

November 10th, 2011

The regular meeting of the Town Board was held on Thursday, November 10th, 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 and Highway Supt. Walter Barss and 3 residents.

At 7:25 PM a public hearing was opened for the purpose of hearing public comments on the 2012 Preliminary Budget. Clerk presented proof of legal publication. There being no public comments either pro or con, the hearing was closed at 7:26 PM.

The regular meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Pemrick, C. and seconded by Kinsella, C. the minutes of 10/13/2011, 10/26/2011 and 11/3/2011 were approved as submitted by all Board members. Chandler, C. abstained from the 11/3/2011 minutes as he was absent.

Open Space/Parks & Recreation Fees in the amount of \$500. from Leslie Clairmont.

Open Space/Parks & Recreation Fees in the amount of \$500. from Michael Remillard.

Notice of Public Hearing and proposed 2012 Sewer Rates from the Saratoga County Sewer District.

Supervisor Rowland stated that he spoke with former Councilman Peter Coseo. His son had been involved in a very bad car accident. He has physical limitations, however he is now home doing rehab and doing much better than he was just a month ago. Mr. Coseo wanted to thank everyone for all their prayers and concern.

Albert Janik, King Road – Mr. Janik stated that he did not see the proposed Parks budget in the Preliminary Budget package. Supervisor Rowland stated that the Parks fund was not one that was included in the budget package due to the fact that there was no taxpayer money involved and it was self sufficient. The Board has discussed the budget during workshop sessions and a copy could be obtained from the Bookkeeper. Mr. Janik questioned the line item which included \$45,000. in Contingency Funds. Bookkeeper/Budget Officer Joan Stunzi stated that this line item has been in the budget each year. As the money is expended it is moved to other line items and by the end of the year if it is used up it does not show up in the prior year balances. Mr. Janik added that it appeared to him that the Town was spending approximately \$170,000. on recreation and he felt that to be quite high for an austerity budget. Supervisor Rowland stated that budget line included the salaries of 2 full time positions and a part time position. In addition, it covered the cost for rental of the school for the Summer Recreation program, which we now have to pay, as well as busing the students for the program. He added that there is some funding received for the program which at this time is still being offered free of charge for Town residents. Mr. Janik questioned the large increase to the Hospital & Medical Insurance Line. Joan Stunzi explained that last years figure was not a good figure. When the Town switched most of the retirees from the NYS Health Plan to MVP Gold, it took a long time for the State to remove them from the plan. The Town had to continue to pay the bill until all the paperwork was completed. As a result, the Town had overpaid the premium. They would not send a check to the Town to reimburse us for the overpayment. The Town had to work off the

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credit, which substantially lowered that line item. The credit has now been used and the line item is back up to where it should be. Mr. Janik also questioned the increase in the Medical Insurance line in the Highway Budget. It has gone up \$5,000. from last year. He asked if the Town's share for Medical insurance had been increased. Joan Stunzi stated that there has been no change in the formula for figuring the Town's share. The cap will increase the same rate as the pay raise, as it has in the past. She added that there is always a little extra in that account just in case there is someone that has to be added to the insurance during the year.

Proposed Local Law #2-2011 - Supervisor Rowland stated that the Board has discussed the possibility of having to override the 2% tax cap. He explained that the Town has seen an increase of 26% in the cost of salt. Asphalt costs, based on the type, have increased by 9% and 5%. The cost of fuel has increased by 33%. Supervisor Rowland stated that the waivers that are granted to go along with the 2% tax cap do not offset these types of increases. He stated that for the past several years the Town has had just a Highway Tax and no General Tax. He noted that within the Highway Budget, 93% of the money was used for Highway maintenance and repairs. The remaining 6.7% is used for administrative costs. Supervisor Rowland stated that the current tax rate is \$1.18 per thousand. Staying within the tax cap would allow the rate to increase to \$1.23. However, this would mean taking an excessive amount from the fund balance in order to balance the budget, over \$425,000. The Board has looked at the possibility of increasing the rate to \$1.33 which would enable them to reduce the fund draw to about \$315,000. This would give a little bit better margin in the future. If nothing is done, five years down the road there would be little or no money in the fund balance and there would have to be a significant raise in taxes. Supervisor Rowland stated that in order for there to be no draw from the fund balance, the tax rate would have to be approximately \$1.70 per thousand. He stated that other communities are using a great deal if not all of their fund balances this year and they are going to be in this position next year. Chandler, C. stated that in the past the Town has received additional funds from mortgage tax and sales tax. His goal is to keep the taxes as low as possible, however he thinks that the Board has to do something. The fund balance is falling too fast. For the reasons that have been stated he would be in favor of going above the cap. Hopefully the economy will start to turn around and get us back on track so that the rate will not have to continue to go up each year. Highway Supt. Barss asked what the average increase would be to homeowners if the rate were to go from \$1.18 to \$1.33. Supervisor Rowland stated that according to the Assessor, the average home in Greenfield is assessed at \$240,000. At the current rate, taxes are \$283. per year and they would go up to \$319. per year. An increase of \$36.00 or \$3.00 per month. Supervisor Rowland stated that if the Board were to decide to override the tax cap, the only change to the preliminary budget would be to decrease the amount to be taken from the fund balance by \$75,000. Cochran, C. asked if we take gradual increases over the next 3 or 4 years and could we work towards a point where the budget could be balanced rather than a large one time increase. Supervisor Rowland believed that this was the way to start the process. It would give the Board a better base to work from for next year. He reminded the Board that the 2% tax cap was in place for five years. Pemrick, C. felt that this would help to position the Town better

