

January 14th, 2010

The regular meeting of the Town Board was held on Thursday, January 14th, 2010 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Also present was Town Counsel Mark Schachner, Highway Supt, Walter Barss and approximately 8 residents.

At 7:25 PM, the Town Board convened as a Board of Health to discuss the matter of the Unsafe Building at 19 Coombs Roadway. Supervisor Rowland reviewed the report from the Code Enforcement Officer dated January 13th, 2010. The building has been completely knocked down. However, the debris still needs to be removed. Supervisor Rowland stated that he spoke with Mr. Halturewicz this week and he acknowledged the fact that the debris had to be removed. He had tried to have a dumpster brought in the last weekend he was up to work on the property, however there was a vehicle parked in the way. Cochran, C. asked whose car it was. Supervisor Rowland believed that it belonged to Al Hillmeyer. Supervisor Rowland added that he also spoke to him about the chimney which remains on the property. It was his intention to knock that down to the top of the firebox so that it would not fall. Kinsella, C. asked if the Code Enforcement Officer indicated whether or not the building was still unsafe. Supervisor Rowland stated that his letter indicates that it is still unsafe, however Supervisor Rowland noted that it was not a building anymore. He agreed that the debris needed to be cleaned up and stated that he has been told by Mr. Halturewicz that he plans on cleaning it up. Cochran, C. stated that he was not sure what the report from the Code Enforcement Officer was saying. It really didn't say that it was not unsafe. By the looks of the pictures it appears that there is only a look of debris that needs to be removed and that there is no longer a building. Kinsella, C. asked if Mr. Halturewicz indicated when he expected to be finished. Supervisor Rowland stated that he has only been able to work on it on weekends because he has a full time job. He comes up from New Jersey as much as he can. Kinsella, C. stated that he was inclined to let him keep working on it. All Board members in favor. Kinsella, C. asked if we could get a date from Mr. Halturewicz as to when he anticipates being able to complete the removal. The meeting of the Board of Health was adjourned at 7:30 PM.

At 7:30 PM the regular meeting was called to order by the Supervisor and opened with the pledge to the flag. On motion of Cochran, C. and seconded by Pemrick, C., the minutes of 12/10/09, 12/28/09 and 1/5/10 were approved as submitted.

Payment for third quarter 2009 severance taxes from RMK Timberland Group (formerly lands of Finch-Pruyn Company) in the amount of \$1,975.39.

Announcement from the NYS Association of Towns regarding the 2010 Training School and Annual Meeting to be held in New York City February 14-17, 2010.

Letter of Resignation from Michael Ginley from the Planning Board and UDAG Revolving Loan Fund Attorney.

Junkyard License Renewals - Supervisor Rowland advised that the Board received applications for renewal from the three active yards in Town: M & J Construction, Cornell's Used Auto Parts and Gaba Brothers. Reports from the Town Code Enforcement Officer had also been received on all three applications and he indicated that they were all in compliance. He added that he spoke with a family

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member from the 4th permitted yard today. It is the intention of the Dake family that that yard will cease to exist in the Spring as soon as they can get in and clean the vehicles out of there. The property has been appraised and they have been working through some estate issues. They did not file a renewal application because it is their intention to remove the vehicles. Al Janik, King Road – Mr. Janik stated that he does not have a problem with the fact that M & J is allowed to have a burm rather than a fence. However, in front of that burm they should not be allowed to process any junkyard material. In their case, they bring in product from offsite, soils etc., which they place in front of the burm and they turn around and sell it from there. He did not believe that the Town Code allowed for that. Pemrick, C. stated that the Code Enforcement Officers report recommends that the license be granted. He added that M & J has been cooperative with the Town for the past year or so. He is hoping that if he puts the Town in that position again this Spring or Summer, that the Town would be able to go to him and tell him that it is not allowed and that he would cooperate. Supervisor Rowland to make the Code Enforcement Officer aware of the concerns and have them address those concerns with M & J.

