

April 14th, 2011

The regular meeting of the Town Board was held on Thursday, April 14th, 2011 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, 1 reporter and approximately 16 residents.

At 7:25 PM the Board met as a Board of Health.

Unsafe Building – 353 Grange Road, Lot 19 - Supervisor Rowland reviewed the Code Enforcement Officers report dated 4/14/2011. All the demolition debris remains on the property. The area is not fenced off. Chandler, C. asked if this would now become a Zoning violation with Gerry since it is no longer an unsafe building. Cochran, C. stated that he was proposing a change to the Code to provide for the removal of the debris from an unsafe building. Kinsella, C. believed that the current Code actually provides for the demolition and removal of the debris. Pemrick, C. noted that in the past Town Counsel has indicated that it was a Code violation and no longer an unsafe building. Town Counsel Schachner arrived at this time and was asked for a clarification. Town Counsel asked if the Health Officer had indicated that it was unsafe. Supervisor Rowland stated that it was the opinion of the Code Enforcement Officer. Town Counsel reviewed the existing Code and was comfortable with the Board moving ahead with the removal of the debris.

RESOLUTION # 60 – Removal of Debris – 353 Grange Rd, Lot 19

Motion: Kinsella, C

Seconded: Cochran, C.

RESOLVED, That the Highway Supt. is hereby instructed to begin removal of demolition debris from 353 Grange Road, Lot 19 during the week of April 25th, 2011, and

FURTHER RESOLVED, that all costs incurred by the Town during removal of the debris shall be assessed against the property.

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

Noes: None

Unsafe Building – 47 Main Street - Supervisor Rowland reviewed the Code Enforcement Officers report dated 4/14/2011. The building has been demolished. However, there has been no change to the property as far as the debris being removed. At the request of the Code Enforcement Officer, power to the property has been disconnected. Cochran, C. asked if the Town had received any correspondence back from the property owner. Supervisor Rowland stated that he has had no contact to date. Chandler, C. stated that the property owner contacted him. He stated that he had not been able to remove the debris due to the snow. It was his intention to do so. Chandler, C. stated that the property owner wanted to clarify that he knocked down the building first and then burned it. He did not have fire insurance. On motion of Cochran, C. and seconded by Kinsella, C., the Board agreed to extend the compliance deadline to May 12th, 2011 at which time all the remaining debris must be removed. All Board members voted in favor.

April 14th, 2011 continued

The regular meeting was called to order by the Supervisor at 7:35 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Pemrick, C., the minutes of 3/10/2011 & 4/7/2011 were approved as submitted.

Notice of Petition Article 78 – Elks Lodge #161, Barbara Young & George Kendsersky against Town of Greenfield Planning Board, Rolland Hoag & Tunison Funeral Home, Simone’s Funeral Home, Glenn Ward & Daniel Warren.

Check in the amount of \$2.26 for 2010 interest earned on the Cemetery Trusts for Old Denton & Miller Cemetery.

Notice of Application from Michael Roohan and the Town of Wilton Planning Board regarding a proposed 3 lot subdivision on Hilltop Drive, which is located within 500 feet of the municipal boundary line.

Check in the amount of \$500.00 from Michael Witham for Open Space/Parks & Recreation Fees for a subdivision.

Notice from Prestwick Chase, Inc. of their intention to submit their Renewal Application for their liquor license.

Check in the amount of \$61,923.45 from Time Warner Cable for 2010 Franchise Fees.

Notices from Dozer’s Bar & Grill, Inc. of their intention to apply for a liquor license and ballpark license to operate at Brookhaven Park.

Linda Leary, Esq. from Donald Zee, P.C. read into the record a letter to the Town Board regarding Funeral Home Parking requirements and a request that the Board enact a 120 day moratorium on approvals for any funeral homes. A copy of the letter was provided for all Board members.

Proposed Code Revisions – Cochran, C. stated that he had provided the members of the Town Board, Planning Board, Zoning Board of Appeals and Code Enforcement Officer with copies of the proposed revisions. He had received comments back from the Code Enforcement Officer. He would like to incorporate these comments and send them back out to everyone for their review at some point within the next week.

Planning Board Vacancy – Supervisor Rowland advised that two applications have been received for the Planning Board vacancy. The Board will have to set up a time to conduct interviews.

