

December 14, 2017

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

Unsafe Building- 7 Lake Desolation Rd.-Tax Map #162.8-1-10- Deputy Supervisor Johnson states that the structure in question has been demolished and debris removed by the Highway Dept. It meets the satisfaction of the Code Enforcement Officer. The Town Clerk will send the expenses incurred to the County Treasurer for the next tax bill.

6 Main Street- Tax Map #135.12-2-62- Deputy Supervisor Johnson states that the owners, Gary and Marianne Warner received for a demolition Permit and removed the structure. It meets the satisfaction of the Code Enforcement Officer.

188 Bockes Rd. –Tax Map #137.-2-22- Deputy Supervisor Johnson states that notification has been sent to the landowners. The Town has not heard from them, however there is time. We will table this until our next meeting in January.

The meeting as a Board of Health closes at 7:22.

The regular meeting of the Town Board was opened at 7:30 PM on Thursday December 14th, 2017 with the following members present: Deputy Supervisor MaryAnn Johnson; Daniel Cochran, Walter E. Chandler and Rick Capasso, Councilmen. Also present were Superintendent of Highways, Walter Barss and Deputy Superintendent of Highways, Duane Wright and 4 residents. Absent were Town Supervisor Daniel Pemrick and Town Attorney Mark Schachner.

The meeting was called to order by MaryAnn Johnson with a Pledge to the Flag. On a motion by Capasso, C. and seconded by Cochran, C. the minutes from November 9th and December 7th were approved by all members present.

Correspondence- Town Clerk states that the Town has received a 30 day Liquor License notice from Saratoga Polo; A letter from DEC stating that they are contemplating purchase of property on Greene Road, Tax Map #s 113.-1-35.1 and 113.-1-35.2 and a letter from Patty Schwartzbeck on behalf of the Greenfield Food Pantry thanking everyone for the wonderful donations. Also a Thank You letter was sent to the Greenfields Lions Club for the Christmas tree for Veterans Park.

Deputy Supervisor Johnson states that since the Town Attorney is not here and has information for items in old business we will move to new business.

December 14, 2017 continued

Junkyard License Renewals- Deputy Supervisor Johnson states that we have three Junkyard Licenses for review before the Board, 7337 Middle Grove Rd; M & J Construction at 465 Route 9N and Cornell's Used Auto Parts. She states that Code Enforcement Officer McKenna has visited the each site; all seem to be in compliance. Ballesteros's at 7337 Middle Grove Road has removed 85 cars and 295 cars have been removed to date. They still have one year to remove the rest. Cornell's used Auto Parts is in compliance. Deputy Supervisor Johnson states that there seems to be a question of ownership of M & J Construction at 465 Route 9N with the landowner. (Town attorney Mark Schachner arrives at 7:38). Capasso C. states that the land is owned by one person but the application is in someone else's name. MaryAnn Johnson, Dept. Supervisor states that she spoke with Supervisor Pemrick and concerning that question from the landowner. He suggests that we approve this renewal for six months and let the landowner and applicant know that they need to determine whose name the license should be in and who pays the fee. Chandler, C. asks if that is the reason that we are doing a six month renewal. Dept. Supervisor Johnson states yes, it seems that there is a question as to who pays for the renewal, the application is in M & J Construction's name and the property is in the Uncle's name. Chandler, C. asks from a legal standpoint that has been there a long time. Because there is some family disagreement are we going to get pulled into this? Mark Schachner states that is an appropriate concern, but we should be able to stay out of it.

RESOLUTION # 142 – Approve Junkyard License Renewals

Motion: Capasso, C

Seconded: Cochran, C

RESOLVED, that the Town Board hereby approves the following Junkyard license renewal for the year 2018 as per the Town Code – Chapter 65, Junkyards.

#1- 2018 Cornell's Used Auto Parts

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 143 – Approve Junkyard License for 7337 Middlegrove, LLC

Motion: Capasso, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves a Junkyard License Renewal #2-2018 for Middlegrove LLC. for a period of six (6) months, to expire June 30, 2018, with the following conditions:

No new cars will be brought onto the property

The license must be reviewed/renewed every 6 months

A minimum of 225 cars must be removed per year

Hours of operation 7AM to 7PM Mon to Sat

Junkyard is not open to the public

License renewal fee of \$100 per year

License authorized for the limited purpose for removal of junk cars only

Copy of all DEC Inspections provided to the Town

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

December 14, 2017 continued

RESOLUTION # 144 –Approve Junkyard License for M & J Construction Route 9N

Motion: Capasso, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves a Junkyard License Renewal #3-2018 for M & J Construction Route 9N for a period of six (6) months, to expire June 30 2018 with the following conditions:

Junkyard license applicant and landowner determine whose name the application should be in and who will pay the license renewal fees.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

Deputy Supervisor Johnson states that now that the Town Attorney is here we can address the Old Business.

