

October 14th, 2010

The regular meeting of the Town Board was held on October 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, one reporter and 4 residents.

At 7:20 PM the Board met as a Board of Health.

Unsafe Building – 40 Greene Road- Medvec - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated October 13th, 2010 which indicated that there had been no change to the property. Town Clerk advised that after the last meeting a certified letter was sent to the property owner notifying him that he had until Sept. 30th to be in compliance. Mr. Medvec signed for the letter on Sept. 16th. Supervisor Rowland stated that this process started back in April and there has been no change made to the property.

RESOLUTION # 130 - Authorize Removal of Unsafe Building at
40 Greene Road

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Highway Supt. to remove the Unsafe Building located at 40 Greene Road, and

FURTHER RESOLVED, that all costs incurred by the Town shall be attached to the Town Tax Bill.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Unsafe Building – 47 Main Street – Mangona - Supervisor Rowland stated that this process began on August 16th, 2010. There is still some time remaining in their 60 day compliance date – October 26th. The Code Enforcement Officer submitted a report dated October 13th which indicated that there has been no change to the property or any communication from the property owner. Chandler, C. stated that he spoke with the property owner and he indicated that he was working with the Code Enforcement Officer and that he was trying to decide whether to fix the building or take it down. If he takes down the building he would still like to be able to build a camp to replace it and he wanted to make sure that he could do that. Supervisor Rowland stated that according to the report submitted by the Code Enforcement Officer he had not had any communication with the property owner. Chandler, C. stated that he would like to see the property owner have the chance to see whether or not he can work something out. Pemrick, C. stated that he did not object to giving the property owner a chance to do something as long as he took some action. He added that in that particular area, if he appears for any kind of building permit to fix the building or do anything to it, he will be required to bring everything into compliance with Zoning. No further action could be taken on this property until the November meeting. Pemrick, C. stated that the property owner is going to have to take action and be in communication with the Town prior to that meeting.

Kinsella, C. arrived at this time.

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Unsafe Building – 353 Grange Road – Layman - Supervisor Rowland reviewed the report dated October 13th, 2010 from the Code Enforcement Officer. Mr. Layman is the owner of the Mobile Home Park and is believed to be the owner of the mobile home. The Code Enforcement Officer did receive a call from the occupant of the mobile home stating that they were removing their belongings on October 9th. Town Clerk advised that the Unsafe Building notice was sent to Mr. Layman by both certified and regular mail. The certified letter was returned unclaimed. The letter was sent on August 16th and the 60 day compliance date would not be until October 16th. No action can be taken on this property until the next meeting. Al Janik, King Road, asked who actually owned the home and questioned whether or not the Town would be able to get their money back if they decide to remove the home. Supervisor Rowland stated that before the Board does anything on this property, it would have to be determined for sure as to who owns the home. The owner of the mobile home park is Mr. Layman.

Unsafe Building – 29 Daniels Road – Tax Map # 153.-1-5.11 - Supervisor Rowland stated that the Code Enforcement Officer submitted a report dated October 14th regarding a site inspection of property at 29 Daniels Road. The building has deteriorated to such a point that the roof has partially collapsed. The exterior walls have severe deterioration to rim joist, bottom plates and structural sheathing. The concrete block foundation under the “Sun Room” is failing. The building is currently uninhabited. On motion of Pemrick, C. and seconded by Chandler, C. an Unsafe Building Hearing was scheduled for November 11th, 2010 at 7:20 PM.

The regular meeting of the Town Board was called to order by the Supervisor at 7:35 PM and opened with the pledge to the flag. On motion of Kinsella, C. and seconded by Chandler, C., the minutes of 9/9/10 were approved as submitted by all members present.

Check in the amount of \$2,500. for Open Space/Parks & Recreation Fees for the Dorsey Subdivision on Locust Grove Road.

Letter of Credit Renewal for Greenfield Manor (Mary Griffin). New expiration date of September 30, 2011.

