

The regular meeting of the Town Board was held on Thursday March 9<sup>th</sup> , 2017 with the following members present: Daniel Pemrick, Supervisor; Daniel Cochran, Walter E. Chandler, MaryAnn Johnson and Rick Capasso, Councilmen. Also present were Mark Schachner Town Counsel, Highway Superintendent Walter Barss, and approx. 16 residents. The meeting was called to order with a pledge to the flag. On a motion by Cochran, C. and seconded by Capasso, C. the minutes from 2/9/2017 were approved as submitted by all Board members present.

**BROOKHAVEN SKI TRAILS-** Thomas A. Gibbs Sr. of the Crooked Canes hiking group submitted a letter to the Town Board thanking them for the acquisition of Brookhaven Park, Steve Schriber for the work he does on the trails, and the Haven Tee Room for the buffet lunch.

**TOUR DE COUR-** Julie Hill from the American Diabetes Association requests permission to use various stops in the Town of Greenfield on Sunday , June 4<sup>th</sup> 2017 for the Tour de Cour bike relay.

**RESOLUTION # 52- GRANT PERMISSION TO THE AMEREICAN DIABETES ASSOCIATION**

Motion: Capasso, C.

Seconded: Johnson, C.

**RESOLVED,** That the Town Board hereby approves the American Diabetes Association to use Middle Grove Park, the Highway Garage and Brookhaven Golf Course as rest stops on Sunday June 4<sup>th</sup> for the Tour De Cour Relay.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

**RAGAR RELAY RACE-** Julie Bullard, Race Director for the Ragnar relay Race has requested permission to use a portion of Maple Ave. on September 22, 2017.

**RESOLUTION # 53- GRANT PERMISSION TO USE A PORTION OF ROUTE 9 TO THE RAGNAR RELAY**

Motion: Johnson ,C.

Seconded: Capasso, C.

**RESLOVED,** that the Town Board hereby grants permission to the Ragnar Relay Team to use the Greenfield portion of Route 9 on September 22, 2017 for the Ragnar Relay Race.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

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**SARATOGA POLO PROJECT-** Supervisor Pemrick states that he would like to skip the Public Comments for old business for now and go to the presentation of the Saratoga Polo Project. Supervisor Pemrick began with a statement related to the Polo Project. He states that the Polo Group is here to make a presentation regarding the Water District, and he feels that it is only fair to inform them that the Town Board is not inclined to consider a Water District in the Town. The Town understands their responsibility in this process and we are more than willing to give Saratoga Polo a fair hearing and listen objectively to the project. For part of that project we would have to set a Public Hearing and eventually vote on that after the Public Hearing. He wanted to let them know that up front. Supervisor Pemrick states that as part of their application they submitted a Short Environmental Assessment Form. The Planning Board is the lead agency for this project, so the SEQRA , environmental form will have to be reviewed by the Planning Board. They will need to take that back and make sure the Planning Board receives it so they can review it, and that has to be done before there is a completed application. He reminds the Polo Project group that there are a couple of things they are working on. Mark Schachner, Town Counsel, states that as far as the SEQRA review he feels it is important for the applicant, the public and anybody who is interested to understand that what the Supervisor is talking about is the Environmental Assessment form. The Environmental Assessment form that was submitted by the applicant to the Town Board contemplates the sole action as establishment of Town of Greenfield Water District. What the Supervisor is trying to indicate is that under the State Environmental Quality Review Act, the Environmental Assessment form has to contemplate all aspects of the proposed action, which at minimum is the proposed establishment of the Water District as well as at least amendments to previously approved site plan approvals by the Planning Board. What the Supervisor is saying is that while the Town Board is absolutely willing to continue the process that for the purpose of State Environmental Quality Review Act review, the revised Environmental Assessment Form has to be submitted to the Planning Board acting as the SEQRA lead agency which describes all the pieces of the action. All the pieces of the action that we know of are what whatever is proposed by way of site plan amendment and proposed creation of the Water District. We want to avoid segmentation, or separate review of different components or pieces of the same overall action. Supervisor Pemrick asks if the Saratoga Polo group would like to proceed with their presentation. Donald Zee, states that he is the attorney for the petitioner as well as the attorney on behalf of the project that is presented before the Planning Board. He questions the interpretation by Town Counsel with regards to the necessity of having the SEQRA determination being reviewed by the Planning Board. It is his understanding that a SEQRA determination was in fact made by the Planning Board with regards to the PUD legislation and there was in fact, an approval that was granted back in 2007 with regard to that SEQRA site plan that was adopted and approved by the Planning Board, subject to conditions, and at the same time, Mr. Zee believes back in 2014 a joint application for the Water District was in fact presented to this Board. At that point in time that SEQRA resolution and that SEQRA application encompassed a substantially larger territory with other users being Stewarts and other properties besides this application and this specific property being the pole property. Mr. Zee, believes once again, that SEQRA there was an approval that was adopted by that Town Board back in 2007. Donald Zee states that with regard to the issue of segmentation, they are in the process of discussing with the Planning Board the project they have presented to them. They are scheduled for a workshop for next Tuesday. There has been a discussion with that Planning Board the fact that the cause of the thresholds that had been presented and adopted in the previous SEQRA determinations they do not exceed, in fact they have reduced impacts, that they fall within the guidelines of the previously adopted SEQRA resolution. And in fact, given the fact that they are now seeking a reduction in the size and scope of the Water District that was previously approved, they fall