DAVE EVANS- PLANK ROAD - Town Attorney Schachner states that Mr. Evans claims seem to be a bit complicated and has come around full circle. To another extent it looks like one of Mr. Evans' claims may have some support. By that he means a clerical error when the portion of Plank Rd. we sought to be abandoned was abandoned, we did mistakenly have a mirror image. Instead of going in one direction from an intersection the language in the resolution went in the other direction. Mark Schachner states that it is not clear to him, and he knows Mr. Evans is present, his attorney did not provide a meaningful response to his letter and said Mr. Evans would do so which he did. It still seems to him, and this is not a criticism of Mr. Evans, he has Taken a position that is internally inconsistent. On the one hand his application dating back many months says his property is on an abandoned portion of Plank Road and more recently he contends that the property is not on an abandoned portion of Plank road it is on an abandoned portion of Plank road that (Town Counsel states these are his words) was intended to be abandoned but wasn't properly abandoned. Mark Schachner states that to him these are inconsistent arguments. He sought clarification from his attorney. His attorney did not provide clarification and Mr. Evans would. Mr. Evans did send a letter. Town Attorney, Mark Schachner states that on the Plank road abandonment issue we've confirmed and feels that Walt Barss and the Town Board is aware of this, it does appear that there was a clerical error or typographical error at the time of abandonment in 2005. As far as he knows, because we all thought that portion was intended to be abandoned was abandoned that's how we have acted over the intervening 12 years. He doesn't know if anyone has acted any differently, including Mr. Evans. He feels that he wasn't aware of this anomaly until recently. Mark Scahachner states these are his words not Mr. Evans. He continues, that being the case on the abandonment of Plank road issue he suggests that we solve the problem at next month's Board meeting with an appropriately worded Resolution that indicates and confirms what the intent originally was and confirms that everyone has acted on that intent to date. As far as the Open Development application from his perspective, if push came to shove, despite the clerical error, because everyone has behaved as if that portion of Plank Road is abandoned this is where he means that we have come full circle, his position as Legal Counsel, he is back where he started, where he said in his application he has property on an abandoned portion of Plank Road. That being that case, he has made an Open Development Application, the Town Board has processed the Open Development Application, referred it to the Planning Board for their recommendations, the Planning Board did make a recommendation to the effect that if the Town Board is inclined to grant an Open Development approval they should do so with the following conditions. The Town Board has a few options, you can

December 14, 2017 continued

reject Town Counsel's advice on Plank Road and consider it not to be an abandoned portion and then Mr. Evans has frontage on a public road. He feels it does not look like he has property on a public road, the Highway Dept. has not maintained it as a public road, because we assume that what we intended to abandon was abandoned. You can if you wish, approve the Open Development with the conditions recommended by the Planning Board there are 3. You can deny the Open Development application if you feel that this is not an area where development is appropriate in the Town of Greenfield and those are your options. Unlike other types of applications, there is not a time clock by which you need to make a decision, but at some point you should make a decision. Deputy Supervisor Johnson states that she is reviewing the report of the application from the PB. The recommendations were the driveway and steel deck shall be designed and certified by a licensed engineer that will hold a 50, 000 lb. 30 ft. long vehicle. Driveways in excess of 500 ft. long shall be marked and have pull off intervals for emergency vehicles. The applicant provides certification for the driveway and steel deck bridge in accordance with the Town of Greenfield driveway standards, and the improvements be completed before the issuance of a Building permit. These were the three big items that the PB recommended on the Open Development. Chandler, C. asks how far up is the road being claimed that it wasn't abandoned. Dept. Supervisor Johnson says that it is 3200 feet which is at the turnaround before the bridge. Highway Supt. Barss states that is where our road ends. Maryann Johnson states our road stops prior to the bridge. The bridge and anything passed it was abandoned. Capasso, C. states he feels that we should have the proper wording in a resolution and then we can attend to Mr. Evans. Cochran, C. states he would like to table this. Johnson asks the Town Attorney to get the TB the proper wording for the next meeting. Chandler, C. states that even with the PB recommendations there will still be an issue with the landowner that claims to own it now. Mark Schachner reminds the Town Board that if the TB issues an approval the law supports that the conditions recommended from the Planning Board. If you do so, it is possible that the conditions cannot be lawfully fulfilled. Chandler, C. states that if the landowners have a disagreement, and he understands that it is a liability issue. Mark Schachner points out that it is possible for Boards for issue an approval with conditions that can't be fulfilled. If it can't be fulfilled it is not a Town problem. If there is a private property dispute between the property owners that is not a dispute that the Town needs to participate in and he states that we should not participate in. Deputy Johnson states that we will table this, get the proper wording corrected on the abandonment and look at the Open Development at the next month's meeting.