Request for Street Light – Young Road - Highway Supt. Barss stated that there were no reports of accidents in that location for the past five years. He added that it is a very sharp hair-pin turn and that it was wide open. He believed that speed may be a problem and there may be trouble in making the corner. Supervisor Rowland asked if the addition of a light could potentially help the situation. Pemrick, C. asked what signage there was advising drivers of the corner. Highway Supt. Barss stated that there was one big arrow there, however there were others that they could put up. He noted that there was a pole located in the area that a light could be installed on. Kinsella, C. stated that the individuals request was not based on accidents. It was based on kids hanging out there. Chandler, C. asked what the basis was for the Board to install a new light. Highway Supt. Barss stated that typically the reason was due to accidents in the area. Supervisor Rowland felt that the installation of a light would encourage hanging out. Chandler, C. asked if there was any vandalism, etc. and suggested that possibly they could ask the Sheriff’s patrol to see why they are hanging out in the road. Pemrick, C.

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was not sure if this warrants Town Board action. Highway Supt. Barss will talk to the property owner and obtain any further information regarding the request.

Planning Board Vacancy - Supervisor Rowland stated that one application had been received for the vacancy from John Bokus. The Board has interviewed him for previous open positions. Pemrick, C. noted that this was for the Alternate Planning Board position and that this gentleman was the only one who expressed an interest. Chandler, C. did not feel that it was necessary to go through the normal interview procedure for one individual, especially since he has already interviewed for other positions. Supervisor Rowland stated that Mr. Bokus was certainly familiar with the Town and somewhat familiar with the process.

RESOLUTION # 131 – Appoint Alternate Planning Board Member

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby appoints John Bokus as Alternate Planning Board Member with said term to expire 6/20/2011.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Proposed Local Law – Dog Control – Town Clerk stated that as of January 1st, the New York State Dept. of Ag & Markets Dog Licensing Unit will no longer exist. It will be the responsibility of the Town to handle the entire licensing process. The State has passed a law revising Article 7 – “Licensing, Identification and Control of Dogs” which will become effective January 1, 2011. The Town must now pass our own Local Law to set licensing fees, allowing County Shelter to issue licenses, etc. Town Clerk advised that Town Counsel’s Office has reviewed the draft law. The proposed law contains the current running at large law and adds the new sections pertaining to licensing of dogs. Kinsella, C. asked if this would be revenue neutral or revenue positive. Town Clerk stated that if the current dog licensing fees were left as is, she believed that it would be revenue negative to the Town. The proposed local law includes a \$1.00 increase to the spay/neuter dog license. This will cover the new mandated surcharge that the State is adding to this license as of January 1st. With this proposed increase, it is believed that the revenue should stay about the same as it is now. Kinsella, C. asked if the estimated revenues included an enumeration or not. Town Clerk stated that the estimate was using current numbers only. An enumeration would increase revenues. The last time an enumeration was completed 13 years ago, there were 800 new dogs licensed. At that time the Town was licensing approximately 1,800 dogs. Currently we are licensing 1,400 dogs. Supervisor Rowland noted that the Town would be authorizing the County Shelter to issue dog licenses for the Town when they are adopted out. They are not looking to bump the fee, nor are they looking to collect the Town fee. The owner would have to register their dog with the Town when it comes up for renewal. Town Clerk explained that that was the way it currently works. The County sends a copy of licenses issued to Town residents to us so that we can enter them into our system and have them renew their license here. Supervisor Rowland felt that the enumeration was a key part to this process. Town Clerk stated that it would not only provide us with an up to date database, but it would also ensure that dogs have current rabies vaccinations. There have been

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approximately 6 cases of rabid animals taken to the shelter from the Town this past year. Pemrick, C. asked if the \$1.00 increase was enough. Town Clerk felt that the most important thing would be to conduct the enumeration. She noted that any dog that was found to be unlicensed during the enumeration would be charged a \$5.00 surcharge. This would cover the cost of conducting the enumeration. Chandler, C. asked if the dog control officer was going to conduct the enumeration. Town Clerk stated that the dog control officer was in favor of doing it. In the past the person conducting the enumeration was given \$1.00 for every dog that they listed that was already currently licensed and \$3.00 for every dog they listed that was unlicensed. Kinsella, C. questioned whether or not the fee portion should be taken out of this law and put in the fee schedule with all the rest of the fees. That way whenever the Board reviews fees, they would automatically take a look at it. Town Counsel stated that the fees had to be part of this law. Kinsella, C. asked if, in order to encourage people to keep their dogs licensed, should the penalty for a ticket for an unlicensed dog be increased. He also felt that there should be a grace period prior to the enumeration starting allowing individuals a set amount of time to come in and license their dog and avoid the penalty. Pemrick, C. felt that the Town Clerk had done a very thorough job in putting this together and that it was a lot of work. Supervisor Rowland stated that this was and will continue to be a lot of work for the Town Clerk's Office. She has done some coordination through the Saratoga County Town Clerks Association to try and standardize tags, etc. so that it will be easier for Dog Control Officers to determine where a dog belongs. There will no longer be a State database for them to refer to. This is going to require buying tags, doing the mailings, etc. and has added significantly to the duties in the Clerk's Office.