RESOLUTION # 28 – Approve Junkyard License Renewals

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the following Junkyard License Renewals for the year 2010:

#1-2010 - M & J Construction Company

#2-2010 - Casey Cornell – Cornell’s Used Auto Parts, LLC

#3-2010 – Gaba Brothers Auto Parts

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

UDAG Committee Appointment - Supervisor Rowland stated that the UDAG Committee had reviewed the applicants and provided the Board with a recommendation.

RESOLUTION # 29 - UDAG Committee Appointment

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby appoints Philip Engborg as UDAG Committee member to fill the vacancy created by the resignation of Wendy Dickson, and

FURTHER RESOLVED that said term shall expire 12/31/2011.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Building Permit Fees - Supervisor Rowland stated that the Board had received a request to waive the building permit fee for a property that was destroyed by fire which they owner was looking to rebuild. He advised that in consultation with the Town Attorney there is no provision in the Town Code to grant a waiver of the permit fee. It would require a change in the Town Law. Supervisor Rowland stated that his concern was that it would create a precedent. Pemrick, C. clarified that the Town

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Attorney stated that there was no law allowing the Town Board to waive the fee and therefore they did not have the power to do so. Town Counsel Schachner noted that since the Board does not have the written authority to waive a fee, if anyone else were to come in and request the waiver of fees they would have no power to deny their request. He added that the Town Board could amend the Code, however it would require a public hearing and adoption of a local law. Pemrick, C. felt that based on the recommendation of the Town Attorney the request for waiver of the building permit fee should be denied. Kinsella, C. asked if the Board was interested in looking at amending the Code in the future to allow for the waiver of fees but still require the applicant to go through the inspection process. Pemrick, C. suggested that the Code Enforcement Officer could contact some of the adjoining Towns to see if they have this provision. Supervisor Rowland will contact the property owner and make him aware of the Boards decision.

Temporary Closing of Roads - Chandler, C. stated that he would recuse himself from this matter. Highway Supt. Barss stated that every year the Board gives authorization to the Highway Department to post the roads with a 4 Ton Limit if conditions warrant. He also noted that he does issue permits to companies to drive over the roads during certain hours. He was not looking to put anyone out of business. They are looking to protect the roads.

RESOLUTION # 30 – Temporary Closing of Roads for Vehicles Over Four Tons

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Clerk give notice of the following:

NOTICE is hereby given that pursuant to Subdivision II of Section 1660 of the Vehicle and Traffic Law, the Town Board of the Town of Greenfield hereby directs and orders that all Town roads will be temporarily closed to any and all vehicles having a gross weight of over four tons.

Such temporary restrictions will become effective when notices are posted on the highways and continue until such time as conditions will permit opening.

Further notice is hereby given that any person or persons violating this order shall be subject to punishment as provided in Section 1800 of the Vehicle and Traffic Law.

By order of the Town Board

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran

Noes: None

Abstained: Chandler

Obsolete Computers – Cochran, C. stated that there any many old computers in a downstairs office that are either not working or can no longer be used by the Town. For a couple of years now he has been thinking about being able to provide the old computers for seniors in the Town to be able to use. He has five units that he would like to declare as obsolete and of no value. One has completely failed, however he was able to get four of them working. Cochran, C. noted that about 8 years ago he actually gave classes for the seniors to teach them how to get on the internet and basic computer operation. If there is enough interest, he would like to try and get some of the other old computers up and running as well. It would be a good way to recycle them as well. Kinsella, C. asked if all the Town information had been cleaned off of the hard

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drives. Cochran, C. stated that he had reformatted the hard drives and they were all free and clear of any Town information.

