

February 10th, 2011

The regular meeting of the Town Board was held on Thursday, February 10th, 2011 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and 3 residents.

At 7:30 PM the Board met as a Board of Health.

Unsafe Building – 29 Daniels Road - Supervisor Rowland reviewed the Code Enforcement Officers report dated 2/10/2011. Work is in progress. The building has been taken down and they are in the process of cleaning up the debris. This should be done within a week. Cochran, C. asked if the chimney was also going to be taken down. Highway Supt. Barss stated that he spoke with the company doing the work and they intended to push the chimney into the foundation and bury it once all the debris has been cleaned up. Supervisor Rowland will ask the Code Enforcement Officer to submit a final report for the March 3rd Agenda Meeting.

Unsafe Building – 353 Grange Road, Lot 19 – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 2/10/2011. There have been no changes made to the property since July 19th. Town Counsel spoke with the property owners' attorney last week at which time they indicated that they would like to remove the mobile home themselves. They planned to have the home down this week but they were looking to have a final completion date of February 17th to get the debris, etc. cleaned up from the lot. However, when the Code Enforcement Officer made his inspection today, nothing had been started. Supervisor Rowland spoke with the property owners' attorney who was very surprised that nothing had been done. They were to check on and return the call to either the Town Supervisor or Town Counsel, which they did not do. Town Counsel Schachner stated that he got the impression from speaking with the attorney previously, that they would be completed by 2/17/2011. A letter was faxed by the attorney indicating that. Kinsella, C. made a motion that the property owner be informed that the home and debris must be removed by 2/17/2011 or the Town will remove beginning on 2/18/2011. Cochran, C. seconded. All Board Members voted in favor. Town Counsel to notify the attorney in writing.

Unsafe Building – 47 Main Street - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 2/10/2011. There has been no changed made to the property. The demolition permit that had been issued expired today. Supervisor Rowland advised that this property is on the list for the March tax sale. Pemrick, C. stated that his biggest concern with doing anything was with the work and effort that the Town is going to have to go through to get to the building. Highway Supt. stated that the time and expenses incurred by the Town would be charged against the property. Kinsella, C. made a motion to send a letter to the property owner and to post a demolition notice on the property indicating that demolition will commence on February 22nd, 2011. Chandler, C. seconded. All Board Members voted in favor.

The regular meeting was called to order by the Supervisor at 7:40 PM and opened with the pledge to the flag. On motion of Cochran, C. and seconded by Pemrick, C., the minutes of 1/13/2011 and 2/3/2011 were approved as submitted by all members present.

February 10th, 2011 continued

O. B. Beyer/Brookhaven Park – Supervisor Rowland advised that the Town has received a copy of the Order To Show Cause in the matter of the dissolution of O. B. Beyer Recreation Park, Inc. The Court date is scheduled for March 2nd at 9:30 AM. Supervisor Rowland stated that at the last meeting the Board adopted a financial Revenue and Expense Statement. In addition, they adopted job descriptions and set salaries. Supervisor Rowland and Deputy Supervisor Pemrick met with the three employees and they have accepted the positions and salaries. All this has been done on a conditional basis assuming that the property has been turned over to the Town. Supervisor Rowland stated that he has been talking with a couple of food service operators. The individuals who operated the food service last year have stated that they are not interested. There was one individual who is fairly interested and a couple that he has not heard from. Everything that is being done is conditional on the fact that the court accepts the dissolution of the incorporation and the property is transferred. Al Janik, King Road, believed that the job descriptions needed to be reviewed at the County level. Supervisor Rowland stated that the County had seen a draft of the job descriptions previously and have now received the formal copies. The only thing that was added since the draft descriptions was the conditional acceptance clause. Mr. Janik stated that during the special workshop there were discussions regarding operating expenses and income. However, there was never any opportunity to comment on that prior to the adoption of the Income and Expense Statement. It is his understanding that what was adopted is pretty much in line with what they operated under before. Pemrick, C. stated that because this was not a budget it did not require a public hearing. The primary reason for the Board to move forward on the job descriptions and accept the income and revenue statement was so that they could meet with the employees and move on. Supervisor Rowland stated that the Board had been waiting until they had a more concrete date as to when the Court would hear this matter before they began to move forward. Once that date was received they knew that they needed to move forward rather quickly. The former employees had indicated to the Board that they needed to start the process of getting ready for the next season around March 1st. Supervisor Rowland added that the income and expenses were based on a 10 year history. Pemrick, C. asked what happens once this is signed by the judge. Town Counsel advised that the attorney for O. B. Beyer has already begun work on preparing a deed for transfer of the property to the Town. One decision that the Town Board will have to make is whether or not they want to purchase title insurance on the property. Typically, there is not an actual closing. There is no money changing hands. He would be able to accept the deed on behalf of the Town to obtain the property. Chandler, C. asked Town Counsel his opinion regarding obtaining title insurance. Town Counsel explained that is a one time payment and the title insurance company confirms that you are getting title to what you are seeking. He found it extremely hard to believe that there were title questions regarding the golf course. Chandler, C. stated that he has heard that some of the investors had never received their money back. Town Counsel stated that that would not be a Town issue nor was it likely to be a title issue. That is the sort of thing that might come up in Court regarding the dissolution of the incorporation.