RESOLUTION # 132 – Scheduled Public Hearing for Proposed Local Law # 2 – 2010 – Dog Control

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing on Proposed Local Law #2-2010 - Dog Control, for Thursday, November 11th, 2010 at 7:25 PM.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

HOME Program Grant - Supervisor Rowland stated that the Town worked together with several other communities and applied for a HOME Program Grant. The Town was denied. Supervisor Rowland has asked the company that wrote the grant if they could find out the reasoning for this determination. The other communities that were involved in this application were Providence, Day, Hadley, Edinburg and Corinth. If this money becomes available again, Supervisor Rowland felt that the Town should reapply again.

Hazardous Waste Day - Supervisor Rowland stated that the Town again participated in a Hazardous Waste Day with the Towns of Charlton, Milton, Corinth, Galway and Providence. They take paint, fluorescent bulbs, electronics, pesticides, etc. Forty-three residents from the Town of Greenfield participated. The Town's share was

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\$2,951.70, which was less than what was budgeted. It is anticipated that the Town should receive a 50% reimbursement from the State.

Update on Greenfield Center Post Office – Supervisor Rowland stated that there has been some concern and questions regarding the status of the Greenfield Center Post Office. He spoke with the Customer Service Department of the Post Office and was told that they are in the process of doing delivery optimization. The plan is that the Town will retain the zip code and office. It will still be the place to pick up packages, purchase stamps, have Post Office Boxes, etc. They do not have any intention of closing the office, as of this time. The plan is to move the carriers to Saratoga Springs and have them work their delivery route out of Saratoga. This is being done nation wide. Supervisor Rowland also heard that they had postponed the process of moving the carriers to Saratoga for 30 days. He added that the GCBA circulated a petition and received several hundred signatures within a two week period. The Post Office was made aware of that. He also enlisted the help of all of our elected officials and they have all responded in some manner, by contacting the Post Office.

O. B. Beyer Park - Supervisor Rowland stated that they are still in the process of putting together all the necessary paperwork to transfer the property from the nonprofit to the Town. There is going to be a meeting of the club membership on October 17th at 2 PM. They are going to outline to the members what is happening. Supervisor Rowland stated that some members of the community have expressed some interest in being a part of the discussions regarding the new Town Park. The Town has not established anything yet, however they would welcome community input. The golf course will be closing for the season on October 31st.

Settlement of Article 7 – Verizon - Supervisor Rowland stated that the Assessor has been in negotiations with Verizon regarding their assessment on the concrete block switch station on Route 9N. They have agreed to reduce their current assessment of \$240,000. to \$150,000. Kinsella, C. stated that he did not completely understand the process and would like a little time to discuss and asked if it was necessary to make a decision tonight. Supervisor Rowland noted that the proposed resolution was received right after the last Board meeting. Al Janik, a member of the Board of Assessment Review, asked what the assessment was in the prior year. Supervisor Rowland stated that it was \$73,708. in 2006, \$175,000. in 2009 and \$240,000. in 2010. Mr. Janik felt that was probably why the Assessor was recommending a settlement of this case. He felt that it was a pretty dramatic increase in assessment for a building that is on a relative small parcel and it is a structure, not a home. There are no living quarters in the building. The amount that they were agreeing to seems pretty fair. Town Counsel Schachner felt that this was a compromise. Verizon had asked the Board of Assessment Review for a reduction to \$75,000. which they denied. Pemrick, C. felt that the Assessor provided rationale as to why the reduction should be agreed to. Chandler, C. agreed.

RESOLUTION # 133 - Authorize Settlement of Article 7 – Verizon

Motion: Pemrick, C.

Seconded: Chandler, C.