RESOLUTION # 145- Amend Local Law 1-2009 and Extend the Cold War Veteran's Exemption

Motion: Capasso, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board does hereby adopt Local Law #3-2017 entitled "Extending the Duration of the Cold War Veterans Exemption from Real Property Taxation.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

DISCUSSION UV SYSTEM AT BROOKHAVEN- Deputy Supervisor Johnson states that there has been a couple of times where the water tests did not one month but did the next and the State Health Dept. will not issue us a waiver on the UV system. Supervisor Pemrick wanted us to discuss this because we need to start the process of adding this to Brookhaven. Cochran, C. asks what one would cost. Town

December 14, 2017 continued

Clerk states that we had to replace the one at the Community Center and with labor it was around \$4,000. Dept. Supervisor Johnson states that it is for the drinking water. The well has been checked by the State and any recommendations if any were completed. This is something the State Health Dept. wants us to do. We had to do the same with the Community Center a few years ago.

BROOKHAVEN BUDGET- Dept. Supervisor Johnson states that the Budget for next year lower than the 2017 budget. We were able to cut back on expenses. Over the years the repairs we have made are paying off. We are in the black this year. The bookkeeper is working on the final numbers. Cochran, C asks of we have chart to see how we have done over the years. Duane Wright states that he has looked over all the reports and we had 12,500 to 3,000 rounds of golf. Cochran, C asks how the Tournaments were. Walt Barss states that they increased. Mr. Wright states that we did make some money where as other Golf Courses in the area did not fair that well.

RESOLUTION # 146 – Adopt Brookhaven Budget

Motion: Cochran, C

Seconded: Capasso, C

RESOLVED, that the Town Board hereby accepts the 2018 budget for Brookhaven Golf Course as presented.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 147- Approve Emergency Services Agreements

Motion: Capasso, C.

Seconded: Chandler, C.

RESOLVED, that the Town Board hereby approves the Emergency Agreements for 2018 as follows:

Wilton Emergency Squad	\$60,682.
Town of Corinth (Jessups Landing)	\$50,000.
Community Emergency Corps	\$50,000.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 148- Schedule End of the Year and Organizational Meetings

Motion: Cochran, C.

Seconded: Capasso, C.

RESOLVED, that the Town Board hereby schedules the End of the Year meeting to pay bills and set highway rates for December 27th at 10AM and the Organizational meeting for January 4th 2018 at the Agenda meeting at 7:30.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

December 14, 2017 continued

RESOLUTION # 149 – Approve Petty Cash for Town Tax Collector

Motion: Cochran, C.

Seconded: Capasso, C.

RESOLVED, that the Town Board hereby establishes a Petty Cash fund in the amount of \$200.00 for the Town Tax Collector.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

Deputy Supervisor Johnson recognizes Walter E. Chandler for eight years of service to the residents of Greenfield as a Town Councilman. Councilman Daniel Cochran and Town Board members thank Walter E. Chandler for his exemplary service.

RESOLUTION OF HONOR

Submitted by: Daniel Cochran

Seconded by: MaryAnn Johnson

WHEREAS, **WALTER E. CHANDLER**, was first elected as Greenfield Town Councilman in 2009 and continued as a Town Board Member until December 31st, 2017, and

WHEREAS, **WALTER E. CHANDLER**, served as liaison to the Greenfield Fire District and volunteered his services to the Town of Greenfield in various other capacities, and

WHEREAS, **WALTER E. CHANDLER**, served and represented the Town of Greenfield residents with respect, and

WHEREAS, The Town Board wishes to express its thanks and deep appreciation to **WALTER E. CHANDLER** for eight years of dedicated service to the Town and its residents, NOW THEREFORE,

BE IT RESOLVED, by this Town Board on behalf of the residents of the Town of Greenfield, that this Resolution be spread upon the minutes of this meeting, and

BE IT FURTHER RESOLVED, that a copy be presented to said **WALTER E. CHANDLER**.

Dated: December 14th, 2017

Daniel Pemrick, Supervisor
Daniel Cochran, Councilman
MaryAnn Johnson, Councilman
Rick Capasso, Councilman

I HEREBY CERTIFY that the above Resolution was duly adopted
By the Town Board at their December 14th, 2017 meeting.