RESOLUTION # 31 - Declare Computer Equipment as Obsolete

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby declares the following computers obsolete and of no monetary value to the Town:

Dell Computer	Serial # CZQ7701
Dell Computer	Serial # 8PZQB01
Dell Computer	Serial # FOLQ121
Dell Computer	Serial # CZMJ721
Dell Computer	Serial #B2Q7701

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Banking Regulations - Joan Stunzi, Bookkeeper, stated that the bank has new regulations regarding electronic banking that the Town needs to act on. It is called a Dual Operation Policy and is basically for fraud prevention. In larger companies, they recommend that whenever any electronic banking transactions are taking place, that there be someone overseeing every entry that is made. They realize that in small businesses this could be very difficult. In our case, Dick would have to be in her office every time she was on the computer. The Town has the option to acknowledge the regulation, but to opt out of a dual-control environment. This would allow us to carry on with business as usual.

RESOLUTION # 32 – Banking Regulation – Dual Control
Acknowledgement

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby acknowledges the recommendation from Ballston Spa National Bank to operate in a dual control environment, and

FURTHER RESOLVED, That at this time, the Town Board does not wish to operate under a “segregations of duties” environment which would, at this time, disrupt the flow of transactions and activities essential to timely completion of tasks affecting the day-to-day operations of the Town of Greenfield.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

New York State Retirement Regulations – Joan Stunzi, Bookkeeper, stated that we currently have an auditor from the State Comptrollers Office here. One of the items she is looking at concerns the New York State Retirement. We currently have several individuals, both elected and appointed, in the retirement system. Some of those people are not required to turn in hours, therefore it makes it a little bit more difficult to determine their credit towards the retirement system. Around 1989, the Town was allowed to look at these positions, such as Councilman, Judge, etc. and come up with a standard work day. Some time after 1989 that changed and the hours and days that have

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been given are a little bit different than what was adopted in 1989. At this point, the Board needs to establish a standard work day and days that are being awarded presently so that the resolution will reflect what is being done. After that, individuals that are affected will have to keep a calendar for each of three months consecutively. At the end of 3 months an average will be taken and that is the time that will be allowed per person not per position as currently determined. Kinsella, C. clarified that for purposes of this resolution the Town Supervisor would be 5.5 days at 6 hours per day. Supervisor Rowland added that when you add in the County it confuses the issue even more. They are all trying to work this out between the County and Towns as to how to count the time and credit. Highway Supt. Barss asked what happens if the real number of hours worked adds up to more than the monthly standard. Joan Stunzi stated that according to the State you can earn up to 260 days per year, which is considered 1 year of retirement credit. The most you can get in any month, depending on the payroll frequency, would be 20 to 22 days. Even if you work overtime and have extra hours, there is a maximum as to the amount of credit you can earn.

RESOLUTION # 33 – Establish Days Worked for Retirement Purposes

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board establishes the following “days worked” for the purposes of monthly retirement reporting:

All appointed and elected official shall have a 6 hour working day except for the Highway Superintendent, Highway employees and senior maintenance worker who shall have an 8 hour workday.

In addition, standard workdays for other positions are as follows:

Town Supervisor	5.5 days
Town Justice	5.5 days
Town Councilman	3.5 days
Dog Control Officer	6.67 days

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 34 - Advertise for Openings – Planning Board Member & UDAG Attorney

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Clerk be directed to advertise for an opening on the Planning Board and for UDAG Attorney, and

FURTHER RESOLVED, that anyone interested in either position should submit a letter of interest with background information by February 4th, 2010.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Policy Handbook - Supervisor Rowland stated that he would like to establish a committee to review the Policy Handbook, including job descriptions, etc. He has discovered that there are some job descriptions that have discrepancies.

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RESOLUTION # 35 – Establish Committee to Review Policy Handbook

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby establishes a committee to review the Policy Handbook, and the committee members shall be Richard Rowland, Supervisor; Daniel Pemrick, Deputy Supervisor; MaryAnn Johnson, Town Clerk and Joan Stunzi, Bookkeeper.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Saratoga County Water Quality Committee – Supervisor Rowland stated that they are looking for members. They meet one time per month in Ballston Spa. If anyone is interested, they should contact himself or the Soil & Water Board.

Chemical Collection - Supervisor Rowland stated that DEC will be holding a Farm Chemical Collection on 3 dates in April in and around Saratoga County. It is mostly for farms. Golf courses also. As soon as he gets more information about the dates he will pass it along.