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within the parameters in that they are having a lesser impact on the project. So he really believes that the Town Board would be the lead agent on the Water District because if for some reason, his clients and the Planning Board decided not to go forward there, they still have an approved project before the Planning Board with an approved site plan, subject to conditions. They would still, given the fact that the PUD legislation as well as the Planning Board approvals, specifically says that if water was available, public water, that they would be obligated to connect to it. So, they are conforming to what the legislation and what the prior approvals are. Their project and scope is in fact reduced from what they had previously submitted. Mr. Zee states that he is perplexed with regard to the interpretation of the Town Board that they must now go back to the Planning Board with regard to SEQRA. Mr. Zee also states that segmentation is permitted when in fact it is known up front and as he said we have in fact an approval and we are coming forward with a new Water District application, given the fact that we had a discussion before this Board when we had pointed out that there was a prior approval. The sense that they received from the Town Board at that meeting was it was better not to pursue and continue the Water District that had been previously approved which had the larger area of coverage. The sense that he got being present at the Board that it was better to come back with just an application which would substantially have less territory involved. He is wondering if he could be enlightened on the thinking of the Town Board when they are in a reduced scenario. Which means less impact from an environmental standpoint and where there was a previously approved SEQRA determination. Supervisor Pemrick states he will address one part of that and he will turn it over to Town Counsel. The minutes that he read from the January presentation of the Town Board meeting, gave him no sense of what Mr. Zee had just described. What Mr. Zee had just described was his sense of what the Board was thinking, disregarding the previous Stewarts plan and better off performing a new one. Throughout those minutes, members of this Board expressed concern about a Water District that was being proposed or might be considered for this particular project. Supervisor Pemrick feels that is very clear in the minutes. Supervisor Pemrick asks Mark Schachner to address the segmentation and the difference between the Stewarts proposal and the one we have here. Town Counsel Schachner states that his focus will not be the difference between the Stewarts proposal, he thinks that Mr. Zee has to appreciate a couple of things. First, the original creation of the PUD and the subsequent preliminary approval of a water district, those were done separately with separate SEQRA lead agencies because they were separated by 10 years of time. When the original PUD was proposed there was not a Water District proposal as a component to that and when the Water District was proposed there was not at that time an amendment of the site plan proposed. Town Counsel Schachner states that Mr. Zee's prediction about potential environmental impacts may come true completely and the Planning Board as SEQRA lead agency may reach the determination that there are no new or significant, different, environmental impacts that were previously analyzed and therefore can either issue a new SEQRA negative declaration should they choose to do so, or they can reaffirm a prior SEQRA negative declaration should they choose to do so. Obviously, that's assuming they agree with your position that there are no new and significantly different environmental impacts. One thing that's different now than the 2005 /2014 previous bifurcated approval process, is your appliance. You are seeking a series of approvals. In no particular order, Planning Board approval of an amended site plan at the minimum, and Town Board approval of a creation of a Water District. What the Town Board is saying in the SEQRA lingo that he tries to avoid for the benefit of the public, is that they want to have coordinated review with the Planning Board serving as the lead agency. They may reach the conclusion that you are predicting, but in order to get there the Planning Board has to have, not an environmental assessment form that only describes the proposed Water District, and not an environmental assessment form that describes only

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the proposed amendments to the site review, but an environmental assessment form that contemplates the entire action, including both component parts. The punch line may be exactly as Mr. Zee predicts. Donald Zee asks the Supervisor if he may have a moment with his clients before he answers. Supervisor Pemrick states yes. Mr. Zee states that he will be back and let the Supervisor know if they would like to proceed or not.

**RESOLUTION # 54- APPOINT KIM McMAHON EXECUTIVE SECT. TO THE PLANNING BD& ZBA**

Motion: Cochran, C.

Seconded: Johnson, C

**RESOLVED**, That the Town Board hereby appoints Kimberly McMahon Executive Secretary to the Planning Board and Zoning Board of Appeals dated back to February 14<sup>th</sup>, 2017.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

**DISCUSSION BROOKHAVEN TRAILS-** Supervisor Pemrick states that he held a meeting with Chris Yarsevich for Section 2 Cross Country Skiing for next year at Brookhaven. They would like to schedule at least 2 events for next year and the possibility of more depending on weather conditions and availability of other sites they use.