February 10th, 2011 continued

Equipment Needs – Pemrick, C. stated that they had asked the staff to give the Board recommendations as to what new equipment was necessary. Duane Wright, Highway Clerk, stated that he has been working with Chris and Tom Baker to put together a list. All the equipment listed is new equipment. The amount listed for the beverage cart is actually for a rehabbed cart and the cost of a new cart would be approximately \$15,000. That changes the total to approximately \$130,000. Chris explained that the beverage cart has some extra options where you can serve both hot and cold food and there is more storage. Duane stated that this was not replacing or upgrading something that is there. They do not currently have a beverage cart. They just use a work cart with a cooler. Kinsella, C. asked what would happen if none of the equipment could be purchased and what was absolutely necessary. Chris explained that the Bank Mower and the Fairway Mower were critical. The equipment that they are trying to use now is very old and breaks down frequently. They spend a great deal of time and money repairing the equipment. Pemrick, C. stated that he signed on to secure the future of this Park and the Golf Course. There are some UDAG funds that are available that the Town has used for Parks development before. He felt that using those funds at this point would secure its future as far as a business, for employees, for the use of the residents of the Town, etc. Duane felt that the Board needed to think of this as they do other purchases of equipment in that this is cost effective in the sense that if they continue without any of this equipment they will be spending a tremendous amount of time and money in maintenance and repair fees. This equipment will make the process much more efficient. Supervisor Rowland stated that it was the opinion of the original UDAG Attorney that funds could be used to purchase equipment and capital expenditures that were specifically for the Park. In addition, the funds could be used for enhancements to a building that would make it ADA compliant, i.e. ramping, bathrooms, etc. Supervisor Rowland added that the money they are looking to expend would come out of the interest and not the principal. Kinsella, C. felt that it was too early to do anything since the Town did not own the property at this time. Cochran, C. agreed. Pemrick, C. suggested that the Board could adopt a resolution to authorize the Highway Department to spend up to \$130,000. for the listed equipment condition upon the transfer of ownership of the property. This would allow them to move forward and obtain the necessary information regarding State Contract purchasing and not have to wait to come back to the Board for approval. Kinsella, C. asked if they would need to go out to bid and added that he would be reluctant to send anything out to bid without ownership of the property. Duane believed that everything was available on state contract. Highway Supt. Barss stated that nothing would be purchased until the property has been transferred. However that may occur between Board meetings and at that point it would be important to purchase the equipment. Kinsella, C. asked what was stopping them from continuing to get State Contract information together and ready to go. Duane stated that they could continue along that line if the Board gave them some indication that they were interested. Kinsella, C. stated that he personally did not have a problem with it, he just had a problem with authorizing purchases for property that the Town does not even own. Cochran, C. agreed with Tom. He understood that you need the equipment, however he was a little surprised with the amount of equipment that was going to be