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WHEREAS, in 2010 Verizon commenced an Article 7 Real Property Assessment Review case against the Town of Greenfield concerning its commercial property located at 3151 Rt 9N (Tax Map No. 138.1-1-4) and

WHEREAS, the Town Board has reviewed the case with Town Counsel and the Town Assessor has recommended a settlement proposal to the Town Board, and

WHEREAS, the Saratoga Springs City School District has not intervened or otherwise taken any part in the proceedings, and no approval from the District is needed to settle this matter,

NOW, THEREFORE, BE IT RESOLVED, that the Greenfield Town Board hereby approves the settlement of the pending Article 7 case brought by Verizon concerning its commercial property located at 3151 Rt 9N (Tax Map No. 138.1-1-4), in accordance with the following revised assessment:

<u>Year</u>	<u>Current Assessment</u>	<u>Revised Assessment</u>
2010	\$240,000.	\$150,000.

AND BE IT FURTHER RESOLVED, that in compliance with NYS Real Property Tax Law Section 727, the assessment on Verizon's property shall remain at \$150,000. on the Assessment Rolls for 2011, 2012 and 2013, subject to exceptions provided for by law, and

BE IT FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor and/or Town Counsel to promptly execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution in order to avoid the need to pay refunds.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Cochran, C. arrived at this time.

RESOLUTION # 134 – Authorize Application for Funds from the 2010-2011 Justice Court Assistance Program

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby authorizes Town Justices Deborah Hopkins and Michael Ginley to file an application for funding from the New York State Office of Court Administration 2010-2011 Justice Court Assistance Program.

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

Noes: None

Report on Denton Road – Highway Supt. Barss stated that they have finished what they are going to do for the year. The residents of the road seem to be very happy. He added that due to the fairly mild winter last year and the Boards approval to use some of the excess salt money, they were able to do another mile of road this year. Cochran, C. asked if they were able to work on the base for the road. Highway Supt. Barss stated that they added about 4,000 yards of gravel. In some areas they raised the road about 18". He felt that this should be a pretty good fix for most parts of the road. Supervisor Rowland noted that this was a binder coat only and that it would have to be topped in order to complete the road. Supervisor Rowland read a letter that he received

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from the Prestwick Chase Residents Association expressing their appreciation for the wonderful job that the Greenfield Highway Department had done. Highway Supt. Barss stated that they had also received some other cards and letters that are posted on the board in their breakroom. Supervisor Rowland explained that the Town Engineer had looked into the boundary lines along Denton Road and it was indeterminate as to whose boundary was where. Because of that, it looked like for County tax mapping purposes, the boundary line was placed in the center of the road. However, it was very questionable as to who owns what. Al Janik asked the Board if the Town paid for paving of both sides of the road. Supervisor Rowland explained that the Town did the road. They were considering that the road was the Towns. He added that the Town has claimed that road for CHIPS funding for numerous years. We have also plowed and maintained the road. The City of Saratoga Springs did the lower end of Locust Grove Road. Mr. Janik stated that in prior discussions it was always stated that the South side of the road was in Saratoga Springs. All the parcels on the South side of the road are assessed in the City of Saratoga Springs. He questioned how both sides of the road could be the responsibility of the Town. Highway Supt. Barss stated that the maps that he received from the Town Engineer indicated that the line moved from the centerline of the road over closer to the shoulder and then back again. He added that the City did send a few loads of blacktop when they were out topping, however it was probably not equal to what the Town thinks they might owe. Mr. Janik agreed that the road needed to be done and that both sides needed to be done at the same time. The point that he was trying to make was that the Town was willing to do their side but the City of Saratoga would not do theirs. Now, the Town had to bit the bullet and our residents had to pay for the whole thing. Mr. Janik asked at what point a decision was made that the Town should bear the burden. Supervisor Rowland stated that there was a discussion at a Town Board meeting, he believed in August, regarding this matter. Previously, they had always based their decisions based on what the County tax maps showed. When the Town Engineer provided the Board with the information he had researched, it was decided that you really couldn't determine who owned what and where the property lines were. Highway Supt. Barss added that one of the other factors in making this decision was that it is the 3rd highest traveled road in the Town. Also, no decision was made until they heard that they would not be receiving any grant money. Cochran, C. added that at one point it looked like the road would be taken care of with the Polo Project. Butch Duffney, Brigham Road, stated that there are a couple hundred seniors living on that road. If they fall and break a hip or something, they are not going to have to travel out that road. In addition, Prestwick Chase pays a sizable amount in taxes to the Town. He thought that the Town did the right thing by stepping up to the plate.