Dog Enumeration – Town Clerk advised that to date the enumerators have visited 193 homes. While visiting these homes, 51 dogs were found to be licensed and 47 were unlicensed. Due to the number of homes where there are no dogs, 126 homes, the enumerators have asked that the Board consider making an amendment to the enumerations fees. They are asking for \$1.00 for each home that they visit with no dogs. Town Clerk stated that although the cost to the Town would exceed the amount taken in through the additional \$5.00 enumeration fee, the Town would take in more than enough in new license fees to cover the cost of this \$1.00 payment. Chandler, C. was in favor of this change and did not think that the Town could ever get it done for any cheaper. Kinsella, C. asked whether this would be per parcel or house. If there were apartments there may be multiple units on a parcel. Town Clerk believed that it should be for each unit like with the mobile home parks where they would get credit for each home within the park. Supervisor Rowland felt that the Clerk has shown that this would

April 14th, 2011 continued

not be a tremendous expense to the Town but yet it would give us an accurate count. He felt that this was worthwhile just by seeing the number of unlicensed dogs to date. Chandler, C. asked if this fee would be added from this point forward. Town Clerk stated that she would like to see these homes included but that would be up to the Board.

RESOLUTION # 61 – Dog Enumeration Fees

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves the payment of an additional \$1.00 per home where there are no dogs and that this payment will be retroactive to include the 126 homes to date.

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

Noes: None

Deputy Dog Control Officer – Supervisor Rowland advised that three applications had been submitted for the position of Deputy Dog Control Officer. He stated that a date will have to be set to interview these applicants as well as the Planning Board applicants. Town Clerk was advised to schedule interviews to be held prior to the agenda meeting on May 5th, beginning at 7:00 PM for both positions.

Brookhaven Park – Supervisor Rowland stated that he finally received the agreement from Time Warner Cable today and that they should be starting the installation very shortly. A report has been given to Board members, similar to the monthly Highway Dept report, which shows the work that has been completed to date. Supervisor Rowland stated that they were looking at an opening date sometime during the week of April 25th, depending upon weather. The tee box on #12 is being rebuilt. Some modifications and renovations have been made to the pro shop. They are working on cleaning and preparing the clubhouse for opening. Duane Wright stated that Ben Andrews, Rick Schwartzbeck and Chris & Tom Baker have done a tremendous job up there. They have really put a lot of work in and are working long hours to get things done. Supervisor Rowland stated that Ben was still up there tonight grouting the tile in one of the bathrooms and added that it was not very often that you have a golf pro doing that kind of stuff. Duane Wright stated that Chris & Tom blew the snow off the greens earlier to give them a head start and they are in great shape. Highway Supt. Barss added that there have also been a couple of volunteers who have spent quite a bit of time up there and have helped out a lot. Kinsella, C. asked what the status was of the new equipment that the Board had approved. Supervisor Rowland stated that the bed knife grinder and the sprayer unit are already there. The other pieces should be in very soon. Duane Wright stated that they are working on clearing out the maintenance shop to make room for the new mower.

Report on recent UDAG Loan – Al Janik, King Road stated that he would like to apologize to the Board and that his comments to the Board last month concerning the mortgages were inaccurate. Apparently there is only one mortgage of record. He stated that the one mortgage was substantial and he still questioned whether the collateral was adequate to cover the loan. Candace Merbler, UDAG Committee Chairman, responded to questions raised by Mr. Janik at the last meeting. She stated that the legal entity to which the loan was granted is Greenfield Veterinary Center PC, which was

April 14th, 2011 continued

established to own and operate the veterinary business. Greenfield Vet LLC, which Mr. Janik referred to, is a separate entity that was created to own and operate the commercial real estate business of 3100 Route 9N. The fact that two businesses were being established was fully disclosed to the UDAG Committee at the time of application. Ms. Merbler stated that as a condition of the loan, the Town secured a 2nd mortgage lien on a residential property, which was filed in the office of the Saratoga County Clerk. As to the claim that the property was already encumbered by a 1st mortgage and home equity loan totaling \$375,000., that is incorrect. The home equity loan was paid off in 2007 and the 1st mortgage has been paid down to approximately \$275,000. Ms. Merbler added that as far as the business assets were concerned, Ballston Spa National Bank was the lead lender in the purchase of the building and has a lien on Greenfield Vet LLC. The Town of Greenfield is the lead lender of Greenfield Veterinary Center PC and possesses a first lien on the assets owned by them. Mr. Janik believed that the loan that was approved was to Greenfield Animal Hospital and that there was no mention in the minutes of the other entities. He was concerned when he did a search on that entity and did not find any certificate of incorporation filed with the State. He has verified that the residential property has been valued by the Assessor at \$411,571. He did not know what the present mortgage value was, however no lender would loan more than 80% of the property value, especially not on a second mortgage. Therefore, he did not feel that the collateral was adequate. James Lee, UDAG Administrator, stated that as part of the application process, the applicant provided a professional property appraisal that came in at \$550,000. and the committee based their analysis on that. The committee felt very comfortable with the collateral provided. Mr. Lee added that all this information was discussed by the committee and in executive session due to the fact that this is personal financial information. Supervisor Rowland agreed that personal finances and loans are discussed in executive session. He stated that the only reason that this has been allowed tonight was for the clarification of questions that were made on the diligence of the UDAG Administrator and Committee and the Town Board. The Town Board felt comfortable with the information provided and approved the loan. Supervisor Rowland stated that at this point he would stop any debate regarding this loan. The loan has gone through the proper channels, has received proper review and has been granted. Supervisor Rowland stated that the committee has stretched to find people to loan the money to. They have solicited for applicants in the past and felt that they had done a great job offering businesses an opportunity to employ residents of Greenfield, establish their businesses, etc. All applications are reviewed very thoroughly.