**DISCUSSION NEW FEES FOR FIELD USE AND SUMMER CAMP-** Supervisor Pemrick states that the Recreation Director, Rebecca Sewell, has submitted a request to add a \$10.00 fee for Baseball teams that want to use the fields for practice. This would help to organize the fields and would hold people responsible for the condition of the fields. Supervisor Pemrick states that the Parks & Maintenance personnel have run into some difficult situations there in the past and hopefully this will help. Also, Rebecca Sewell has asked to raise the fees for our Summer Rec program, which have never been raised since the beginning of the program. For Greenfield residents, she would like to raise it to \$30.00 for the five week camp. Currently it is \$20.00. For non-residents she would like to raise it to \$100.00 for the five week camp, from the \$60.00 that it is now. She feels this would help with the rising costs of the bus transportation and staff. It would also provide more value for the participant.

**RESOLUTION # 55- IMPLEMENT NEW FEES FOR BASEBAL AND SUMMER CAMP PROGRAMS**

Motion: Capasso,C.

Seconded: Johnson, C.

**RESOLVED**, That the Town Board will hereby charge a \$10.00 fee for practice games at the Porter Corner ball fields and raise the fee for the Summer Recreation camp to \$30.00 for residents and \$100.00 for non- residents.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

The Saratoga Polo Project Group returns at 7:50 PM. Attorney Donald Zee thanks the Board for allowing them to have a discussion and return. He states at this point in time they would like to adjourn, if possible, and not proceed forward at this time with the water petition or presentation. They would like to decide how they would like to move forward. Supervisor Pemrick thanks Mr. Zee. Supervisor Pemrick states that discussion for the Saratoga Polo Project has been tabled for this evening, however if there is anyone who wishes to make a public comment they may do so.

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TABITHA ORTHWEIN- Tabitha Orthwein , Bloomfield Rd., states they own property joining the Saratoga Polo. She hands out a letter to the Board. They are interested in the progression of this project. She would like to reiterate some of her and her husband's concerns. Hearing what the Board has said answers some of the questions that they have in regards to procedures and how to things move between the Planning and Town Boards. The main question she has is who determines whether the project sponsors are in compliance with the approved PUD? In compliance with the 2005 PUD? Is that a Town Board decision or a Planning Board decision? Basic compliance whether the PUD needs to be amended or seek application for amendment. Mark Schachner states that these are public comments. Mrs. Orhtwein understands and states from reading the description of action and the negative declaration this is a vastly different project. They are asking for 134 units and not 70 units they were approved for. It includes a 60 unit hotel which was never addressed in the PUD. Not in the definition section or the use section. No where is the 60 unit hotel mentioned as part of the Lodge. It was to be 10 residential units according to the negative declaration that was granted for the project. In her opinion it does not comply with the PUD. And that seems to her to be the first step to be determined before water, parking and site plans, etc. She is confused with the exact process and points out that she has included notes and highlighted areas in the letter she handed out to the Board. She also included where they have received their information. Supervisor Pemrick thanks Mrs. Orthwein.

DISCUSSION MEETING OF THE BOARDS- Supervisor Pemrick at the request of the Planning Bd. and ZBA, would like to organize a meeting of the Boards and invite the Environmental Committee. This is to update items that may be beneficial to the Committee that is doing the Code reviews. The meeting will be held April 6<sup>th</sup>, 2017, 6PM at the Community Center. Supervisor Pemrick invites Town Engineer, Charles Baker to attend. Tonya Yasenchek, would like it to be inclusive to all that are interested.

DISCUSSION SALE OF 2004 VOLVO TRUCK- Highway Superintendent Walter Barss states that they have sold the 2004 Volvo truck on the auction site. He was surprised that they received more than they were anticipating and would like to put that money into his equipment account.

**RESOLUTION # 56- BUDGET AMENDMENT**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, that the Supervisor be allowed to make the following Budget Amendment  
\$32,100                      From DA2650                      to                      DA5130.2

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

INTERACTIVE MEDIA - Supervisor Pemrick informs the Board that on Monday March 13<sup>th</sup> at 9:30 he will be meeting with Interactive Media for a couple hours. They are going to help with improving the Town's social media. Beth Moeller will be meeting with some of the employees and come back with a presentation that can help the Town with Social media.

Monthly reports were received from Town Clerk, Highway, Dog Control, Parks and Maintenance, Town Justices and Supervisor's Financial Report.

**RESOLUTION # 57- GENERAL BILLS**

Motion: Cochran, C.

Seconded: Capasso, C.

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**RESOLVED**, that the General Bills # 155-173 in the amount of \$33,758.44 be paid.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

**RESOLUTION # 58- HIGHWAY BILLS-**

Motion: Capasso, C.

Seconded: Johnson, C.

**RESOLVED-** that the Highway bills # 32-54 in the amount of \$66, 347.52 be paid.

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

**RESOLUTION # 59- PARKS BILLS –**

Motion: Johnson, C.

Seconded: Chandler, C.

**RESOLVED**, that the Parks Bills # 33-44 in the amount of \$15, 101.30

Vote: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

Highway Superintendent Barss reminds the Board that the Spring Cleanup will be April 1<sup>st</sup> to April 9<sup>th</sup>. He asks that an ad be placed in the

On a motion by Cochran, C. and seconded by Chandler, C. the meeting was adjourned at 8:05.