February 10th, 2011 continued

needed. He was not against it. Chris stated that the availability of some of the equipment is in question. Once they order the equipment, they may have to wait for it to be built. The sooner the order can be placed, the better off you are. Kinsella, C. asked if it was necessary to purchase all new equipment or if there was any used equipment available. Duane stated that in order to be able to purchase with UDAG funds the equipment has to be new. Pemrick, C. stated that Brookhaven is run on a thin thread with employees spending a lot of quality time repairing and bandaging equipment to keep it going and keep the course as good as it has been. If the Town is going to get involved in this course, and we have committed to do so, then he wants the Town to step up to the plate and secure its future both as a park/recreational facility and as a golf course. Pemrick, C. felt that one of the ways that the Town could do that is by spending some money on it. This would give that place a chance to work. Kinsella, C. felt that maybe one of the reasons that the operation ran on a thread was because the revenues were not adequate to support living higher and then they may have to dip into the other Town revenues to support. Pemrick, C. stated that they have already committed not to use Town taxpayer revenues. He felt that the Town had to give it a shot because that was what they talked about both with this community and with the people who are giving this to the Town to manage as a recreational facility and care for the property. He felt that the Town was very fortunate to have some funds that can be directed toward recreation in this Town. Al Janik, King Road, questioned when this decision was made that this list of new equipment was needed. He knew that this was going to happen and that the Town was going to have to spend some money. However, he felt that this should have been talked about. Cochran, C. stated that the Board was talking about it now and that this was the first time that he had seen the list himself. Supervisor Rowland stated that there were line items in the Expense and Revenue Statement that included these items. Mr. Janik did not believe that the purchase of a mower for the Park was an appropriate use of UDAG Funds. If you have a new facility or new park you can use UDAG money to purchase new equipment. However, you can not use UDAG money to purchase equipment that replaces existing equipment that you already own. Town Counsel stated that he was not the UDAG Attorney. He added that the Town does not own any of the equipment and that he did not believe that anyone was proposing to use UDAG money to replace any equipment that we already owned. Mr. Janik stated that the only opposition that he would have would be with buying a \$15,000 beverage cart. Supervisor Rowland asked if the concept was that the Board was going to let the Highway Department continue to explore the purchase of this equipment and come back to the Board in the future with the understanding that this is where we are going to fund this part of the purchases from. Pemrick, C. asked that they continue to look over the Park and see what other items may be necessary now or in the future to make this parkland a success.

Town Code Revisions – Cochran, C. stated that he would have more information for the next meeting. He was looking into changes to Mobile Home Replacements where the Code Enforcement Officer may be able to grant this without having to go to the Planning Board. He is also looking into the possibility of establishing a vendors' permit. Cochran, C. asked that if anyone else had any other items that needed to be reviewed to please let him know. Supervisor Rowland stated that there have been

February 10th, 2011 continued

questions in the Planning Board minutes regarding the rule where there can be no further subdivision of a property for a minimum of 5 years. Also there have been some questions regarding the required acreage to be able to have chickens and the difference as to whether an animal was considered a pet or livestock. Mr. Janik suggested that the Unsafe Building section be revised to provide for the removal and clean up of the debris left after demolition.

RESOLUTION # 35 – Appointment of Zoning Board of Appeals Member

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby re-appoints Taylor Conard as member of the Zoning Board of Appeals with said term to expire 2/16/2016.

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

Noes: None

RESOLUTION # 36 – Appointment of Alternate Zoning Board of Appeals Member

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby re-appoints Joseph Szpak as Alternate Member of the Zoning Board of Appeals with said term to expire 2/16/2016.

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

Noes: None

Diesel Fuel Pump - Highway Supt. Barss stated that they have a problem with the Diesel Fuel Pump. It will not read out the number of gallons being used. This makes it impossible to keep track of the number of gallons being used by the Parks Dept., the Fire District, etc. The price for a new pump is \$6,955. The Fire District has indicated that they would split the cost of the new pump, however they would like some kind of resolution which indicates that they are not liable for spills or maintenance. Kinsella, C. asked how this linked up with the Gas Boy that we purchased. Highway Supt. Barss stated that part of the reason for the cost for a new pump was so that it would be compatible with the Gas Boy. He added that the cost for the pump would come out of his current budget.

RESOLUTION # 37 – Authorize Purchase of New Diesel Pump

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes the purchase of a New Diesel Fuel Pump in the amount of \$6,955. and

FURTHER RESOLVED, That the Greenfield Fire District has agreed to split the cost of the New Diesel Fuel Pump, and

FURTHER RESOLVED, That it is mutually understood and agreed between the parties that the Town of Greenfield is the sole owner of the equipment and assumes all responsibilities of ownership including insurance and maintenance of the equipment.

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

Noes: None

February 10th, 2011 continued

Agreement to Spend Highway Funds – Highway Supt. Barss advised that they have put together their list of proposed roads to be repaired this coming year. They have chosen 7.05 miles which includes 2.45 miles of top coat for 2 roads that the binder was put down on last year, Denton Road & Coy Road. The other roads that have been chosen at this time are 1.17 miles of Braim Road, .80 mile of Bloomfield Road, .56 mile of Canyon Crossing and Pine Robin Roads, .36 mile section of Bockes Road and .57 mile of Medbury Road. Highway Supt. Barss stated that they were all contingent upon what happens with the Spring breakup with the thaw.

RESOLUTION # 38 - Agreement to Spend Highway Funds

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves the Agreement to Spend Highway Funds for the Year 2011 as submitted by the Highway Superintendent.