Friends of Kayaderosseras – Stan Weeks stated that they had purchased rainbow trout to stock areas of the Kayaderosseras. They had intended to put them in locations within the Town, however DEC has advised them that nothing but Brook Trout should be stocked north of Rock City Falls. They will be stocking these rainbow trout at Kelly Park in Ballston Spa on April 16th.

April 14th, 2011 continued

RESOLUTION # 62 – Establish Petty Cash for Brookhaven Pro Shop

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby establishes a Petty Cash fund in the amount of \$300.00 for the Golf Pro Shop.

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

Noes: None

Disability Insurance – Supervisor Rowland advised that it was time to pay our yearly Disability Insurance. There is an option available to add a rider which will provide each covered employee with up to \$50,000. of Accidental Death & Dismemberment coverage. The total additional cost to the Town would be \$596. for the year. Kinsella, C. asked where this money would come from since the budget was very tight this year. Supervisor Rowland stated that there was enough money in the insurance line item to cover this addition. Pemrick, C. felt that this was a generous act on the part of this Town to provide this coverage for very deserving people at a very low cost.

RESOLUTION # 63 – Approve Rider to Employee Disability Insurance

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the addition of a rider to the Town's Disability Insurance to provide up to \$50,000. of Accidental Death and Dismemberment coverage for Town employees at an additional cost of \$596. per year.

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

Noes: None

Community Center Use Request – Town Clerk advised that Girl Scout #3254 had submitted a request to use the Community Center for Babysitting on Friday nights in May & June. They would not be charging a fee, however they would be accepting donations as a way to raise funds for a mission trip they are planning. Chandler, C. questioned the liability on the Town. Supervisor Rowland stated that they would have to provide us with an additional certificate of insurance. Pemrick, C. felt a little uncomfortable about this use. Supervisor Rowland stated that he was not sure that the Community Center was set up for child care. Cochran, C. asked if the girls had the proper training, certification, etc. Chandler, C. stated that he was always supportive of the youth groups, however he did not feel that this was a right fit. He felt that babysitting was going a little too far. Town Counsel Schachner stated that this request was beyond what most Town's typically allow. Pemrick, C. felt that there were a number of unanswered questions. All Board members in favor of tabling the request at this time.

Greenfield Community Gardens – Supervisor Rowland stated the Town has received a request from the Garden Group for use of Town property to create a Community Garden. He added that one of the suggestions was at the Caboose property. Doreen Emery stated that the Community Garden group was going to be sponsored by the Greenfield Lions Club and Greenfield Community & Business Association. There will be some financial support from the Lions Club. They have obtained insurance

April 14th, 2011 continued

through the Lions Club and have provided the Town with a insurance certificate. They are currently using the Community Center for their meetings. Mrs. Emery stated that they were aware that there was a stream that runs near the property that they might be able to use as a water source. If that does not work, they do have access to 300 gallon plastic tubs that can be used for gravity fed irrigation. There would have to be an area for parking. They would also need to construct a utility shed of some sort. In addition, they would like to do an initial soil test if possible. Mrs. Emery stated that they were in the process of drawing up a lease with Joe Bruchac for a garden to be located on his property on Middle Grove Road. They would like to have a 2nd alternate site. They could use Middle Grove Road for vegetables and another location for things like strawberries, blueberries, vine plants, etc. The 2nd site would probably not be developed as a garden this year, however if they had access to it they would be able to do some preparation work and get some plants in so that they would have a crop next year. The initial purpose of the garden is to support the food pantry. If the garden is successful and they have extra produce, they were hoping at some point that they might be able to sell some of it so that they could have some funding for the next year. Cochran, C. did not believe that would be a problem and that the Code allows for farm produce stands. He would like to be able to discuss with the caboose committee to see if they would have any objection to a garden plot behind the station. Supervisor Rowland would want to make sure that the placement of the garden would not have an effect on the open house that it held there. It was a wonderful event and this past year they used a lot of area for parking. Chandler, C. would like to support the idea. He agreed that the two groups should get together and work out a location that would work for both of them.

