

November 9<sup>th</sup>, 2017

At 7:20 PM a Public Hearing was opened for the purpose of adopting the Town Budget for 2018. The Town Clerk presents proof of publication. Supervisor Pemrick explains that the tax will go up 8 cents per \$1000.00 of assessed value. For example, a \$200,000 house will have a tax increase of \$16.00 per year. We will be about \$34,000 over the tax cap. This will allow us to continue with the road improvement program, we can put some money in the equipment reserve and other funds, and increase the funding for the recreation program and continue development of Brookhaven Park. The Supervisor asks for any comments on the budget. There being none for or against, the public hearing was closed at 7:22 PM.

At 7:25 the Town Board convened as a Board of Health.

Unsafe Building – 7 Lake Desolation Road- Supervisor Pemrick Spoke with Jack Baugh and discussed that the Town Board is long past the allotted time and the building continues to deteriorate. Question was asked who owns the property? Supervisor Pemrick states that Mr. Baugh's mother holds the paper on the property. He mentioned to Mr. Baugh that the Town is ready to take down the garage that is in disrepair and he did not have a problem with that.

**RESOLUTION # 129- Notice of Demolition**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, That the owner(s) of 7 Lake Desolation Road, Tax Map ID # 162.8-1-10, Martin and Lisa Hika, C/O Jack Baugh be notified that if the property is not cleaned up by December 1<sup>st</sup>, 2017, the Highway Department will take action to demolish the structure (Garage) and remove all of the garbage and debris, and

**FURTHER RESOLVED**, That all costs incurred by the Town will be assessed against the property and a special proceeding will be initiated to collect those costs, including legal expenses.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

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Unsafe Building - 6 Main Street - Supervisor Pemrick states that according to the Code Enforcement Officer's report nothing has been done at this address, however they did receive a demolition permit. Walter Barss, Highway Supt. says that demolition on that building started today. His understanding is that the owner is having it demolished. Supervisor Pemrick states that the Town Board will table this until the December 7<sup>th</sup>, 2017 meeting and we will have a report from the Building Inspector.

Unsafe Building – 188 Bockes Road- Supervisor pemrick states the Gerry McKenna, Code Enforcement Officer, gave the Board members a report of a mobile home at 188 Bockes Rd., Tax Map ID # 137.-2-22, that is in a state of disrepair. There is also debris strewn across the yard. Windows and doors are broken and the roof has partially collapsed. On a Motion by Cochran, C. and seconded by Capasso, C. the Town clerk was directed to send a Notice of Unsafe Building to the Property owners and that a Public Hearing be scheduled for 7: 20 on December 7<sup>th</sup>, 2017.

The regular meeting of the Town Board was opened at 7:30 PM with the Pledge to the Flag. On a motion by Cochran, C. and seconded by Capasso, the minutes from October 12<sup>th</sup> & 24<sup>th</sup> and November 2<sup>nd</sup>, were approved by all members present.

National Grid - National Grid has notified the Town that any decorations need approval by them before attaching to the power poles.

Community Center - Saratoga Plan would like to use the Community Center on December 13<sup>th</sup>, 2017.

**RESOLUTION # 130- Approve Community Center use for Saratoga Plan**

Motion:

Seconded:

**RESOLVED**, The Town Board hereby approves the use of the community Center for Saratoga Plan on December 13, 2017. All paperwork is in place.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

Update Brookhaven Park - Supervisor Pemrick states he would like to rekindle the energy of the Board to complete the pavilion. The 5K race / Octoberfest on October 28<sup>th</sup> brought many great comments and opened the eyes of those who were there or participated in the event. He feels that there is some anticipation by a large number of residents that it will be ready for the warm weather next year. Capasso, C. asks if we are looking to put in playground equipment. The Supervisor feels that we should assess what would fit in. Johnson, C. states that we should make a decision on a restroom facility, or porta- potties. Supervisor Pemrick states that we should have a bathroom. It would be a big expense. We need to decide if we build it ourselves, get a pre-fab type of structure, there are options. Capasso, C. asks who did the Middle Grove restroom. Johnson, C. states that the Town purchased the material and John Munter put it up and donated his time. Supervisor Pemrick asks the Board to keep it in their thoughts that we need to make some progress on that project.

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2018 Town Budget- Supervisor Pemrick states that we have held budget workshops and discussed some needed equipment for snow removal, keep up with the road program and other programs. The tax rate for a \$200,000 home in Greenfield is \$390.00 and the 2018 increase would add \$16.00 to that amount. He feels that is a reasonable tax increase for what it will do for the Town. He added that we held Public Hearings at which time there were no comments.

**RESOLUTION # 131- Adopt 2018 Budget**

Motion: Cochran, C.

Seconded: Capasso, C.

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget and heard all persons desiring to be heard thereon, NOW THEREFOR IT BE IT

RESOLVED, that this Town Board does hereby adopt said preliminary budget as finally compiled, as the annual budget for the year 2018, and that such budget as so adopted be entered in detail in the minutes of the proceedings of the Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of the Town shall prepare and certify a copy of said annual budget as adopted pursuant to Section 202A, Sub.2 of the Town Law and deliver thereof to the Supervisor and to the County Board of Supervisors.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**RESOLUTION # 132- Declare Portion of Barney Road as Seasonal**

Motion: Johnson, C.