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than if they were to do nothing. He felt that this was a positive thing. Supervisor Rowland stated that Cochran, C. had done a comparison on past sales tax and mortgage tax received and there has not been a dramatic increase in sales tax over the years. Mortgage tax has been down substantially due to the fact that people are not refinancing like they were in the past. Chandler, C. noted that the County has indicated that they may increase the sales tax by 1%. Supervisor Rowland stated that if the County gets approval to raise sales tax by 1% the earliest the Town might see any change would be in September. There is no guarantee that they will get approval from the State. In addition, the County may decide to keep a larger portion of the increase since they are looking at about a \$12 million shortfall. Supervisor Rowland stated that he understood that this \$36.00 increase could effect some residents in the community, however he would hate to be a community that spent most if not all of their reserves this year to balance their budget and have to turn around next year with a very large increase. Al Janik felt that the Board needed to look at the unappropriated fund balance which has been used for several years now to keep the tax rate low. He felt that it was appropriate to override the tax cap and to increase the rate in stages. He added that the Board needed to look at the fund balance and set a limit as to how far they could dip into it before they jeopardize the ability to handle a real problem when it arises. They Board can not keep taking money out of the fund balance. Kinsella, C. stated in response to Cochran's, C. question, that by taking a 10 cent increase this year the Board will be able to take \$75,000. less. If you do that for 5 years, you would be at a zero draw if everything stays the same.

RESOLUTION # 144 – Adopt Local Law #2-2011 – Tax Override

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby adopts Local Law #2-2011 to override the tax levy limit established in General Municipal Law 3-C.

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

Noes: None

2012 Town Budget – Kinsella, C. felt that the Board was still taking too much money from the Highway unexpended fund balance. He would like to see adjustments made to the sales tax appropriations so that more goes to the Highway Fund and less to the General Fund. He suggested that the draw from the Highway Fund be \$100,000. and the General Fund draw be increased to \$237,611. Currently the General Fund balance is much larger than the Highway Fund balance. Duane Wright, Highway Clerk, felt that this was a good suggestion. He added that he has been working on filing the claim with FEMA for the storm damage incurred this year. They originally thought that the Town would be reimbursed between \$20,000. and \$25,000. however it appears like it could be much better than that. They may be able to mitigate some of the draw to the fund balance when the money is received at some point next year. Chandler, C. asked how many miles of road were being proposed for reconstruction in the budget. Highway Supt. Barss stated that they were looking to do approximately 6 miles. Supervisor Rowland confirmed that the only proposed change being made to the Preliminary Budget would be to adjust the sales tax revenue apportionment and that \$100,000. would be taken from the Highway Fund balance and \$237,611. would be taken from the General

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Fund balance. This would mean an increase in the tax rate to \$1.33 per thousand. Board members in agreement.

RESOLUTION # 145 – Adopt 2012 Town Budget

Motion: Pemrick, C.

Seconded: Cochran, C.

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget and heard all persons desiring to be heard thereon, NOW THEREFORE BE IT

RESOLVED, That this Town Board does hereby adopt said preliminary budget as finally compiled, as the annual budget for the year 2012, and that such budget as so adopted be entered in detail in the minutes of the proceedings of the Town Board, and be it

FURTHER RESOLVED, That the Town Clerk of the Town shall prepare and certify a copy of said annual budget as adopted pursuant to section 202A, Sub.2 of the Town Law and deliver thereof to the Supervisor and to the County Board of Supervisors.

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

Noes: None

Parks Advisory Committee - Supervisor Rowland stated that Peter Coseo had been appointed to Chair the committee however due to his family obligations he will not be able to serve. Supervisor Rowland spoke with another committee member, Paul Lunde, and he was willing to Chair the committee.

RESOLUTION # 146 - Appoint Parks Advisory Committee Chairperson

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby appoints Paul Lunde as Parks Advisory Committee Chairperson.