Prestwick Chase Farmers Market – The Activities Director, Kellie, and Fred McNeary were present. Kellie stated that she had contacted the Town Code Enforcement Officer, Gerard McKenna, quite some time ago however she had not heard anything back from him as of this time. She knew that they would need a building permit for the tent. Other than that, she did not know if any other permits would be necessary. Supervisor Rowland stated that it was his understanding that this Farmer's Market was basically going to be held for the residents and their families. Mr. McNeary stated that the main reason that they were here so early was so that local farmers could plan ahead. Kinsella, C. stated that he was not opposed to it and they should get the necessary permits from the Code Enforcement Officer. Chandler, C. thought that it would be great for the residents. Supervisor Rowland liked the fact that they decided to do it in the beginning of the week and that it would not be in conflict with the Historical Society's market on Friday afternoons. A lot of people attend that.

2010 Census – Supervisor Rowland stated that he had received an email from the County that included the population and housing units for the Town. The report showed the total population at 7,775 and 3,445 housing units. Supervisor Rowland felt that was low based on the number of building permits issued in the past 10 years. There is a way to look at and challenge these figures and he intends to do so.

CHIPS Report – Supervisor Rowland stated that he received a report this week that indicated that the Town would be receiving \$165,137. which is down approximately \$260. from last year.

April 14th, 2011 continued

ORPS Assessment Rate – Supervisor Rowland stated that he received a letter from ORPS stating that the Town's residential assessment ratio was 100.27%. The Board also received a report from the Town Assessor, John Bonanno, regarding the annual reassessment program. Kinsella, C. stated that in this report he recommends to not do a reassessment for 2011. Kinsella, C. thought that that would be okay since we were at over 100%. He added that if we do not do it they could then take that amount out of the budget, since we would not have to pay the extra money for annual reassessment. Supervisor Rowland explained that the Real Property Tax Services Department has now been folded into the Office of Taxation & Finance. The Town of Greenfield was enrolled in a program where we were paid a stipend for each parcel to maintain our assessment values at 100%. Even though there was a contract for a set amount, that number has decreased over the past several years and with the new State budget there is some question as to whether or not it even exists. Al Janik, King Road, stated that the lack of compensation does make it a little more difficult. He added that ultimately, if you do not do an annual reval, you will be faced with a complete reval at some point later on at a very large cost. He felt that the Board needed to consider that cost, because sooner or later there will be discrepancies. Mr. Janik stated that the Assessor identifies areas that need to be adjusted and keeps everything on an even keel. If you do not do that you are going to start to see significant shifts in values which will call for a full reval. Supervisor Rowland stated that the Assessor would continue to keep pace with building permits, new construction, etc. Supervisor Rowland was not sure if the Town would be totally negatively affected by not doing it for a year or two. Stanley Weeks, Ashlor Drive, stated that the Assessor may not want to reassess the properties due to the fact that values have gone down and that means that he should be adjusting the values down. Mr. Weeks felt that the Town was at a tremendous disadvantage when we do a reval every year and Saratoga Springs does not. We are taking a big hit with school taxes and it is unfair. Supervisor Rowland stated that the Assessor had explained to him that by not doing the reval this year we should have a better advantage with the school taxes because there has been a significant shift in Saratoga on commercial properties vs. residential properties. He was afraid that if he were to go through the process, the shift would become an undo burden on the Town taxpayers. Supervisor Rowland added that the Town did reduce assessed values this past year. Pemrick, C. felt that the Board needed to take a closer look at this to make sure that the Town was not going to take a hit. Kinsella, C. felt that this all gets put into ORPS hands, no matter what the Assessor does and whether the Town does the 100% assessment or not. There is no stipend or benefit at all to keep at 100%. Kinsella, C. felt that the extra salary should be taken and set aside for the future if we have to do a full reval. Supervisor Rowland to check and see what some of the other communities are going to do and discuss this further.

Annual Financial Report - Town Clerk advised that the Annual Financial Report for the Year 2010 had been filed with the Office of the State Comptroller. A copy of the Report is on file in the Town Clerk's Office for review.