Seconded: Cochran, C.

**RESOLVED**, That the Town Clerk be directed to give public notice that in accordance with Town Highway Law, the portion of Barney Road from the end of the blacktop to the Town Line be declared a seasonal highway from November 15<sup>th</sup>, 2017 to April 15<sup>th</sup>, 2018.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**RESOLUTION # 133- No Parking on Town Highways**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, That the Town Clerk be directed to place an ad notifying residents that there shall be No Parking on a Town Highway or Public Right-of- Way between Nov. 15<sup>th</sup> and April 15<sup>th</sup> for snow removal purposes.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**RESOLUTION # 134- Schedule Opening of bids #2 Fuel Oil , Regular & Diesel gas**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, that the Town Clerk be directed to advertise for the Opening of Bids for # 2 Fuel Oil, Regular and Diesel gasoline to be held on December 7<sup>th</sup> at 7:20 PM.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

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Supervisor Pemrick states that we need to consider a Local Law that would extend the Veterans Exemption that is currently in place. This was passed by the Town in 2009. It removes the 10 year limitation as long as the qualifying person owns the property. Johnson, C. states that we are looking at scheduling a hearing to amend the Local Law #1-2009, or will it be a new Local Law. Supervisor Pemrick says that it will rescind it and create a new one. It would include the same financial limits.

**RESOLUTION # 135- Schedule Public Hearing Local Law #3-2017- Extend Veterans Exemption**

Motion: Capasso, C.

Seconded: Cochran, C.

Johnson, C. asks if we are adopting a new local Law or rescinding the existing one. We will need to get the Local Law together so the Town Clerk can advertise. Town Counsel Mark Schachner, states that it can be done either way. The provisions stay the same, it takes away the termination. He was under the impression that the County was sending the model Local Law. Supervisor Pemrick states that it has not come up yet, but is going to be acted on at the County level. Johnson asks if Town Counsel could get that to the Town Clerk so we can act on that.

**RESOLVED**, That the Town Board hereby schedules a public hearing on proposed Local Law #3-2017, Extending the Cold War Veterans Exemption, to be held on December 7<sup>th</sup>, 2017 at 7:25 Pm at the Greenfield Town Hall.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**Settlement Garden Homes-** Supervisor Pemrick states that we have had litigation involving the Town and 2 Mobile Home Parks, one at 1107 North Creek Road Tax Map ID#137.-2-8.1 and 1203 North Creek Road Tax Map #124.-3-35. Mark Schachner, Town Counsel reminds the Supervisor that he can, if he wishes, discuss this in Executive Session. Supervisor Pemrick states that he doesn't have any concerns with discussing this. He continues Garden Homes challenged the 2016 and 2017 assessments. Through litigation the Town Assessor and Garden Homes have reached a settlement and we will be issuing a refund. Capasso, C. asks what it is we are agreeing to. Johnson, C. we are agreeing to reduce their assessment by the amounts listed for the two years and that has to stay that way for the following three years. Mark Schacher, Town Counsel adds as long as they don't make any improvements. Johnson, C. makes a motion to adopt resolution authorizing the settlement of the property assessment cases.

**RESOLUTION # 136- Authorize Settlement of Garden Homes Assessment Cases**

Motion: Johnson, C.

Seconded: Cochran, C.

WHEREAS, Garden Homes Willow Park Limited Partnership, filed Article 7 Real Property Assessment Review cases against the Town challenging the 2016 and 2017 assessments on two of it's properties located at 1107 North Creek Road, Tax Map #137.-2-8.1 and 1203 North Creek Road Tax Map # 124.-3-35; and

WHEREAS, it appears to be in the best interests of the Town to avoid the significant costs that would result if the litigation continues and goes to trial; and

WHEREAS, the Town Assessor now recommends proposed settlement terms which have been negotiated with the Petitioner; and

WHEREAS, it is anticipated that the Saratoga Springs School District will approve the proposed settlement terms; and

NOW, THEREFORE, BE IT

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RESOLVED, that the Town Board hereby approves the proposed settlement of the tax assessment cases filed by Garden Homes Willow Park Limited Partnership for 2016 and 2017 as follows:

1) The 2016 and 2017 assessments shall be reduced as follows:

<u>Property</u>	2016 Assessed Value	2016 Reduced Value	2017 Assessed Value	2017 Reduced Value
1107 No. Creek Rd. #137.-2-8.1	\$2,054,500	\$1,750,000	\$2,054,500	\$1,650,000
1203 No. Creek Rd. #124.-3-35	\$866,600	\$ 700,000	\$866,600	\$650,000

2) Refunds shall be paid on the assessment reductions; and

3) Section 727 of the Real Property Tax law will apply, fixing the assessments for Tax Map Parcel # 137.-2-8.1 at \$1,650,000 and Tax Map Parcel # 124.-3-35 at \$650,000 for the 2018, 2019 and 2020 Assessment Rolls unless the property is further improved or the assessment is subject to some other exemption under Section 727; and

4) The 2016 and 2017 assessment challenges shall be discontinued.