Louise Okoniewski, Town Clerk

December 14, 2017 continued

SARATOGA CO. MAGISTRATES AND COURT CLERKS ASSOC- Deputy Supervisor Johnson states that we received a notice from the Saratoga County and Court Clerks Assn. asking we adopt two Resolutions in support of a centralized arraignment area. Capasso, C. states that this would give the Sherriff an area where they can hold detainees overnight without getting a Judge in the middle of the night.

RESOLUTION # 150- Support a Centralized Arraignment Area for Saratoga County

Motion: Capasso, C.
Seconded: Cochran, C.

RESOLVED, that the Greenfield Town Board hereby supports the Saratoga County Magistrates and Court Clerks Association request in obtaining space in the new public safety building that could be used for arraigning defendants in a centralized location.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to each member of the Saratoga County Board of Supervisors, the Saratoga County Administrator, the Saratoga County Sherriff and the Saratoga County Attorney.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 151- Support the Saratoga County Sherriff's Request to Hold Defendants at the County Jail.

Motion: Capasso, C.
Seconded: Cochran, C.

RESOLVED, That the Greenfield Town Board hereby supports the Saratoga County Magistrates and Court Clerk Association's requests that Section 500-c of the New York State Corrections Law be amended to allow the Saratoga County Sherriff to hold defendants at the County Jail for purposes of an of an immediate arraignment,

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Governor Andrew M. Cuomo, Senators James Tedisco and Kathy Marchione and Assembly members John T. McDonald, III ; Dan Stec, Mary Beth Walsh and Carrie Woerner.

BE IT KNOWN that these Resolutions were passed by a unanimous vote of the Greenfield Town Board on the 14th day of December, 2017.

Louise Okoniewski, Town Clerk

December 14, 2017 continued

Monthly reports were submitted by the Town Clerk, Highway Dept., Dog Control, Parks, Town Justices and the Supervisor's Financial Report.

RESOLUTION # 152- Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C

RESOLVED, That the Supervisor be authorized to make the following transfer of funds:

\$ 3457.70	From: A1410.4	To: A7140.4
\$ 324.64	From: A1355.2	To: A1630.4
\$ 640.00	From: A8160.45	To: A8810.4
\$ 1015.46	From: A1710.4	To: A8020.4
\$ 7877.67	From: A1990.4	To: A1420.4
\$ 198.43	From: A8010.2	To: A8020.4
\$ 298.73	From: A5132.4	To: A5182.4
\$ 3671.14	From: A1440.4	To: A7310.4
\$ 533.61	From: A4010.4	To: A1620.4
\$ 1543.89	From: A3310.4	To: A1310.1
\$ 367.16	From: A3310.4	To: A1310.4
\$ 1317.09	From: A1355.4	To: A1355.1
\$ 449.16	From: A1355.2	To: A1355.1
\$ 1200.00	From: A1620.2	To: A1630.1
\$ 484.93	From: A1630.4	To: A1630.1
\$ 602.57	From: A7140.1	To: A7140.4
\$ 147.16	From: A3310.4	To: A7550.4
\$ 1055.61	From: A3310.4	To: A8010.1
\$ 627.11	From: A8015.4	To: A8015.1
\$ 9869.80	From: CR7110.46	To: CR7110.4
\$ 450.71	From: CR7180.2	To: CR7180.4
\$ 611.54	From: CR7180.2	To: CR7180.4
\$ 3999.85	From: CR7110.45	To: CR7110.100
\$ 1416.50	From: CR7180.2	To: CR7180.1
\$11,866.56	From: DA5130.4	To: DA5142.4
\$13,175.43	From: DA5120.4	To: DA5130.2
\$ 5420.04	From: DA5130.4	To: DA5130.2
\$ 2950.18	From: DA5110.4	To: DA5130.2
\$ 429.77	From: DA9030.8	To: DA5130.2

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

December 14, 2017 continued

RESOLUTION # 153- General Bills

Motion: Capasso, C.

Seconded: Chandler, C.

RESOLVED, that the General Bills from # 717-802 in the amount of \$43,638.41 be paid.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 154- Park Bills

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, that the Parks Bills from # 281-302 in the amount of \$15,339.65 be paid.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

RESOLUTION # 155- Highway Bills

Motion: Chandler, C.

Seconded: Capasso, C.

RESOLVED, that the Highway Bills in the amount of \$ 98,324.68 be paid.

VOTE: Ayes: Johnson, Cochran, Chandler, Capasso

Noes: None

Absent: Pemrick, Supervisor

On a Motion by Cochran, C. and Seconded by Capasso, C. the meeting was adjourned at 8:05PM.

Louise Okoniewski, Town Clerk