Highway Department Budget - Highway Supt. Barss stated that his budget took a large hit due to the severe winter. They have used up all of their salt money for the year and then some, including what is normally needed for the Fall. They

April 14th, 2011 continued

already had to take \$15,218. from the Highway Repair Budget for salt this past winter. Fuel costs are also up approximately \$16,266. Some of this is due to an increase in the cost of the product, as well as increase usage. The additional fuel costs will also affect the repair budget. Highway Supt. Barss added that the cost of asphalt has also increased from their estimates in January. The cost to make the planned repairs for this year is up approximately \$20,300. and they have not even purchased a ton of asphalt yet. Normally, they budget for approximately 2,000 hours of overtime. They have used 1,520 hours so far this year. It looks like they will be short approximately 300 hours. The total increased costs this winter are \$46,566. Highway Supt. Barss asked the Board if at this time they would replenish what he has used from the paving budget, \$15,218. He would also like some indication from the Board as to whether or not they would be able to pay for any additional salt needed in the Fall. If not, then he will have to take a look at the paving schedule and figure out what roads would have to be removed. If he has to save out an additional \$40,000. from his paving budget for the Fall, he will be starting about \$80,000. in the whole to start with and he will have to remove close to a mile of paving. Kinsella, C. asked if there were any other line items that they were running under budget where the money could be taken from or if the money would have to be taken from the unappropriated fund balance. Highway Supt. Barss stated it would have to be from the fund balance. Chandler, C. did not feel that the Town should shave anymore off the roads. He stated that the Highway Department has a pretty proactive system to fix the bases so that they are not spending so much money down the road. He thought that they have a very good plan in place and that the Town Board should find the money somehow to keep up with the road program. It is only going to cost more in the future.

RESOLUTION # 64 – Approve Transfer of Funds

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to transfer \$15,218. from the Highway Department Unappropriated Fund Balance to the Highway Repair Budget Line.

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

Noes: None

Application for Mass Gathering Permit – GCBA - Town Clerk advised that the Greenfield Community & Business Assoc. submitted an application for a Mass Gathering Permit for a car show to be held on June 12th, 2011 at 104 Wilton Greenfield Road. Chandler, C. stated that he would recuse himself from this matter. Nathan Duffney, President of the Association, explained that everything was pretty much going to be the same as it has been the past two years. There have been no major issues that he was aware of. They will have fire apparatus and emergency vehicles on site. Mr. Duffney stated that in the past the Town has waived the application fee due to the fact that they are a Non-Profit organization and asked if they would consider waiving the fee again this year.

April 14th, 2011 continued

RESOLUTION # 65 – Approve Mass Gathering Permit for
Greenfield Community & Business Assoc

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the Mass Gathering Permit for the Greenfield Community & Business Association for a car show to be held on June 12th, 2011, and

FURTHER RESOLVED, That the Mass Gathering Permit fee shall be waived.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran

Noes: None

Abstained: Chandler

Al Janik, King Road, asked what the status was of the Audit of the Court Records. Supervisor Rowland stated that an exit interview had been scheduled for next week at which time the Town will officially receive the audit report. After that time, the Town will have 90 days to response to the audit report. He believed that most of the items that were found during the course of the audit have already been corrected.

RESOLUTION # 66 – Approve Summer Bus Contracts

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor be authorized to sign the Transportation Rental Agreement with the Saratoga Springs City School District for buses for the 2011 Summer Recreation Program.

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

Noes: None

Kinsella, C. asked that a copy of the correspondence from Michael Roohan and the Town of Wilton regarding a proposed 3 lot subdivision be sent to the Planning Board for their comments.

Monthly reports were submitted by the Dog Control Officer, Town Justices, Building Dept. (Feb), Town Clerk and Highway Supt. The Building Department also submitted a report, as requested, comparing the permits issued from 2007 to 2011.

RESOLUTION # 67 – General Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 154 to # 213 in the amount of \$25,326.48 be paid, subject to audit.

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

Noes: None

RESOLUTION # 68 – Highway Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 46 to # 63 in the amount of \$96,327.88 be paid, subject to audit.

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

Noes: None

April 14th, 2011 continued

RESOLUTION # 69 - Parks Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Parks Bills # 5 to # 26 in the amount of \$7,132.83 be paid, subject to audit.

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

Noes: None

RESOLUTION # 70 – UDAG Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That UDAG Bill # 3 in the amount of \$5,345.00 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 Board adjourned to Executive Session at 9:02 PM to discuss pending litigation and a personnel matter. Town Clerk was not present for session and no minutes were filed. On motion of Pemrick, C. and seconded by Cochran, C., the Board returned to regular session at 10:10 PM.

On motion of Cochran, C. and seconded by Pemrick, C., the meeting was adjourned at 10:11 PM.

Town Clerk