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

Noes: None

Kinsella, C. asked what the status was with the Snow Removal budget. Highway Supt. Barss stated that it has taken a very big hit in the last month. They have used 3,000 of the 4,000 tons of salt for the year. The sheds are full at this time. Typically they go into the Fall months with approximately 1,000 tons of salt left. A lot is going to depend on how the rest of the winter goes.

Corinth Emergency Squad – Supervisor Rowland stated that he was contacted by Saratoga Emergency Services who stated that they would handle the entire Town of Greenfield while Corinth came to an agreement. He contacted Corinth to find out what was going on. The Town of Corinth actually employees the Paramedics. The Emergency Squad has EMT's, ambulances, etc. Apparently there was some disagreement and no formal contract between the Town of Corinth and the Emergency Squad and the State of New York has suggested that the Paramedics could no longer ride in the ambulances without an agreement. Supervisor Rowland stated that he reviewed our contract with Corinth Emergency Squad and there would be a payment due in April. However, at this point since the Town is not receiving any services from them, his opinion would be that the Town hold any payment. Supervisor Rowland stated that he talked to the Town Supervisor in Corinth and he has indicated that they have a secondary ambulance and that they may establish their own squad and then to look to contract with Greenfield. Supervisor Rowland added that he has been assured that through mutual aid and Saratoga Emergency Services the Town will have coverage.

Community Garden - Supervisor Rowland stated that he was approached by an individual who indicated that herself and a group of people are interested in forming a Community Garden Group. They are looking for land in the Town where they can grow vegetables for the food pantry and people in need. Supervisor Rowland did not know if there was any available open park land that would suit their needs. He questioned whether the Town would have to worry about insurance, fertilization use, etc. and if we would be opening ourselves up to liability. Pemrick, C. noted that some schools and cities are beginning to do this. He suggested maybe the Old Railroad Station property. Supervisor Rowland stated that there was not an available water supply there.

February 10th, 2011 continued

Kinsella, C. suggested that there would be room at the new park. Chris Baker pointed out that to get around the fertilization issue you could require that the garden be 100% organic. Supervisor Rowland asked where they might be able to do something like this at the new park. Mr. Baker suggested that there was an area behind the 10th green, over by the maintenance area, that might be able to be used. At one point they were looking at using that area for an expansion of the driving range but they thought that is was too far away from the clubhouse. This area would have to be all fenced off due to the deer population. Mr. Janik suggested perhaps Middle Grove Park where it would be more centrally located. Supervisor Rowland to look into further.

O. B. Beyer/Brookhaven Park – Supervisor Rowland stated that the Board needed to decide on a name for the new park. At one point they started calling it O. B. Beyer Park because that was the name of the original organization. He felt that Brookhaven needed to be in the name somewhere for publicity and marketing purposes. Chandler, C. asked if there was any discussion with the O. B. Beyer Board about renaming the park once it was turned over to the Town. Supervisor Rowland stated that their main concern was that it remain a golf course. He believed that if the Board were to name it Brookhaven Park that would be okay. He suggested that the pavilion area be named the O. B. Beyer Pavilion Area. He felt that the Town needed to start referring to it as something besides the golf course.

RESOLUTION # 39 – Adopt Name of Park

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That Brookhaven Park shall be the official name of the new Town Park / Golf Facility.

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

Noes: None

Monthly reports were submitted by the Town Justices, Town Clerk, Dog Control Officer (Dec & Jan), UDAG Revolving Loan Fund, Highway Supt. and Town Supervisor. Town Clerk advised that the Justices started a new reporting system beginning in January and are now providing more of a financial report each month. Pemrick, C. felt that this would help to provide the information necessary for the Board to be able to conduct the required court audit.

Dog Licensing – Town Clerk advised that there has been a delay in starting the dog enumeration due to the fact that the Dog Control Officer is on a medical leave. However, the notice had been run in The Pennysaver and posted on the website. Within a two week time period, approximately 40 new licenses were sold.

RESOLUTION # 40 – General Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That General Bills # 38 to # 98 in the amount of \$31,286.95 be paid, subject to audit.

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

Noes: None

February 10th, 2011 continued

RESOLUTION # 41 – Highway Bills

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 10 to # 26 in the amount of \$122,869.27 be paid, subject to audit.

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

Noes: None

RESOLUTION # 42 – UDAG Bill

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That UDAG Bill #2 in the amount of \$1,300. be paid, subject to audit.

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

Noes: None

Chris Baker expressed his appreciation and gratitude to the Board for offering himself and his staff the opportunity to stay on. They were honored and are looking forward to doing a good job for the Town.

On motion of Pemrick, C. and seconded by Cochran, C., the meeting was adjourned at 8:50 PM.

Town Clerk