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

Noes: None

Timber Bid – Brookhaven Park - Supervisor Rowland stated that the trees have been marked. The bid opening has been scheduled for November 21st at 10AM at the F & W Forestry Services offices. He added that they have reviewed the markings with a few of the Brookhaven Park employees, as well as the Town Engineer, who are in agreement. The sale of the timber over the course of the winter will bring in some revenue for the development of the park land. In addition, this will open up the area around the pavilions and allow use of that area again. Chandler, C. stated that the showing of the trees was this morning and they had 3 people there.

RESOLUTION # 147 – Reappoint of Bd of Assessment Review Member

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby re-appoints Joseph H. A. Jarvis as member of the Board of Assessment Review with said term to expire 9/30/2016.

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

Noes: None

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RESOLUTION # 148 – Approve 2012 Nutrition & Transportation
Agreements

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves for the Year 2012 the Senior Transportation and Nutrition Agreements with the Saratoga County Office for the Aging in the amount of \$1,427.00 each, and

FURTHER RESOLVED, that the Town Supervisor be authorized to execute the same.

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

Noes: None

RESOLUTION # 149 – No Parking on Highways – Snow Removal

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be instructed to advertise that the period between November 1st and April 15th shall be designated as the “Snow Removal Period” and there shall be no parking on a Town highway or public right-of-way during this time.

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

Noes: None

RESOLUTION # 150 - Declare Barney Road Seasonal Highway

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That in accordance with Town Highway Law, the portion of Barney Road from the end of the blacktop to the Town Line with the Town of Providence be declared a seasonal highway from November 15th to April 15th.

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

Noes: None

Prestwick Chase Water District – Supervisor Rowland stated that the Board had received a notice from Prestwick Chase that they are looking to propose a water district to handle the water distribution within their property boundaries. Town Counsel advised that the petition that was filed by the Attorney for Prestwick Chase does not meet the requirements of State law for petitioning to form a water district. There is a statutory requirement for a map, plan and report which would describe what they want to do, cost impacts, infrastructure impacts, etc. There is no Town Board obligation to do anything at this time. He added that when a formal petition is submitted, then the Board would have to schedule a public hearing, etc. and make a determination as to whether it was in the public’s interest to enable the creation of a water district. Board asked Town Counsel to notify the applicants Attorney.

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RESOLUTION # 151 – Schedule Bid Opening #2 Fuel Oil

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to advertise for the opening of bids for #2 Fuel Oil for the Year 2011 with said bids to be opened on December 1st, 2011 at 7:25 PM.

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

Noes: None

Declare Highway Truck Surplus - Highway Supt. Barss stated that he would like to surplus the 2000 International Tandem Plow Truck. He would like to be able to list the vehicle on Auctions International. There are no fees to the Town. The buyer would have to pay the fee. He noted that the Town also has the right to reject any bids. Highway Supt. Barss added that other Towns have used this and have had good luck. Kinsella, C. asked if the buyer would pick up the vehicle or if we would have to deliver it. Highway Supt. stated that the buyer pays any fees and picks up the vehicle here.

RESOLUTION #152 – Declare Highway Truck as Surplus

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby declares the 2000 International Tandem Plow Truck as surplus, and

FURTHER RESOLVED, that the Highway Supt. be authorized to advertise for sale on Auctions International.

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

Noes: None

RESOLUTION # 153 – Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

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

\$ 1,606.93	From	DA5120.4	to	DA5130.4
1,369.76	From	DA5120.4	to	DA5142.4
4,962.30	From	A1420.4	to	A5132.4
208.09	From	A8020.2	to	A8020.4
5.70	From	A7510.2	to	A7510.4
67.32	From	A8010.2	to	A8010.4
261.97	From	A1910.4	to	A3310.4
671.55	From	A1440.4	to	A1620.1
8,561.27	From	A1440.4	to	A9060.8

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

Noes: None

Supervisor Rowland stated that he missed one item of correspondence. He received an email from residents of Braim Road wanting to comment on the snow removal and maintenance of their road. They wanted to compliment the Board and the

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entire Highway Department for their outstanding care given to Braim Road during this past year. They appreciate all the hard work that has been done.

Monthly reports were submitted by the Town Justices (Sept. & Oct.), Highway Supt., Town Clerk, Building Dept and the Town Supervisor.

RESOLUTION # 154 – General Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 592 to # 648 in the amount of \$34,804.92 be paid, subject to audit.

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

Noes: None

RESOLUTION # 155 – Highway Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 197 to # 217 in the amount of \$115,591.83 be paid, subject to audit.

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

Noes: None

RESOLUTION # 156 – Parks Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That Parks Bills # 210 to # 230 in the amount of \$11,883.00 be paid, subject to audit.

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

Noes: None

RESOLUTION # 157 – UDAG Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, that UDAG Bill # 14 in the amount of \$7,406.73 be paid, subject to audit.

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

Noes: None

On motion of Cochran, C. and seconded by Chandler, C., the meeting was adjourned at 8:25 PM.

Town Clerk