2:00 pm to 4:00 pm for a Holiday Party so as to promote Community Spirit in the Town, and good cause appearing therefore,

NOW, THEREFORE BE IT RESOLVED, that the Town of Grafton Historical Society is hereby authorized to use the Grafton Town Hall on Sunday, December 18, 2022 from 2:00 pm to 4:00 pm for a Holiday Party so as to promote Community Spirit in the Town.

Motion made by Supervisor Gundrum, seconded by Councilman Lewandusky

Roll Call:

Councilman Beaudry - Yes
Councilwoman Deschaine - Yes
Councilman Lewandusky - Yes
Councilman Hoyt - Yes
Supervisor Gundrum - Yes

Adopted: December 12, 2022