BE IT FURTHER, RESOLVED, that unless otherwise ordered by the Court, refunds based upon the assessment reductions shall be paid without interest provided they are paid within (60) days after Petitioner serves a copy of the filed Court Order approving the settlement with Notice of Entry, on the Town and on the Saratoga County Treasurer, together with the necessary Demand for Payment; and

BE IT FURTHER RESOLVED, that unless ordered by the Court, the 2018 Town/ County tax bills shall reflect and be calculated based upon the reduced assessed values, however, if there is insufficient time to adjust the assessed values prior to the finalization of the 2018 tax bills, the bills shall be issued and paid based upon the current 2017 assessed values and the Town shall pay the applicable refunds to Petitioner to reflect the reduced assessed values within 60 days of receipt of payment in full from Petitioner; and

BE IT FURTHER RESOLVED, that approval of this Settlement Agreement is contingent upon Town Counsel's review and approval of the Stipulation of Settlement and Order; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes and directs to the Town Supervisor, Town Assessor, Town Clerk, and/or Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement with the terms of this Resolution.

Duly adopted this 9<sup>th</sup> day of November, 2017, by the following vote:

Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

Discussion Brookhaven Golf Course- Supervisor Pemrick states that we have information on a new pumping station for the Golf Course and we discussed this at the agenda meeting. We had an estimate for \$90,000 and the Town Board at that time was considering taking loan from UDAG to purchase this station and monies that would be needed to prepare the site and some options that were provided with the pump station estimate. The figure discussed was \$125,000. Cochran, C had asked about estimates on the completion of irrigation. Walter Barss states they do not have that at this time.

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We also discussed completing this in stages. Johnson, C. asks if this is something that we want to install soon or in the Spring. Walter Barss states in the Spring. Joan Stunzi, Bookkeeper, asks the assumption is that we pay off what we owe on the carts, \$39,000. If we have the same terms, \$2921.23 a month, which we pay 7 months of the year when the Golf Course is in operation, we know we can handle that. She would like to have a similar payment. Every year is uncertain, but we should stick to what we know we can handle. Supervisor Pemrick states that if we do this it will help to reduce the maintenance costs, and it will include prep work, pump station, electrical and new plumbing.

**RESOLUTION # 137- Authorize of up to \$125, 000 for a loan from UDAG Funds**

Motion: Capasso, C.

Seconded: Cochran C.

**RESOLVED**, that the Town Board authorizes the Supervisor to speak to the UDAG Administrator to take a loan in payments of up to \$125,000 for an irrigation system for Brookhaven Park and Golf Course. To be used for site/ prep work, new pump station, electrical and new plumbing, with payments and terms according to the Bookkeeper's recommendations.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**RESOLUTION # 138- Transfer of funds**

Motion: Johnson, C.

Seconded: Cochran, C.

**RESOLVED**, that the Supervisor be authorized to make the following Transfer of funds:

\$ 997.73	From: A 3650.4	To: A 7140.4
\$ 840.93	From: A 1990.4	To: A 1310.4
\$ 16.27	From: A 8010.2	To: A 8010.1
\$ 23.31	From: A 8010.2	To: A 8010.4
\$ 398.76	From: A 8020.2	To: A 8020.4
\$ 208.15	From: A 8015.4	To: A 8020.4
\$6599.03	From: A 1990.4	To: A 7310.4
\$268.55	From: A 1630.2	To: A 1630.4
\$ 630.49	From: A 4010.4	To: A 1630.4
\$ 372.69	From: A 1620.1	To: A 1630.1
\$ 16.27	From: A 8010.2	To: A 8010.1
\$2076.40	From: CR7180.41	To: CR7180.4
\$ 35.82	From: CR7110.41	To: CR7110.4
\$ 460.40	From: CR7180.2	To: CR7180.42
\$ 481.53	From: CR1990.4	To: CR7180.4

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

Monthly reports were submitted by the Town Clerk, Highway, Parks, Dog Control, Supervisor's Financial Report, Town Justices and Wilton EMS and Jessup's Landing Quarterly reports.

**RESOLUTION # 139- General Bills**

Motion: Capasso, C.

Seconded: Johnson, C.

**RESOLVED**, That the General Bills from # 648-# 716 in the amount of \$44,002.38 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

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**RESOLUTION # 140- Parks Bills**

Motion: Capasso, C.

Seconded: Cochran, C

**RESOLVED**, That the Parks bills from # 260-#280 in the amount of \$8529.62 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

**RESOLUTION # 141- Highway Bills**

Motion: Capasso, C

Seconded: Johnson, C.

**RESOLVED**, that the Highway bills from # 254-#278 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Chandler, C.

On a motion from Cochran, C. and seconded by Capasso, C. the meeting was adjourned at 8:10 PM.

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Town Clerk

DRAFT