Townwide Cleanup - Highway Supt. Barss stated that the Fall cleanup week was one of the highest in the past 4 years. They took in over 135 tons of materials – almost 84 tons of garbage, 30 tons of steel and around 21 tons of tires. In the past 4 years they have taken in over 1122 tons of materials. Supervisor Rowland felt that because of the cleanup weeks, we were starting to see less tires and garbage along side the roads. Highway Supt. Barss noted that the amount of tires being turned in was down.

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For the past two years they have taken in over 50 tons of tires and this year there was only 21 tons.

Demolition Notice - Supervisor Rowland stated that when the Highway Department was working on taking down the most recent unsafe building, they ran in to a situation where the owner was called by a neighbor who in turn called 911 and said that there were people on his property messing around with his house. The State Police and Sheriff's Dept. both showed up. Supervisor Rowland asked the Code Enforcement Officer to develop some sort of Notice of Demolition that could be posted at the site and given to the Highway Supt. so that there would be no question as to what was happening. Mr. Janik asked if the notices of unsafe structures were being filed with the County and suggested that a copy of that should be enough.

RESOLUTION # 135 – Approve Notice of Demolition

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the proposed Notice of Demolition which shall be posted at the site prior to the Town beginning removal of any unsafe structure.

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

Noes: None

Budget Workshops - Town Supervisor advised that the Board will be working on the budget immediately following this meeting. An additional budget workshop was scheduled for Wednesday, October 20th at 6:30 PM.

RESOLUTION # 136 – Transfer of Funds

Motion: Kinsella, C.

Seconded: Pemrick, C.

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

\$ 165.71	From A8010.2	to	A8010.4
68.09	From A8020.2	to	A8020.4
690.93	From A7510.4	to	A7510.2
1,105.00	From A8160.45	to	A8810.4
1,252.08	From A4540.4	to	A3650.4
33,646.06	From DA5142.4	to	DA5110.4

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

Noes: None

Justice Court Audit – Supervisor Rowland stated that Councilman Pemrick and himself completed an audit on 10/13/2010. They found the books to be in proper order. They have a much more efficient system down there now and it took much less time to reconcile the books than in the past. They spoke with the Clerk regarding making some possible changes to the monthly report that is submitted to the Town. One of the Justices has come up with an addition to that report that he would like to see added which will provide the number of outstanding cases and what the dollar amounts for those cases were.

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RESOLUTION # 137 - Accept Court Audit

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby accepts the audit of Court Records conducted by Town Supervisor Rowland and Deputy Town Supervisor Pemrick dated 10/13/2010.

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

Noes: None

Honor Deceased Veterans Program - Supervisor Rowland stated that County program is looking for a deceased veteran from the Town to be honored in July 2011. He asked that anyone with any suggestions or recommendations should contact him. A ceremony is held at the County prior to the Board of Supervisors meeting.

RESOLUTION # 138 – Reappointment to Board of Assessment Review

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby re-appoints Kathy Tuczynski as member of the Board of Assessment Review with said term to expire 9/30/2015.

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

Noes: None

Heritage Days - Chandler, C. stated that he spoke with the Board of Fire Commissioners and they were on board and would support Heritage Days. He plans on going to each Fire Company to see if there are volunteers who are willing to help and establish a committee. If a committee can be put together with enough people to put this event together then they will try and do it this year. If not, he would like to definitely have it the following year. He will have a update at the next meeting.

Monthly reports were submitted by the Town Justices, Dog Control Officer (Aug. & Sept.), Highway Supt., UDAG Revolving Loan Fund Report, Town Clerk and Town Supervisor.

RESOLUTION # 139 - Highway Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 181 to # 198 in the amount of \$314,348.25 be paid, subject to audit.

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

Noes: None

RESOLUTION # 140 – General Bills

Motion: Kinsella, C.

Seconded; Pemrick, C.

RESOLVED, That General Bills # 561 to # 617 in the amount of \$30,507.70 be paid, subject to audit.

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

Noes: None

On motion of Pemrick, C. and seconded by Kinsella, C., the meeting was adjourned at 8:40 PM.