Hazardous Waste Collection Day - Supervisor Rowland stated that the Town of Milton is working on trying to put together another collection day with the 5 or 6 Towns that have participated in the past. They would collect paint, computers, televisions, chemicals, etc. As soon as more information is available he will let everyone know.

Al Hillmeyer stated that he was not here for the beginning of the meeting and asked what happened with the Unsafe Building. Supervisor Rowland stated that the Board is going to let Mr. Halturewicz to continue to remove the material from the property. They will be asking Mr. Halturewicz for a timeline as to how long he thinks it will take. Supervisor Rowland stated that Mr. Halturewicz has been compliant with what the Board has asked so far. The remainder of the chimney will also be taken down. Mr. Hillmeyer asked what would happen if he comes back with a timeline of six months. Supervisor Rowland stated that they would have to wait and see what the timeline is.

Al Janik, King Road - Mr. Janik questioned the recent appointment to replace Judge Varley. It was his understanding that Judge Varley submitted his resignation after the regular meeting in December. The Board appointed a successor on December 28th. He would like to know, within that time frame, what discussions were held and when. How was it decided to limit the appointment to an attorney. How did the two applicants learn of the vacancy and was anyone else contacted concerning this vacancy. Lastly, he wanted to know why the Board was in such a hurry to appoint someone. Mr. Janik stated that it was mentioned the night of the appointment that it was due to the large number of cases pending, approximately 108. He did not believe that that was a large number and when the two judges in Wilton are hearing court they regularly hear 150 or more cases. It seemed to him like there was a rush to get someone appointed and he questioned whether the Board followed protocol. Pemrick, C. stated that they would put together a timeline of how & why it was done.

Roll-Off Containers - Highway Supt. Barss stated that the Town has 8 containers that they use for the Townwide Cleanup. Two of them are in very bad shape

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and are unsafe to haul material anymore. It would be too costly to try and repair them. Highway Supt. Barss asked if the Board would consider purchasing one container this year and maybe one next year so we can continue with the cleanup. Without the extra containers they would have to cut out one of the weekend days each week. They are overwhelmed on the weekends and everything is full. They have been able to rebuild and repair a few of the other old ones, however these two are beyond repair. He stated that he did not have the money in his budget and felt that it was really more of a general fund purchase. He estimated the cost per container to be approximately \$5,000. Cochran, C. asked if there was any possibility of having a service haul them away. Highway Supt. Barss stated that it would be very costly. Cochran, C. asked if there was any way that we could borrow some from other Towns for the few weeks. Highway Supt. Barss noted that there any not very many other Towns who have them. Chandler, C. suggested that they look around to see if they can find good used ones. No decision was made at this time.

On motion of Pemrick, C. and seconded by Chandler, C., the Board adjourned to Executive Session at 8:13 PM to discuss a personnel matter. Clerk was not present for session. No minutes were filed. On motion of Pemrick, C. and seconded by Cochran, C., the Board returned to regular session at 8:52 PM.

RESOLUTION # 36 – Establish Hours for Code Enforcement Officer

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby sets the hours for the Code Enforcement Officer to be Monday to Friday from 9AM to 3 PM and every other Saturday for 3 hours.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Monthly reports were submitted by the Building Department, Dog Control Officer, Town Justices, Town Clerk, UDAG Revolving Loan Fund, Highway Supt and Town Supervisor.

Annual reports were submitted by the Town Justices, Highway Supt, Building Department and Town Clerk.

RESOLUTION # 37 – General Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills #12 to # 55 in the amount of \$48,561.55 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 38 – Highway Bills

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That Highway Bills # 1 to 13 in the amount of \$122,062.61 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

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RESOLUTION # 39 – UDAG Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bill #1 in the amount of \$5,750.00 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

On motion of Cochran, C. and seconded by Kinsella, C., the meeting was adjourned at 8:58 PM.

Town Clerk