

September 8<sup>th</sup>, 2011

The regular meeting of the Town Board was held on Thursday, September 8<sup>th</sup>, 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 approximately 16 residents.

At 7:15 PM the Board met as a Board of Health.

Failed Septic, 9 Roberts Drive - Property owner Julie Carvajal and her engineer, Gary Robinson were present. Mr. Robinson stated that the existing septic system was located in the front. There is an old steel septic tank that needs to be replaced. They dug a test hole in the front and found the soil to be pretty bad. They encountered rock at 30 inches. The neighbors well is located right on the edge of their property, approximately 30 feet from the end leachfield. The property owners well is in the back of the property approximately 50 feet from the leachfield. Mr. Robinson stated that they are looking to move the system to the back of the property where the property is actually a little higher. There will be a 1,000 gallon concrete tank with an Elgin system to pump up to the leachfield in the back. There is not a lot of room on the property. It is approximately 110 feet by 200 feet. Mr. Robinson stated that they would require a variance for the separation to the well, along with a separation to the stream. Supervisor Rowland stated that the Board had received a report back from the Town Engineer. Basically, he agreed that the proposed system was an improvement over the existing conditions. Mr. Robinson noted that there was a County Sewer line approximately ½ mile away. To hook to that it would require a grinder pump and a small line. The estimated cost would be \$150,000. to \$200,000. Kinsella, C. was not sure if the property was even located within the County Sewer District. He suggested that if the proposed system is approved the well should be tested periodically since it is located so close. Supervisor Rowland stated that the Town Code requires that a public hearing be held for this application.

RESOLUTION # 118 – Schedule Public Hearing – Septic Variance

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby schedules a public hearing for a Septic Variance for 9 Roberts Drive to be held on September 22<sup>nd</sup>, 2011 at 7:30 PM.

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

Noes: None

Unsafe Building – 181 Porter Corners Road – Germain – Board members reviewed the report from the Code Enforcement Officer dated 9/8/2011 which indicated that there has been no change to the property since the last inspection. Sarah Lieberman, 284 Porter Corners Road – Mrs. Lieberman stated that she lived approximately ¼ mile west of the property. She has had some very grave concerns regarding the property since the fire. They are starting to have a problem with rats which she believes may be coming from that direction. In addition, the condition of the property is depressing the property values in the area. Mrs. Lieberman felt that it would be in the best interest of the Town to take serious action and have the property cleaned up. Supervisor Rowland noted that the original Unsafe Building notice was signed as received on May 15<sup>th</sup>, 2011. The

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compliance date for removal of the debris was July 17<sup>th</sup>, 2011. After the last Board meeting, a certified letter was sent to the property owner on August 11<sup>th</sup>, 2011 advising the property owner that all the remaining debris must be removed from the property by September 6<sup>th</sup>, 2011. Town Clerk advised that to date the letter has neither been signed for nor returned as undeliverable. Pemrick, C. felt that 116 days was long enough and the Town should go ahead with the clean up. Chandler, C. asked how all the extra junk cars, etc. would be handled. Supervisor Rowland stated that the vehicles would have to be cited under a separate violation and go through the Court procedure. Pemrick, C. would like the Code Enforcement Officer to go ahead with the violation for unlicensed vehicles.

RESOLUTION # 119 - Authorize Town Highway to Remove Debris

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Highway Supt. to remove the debris from the Unsafe Building at 181 Porter Corners Road, and

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

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

Noes: None

Unsafe Building – 47 Main Street – Mangona - Highway Supt. Barss stated that all the remaining debris has been removed from the property. This matter is now closed.

At 7:35 PM a Public Hearing opened on Proposed Local Law #1-2011 - Amendments to Greenfield Town Code. Clerk presented proof of legal publication. Al Janik, King Road – Mr. Janik stated that the way he read the proposed amendment was that anybody could put up a sign related to the Town Wide Garage sale in any location with no restriction on the size of the sign. They could put up a billboard if they wanted to. If this proposed amendment was strictly to accommodate the Town Wide Garage Sale then he had other objections. He questioned why that one entity was singled out for an exception to the sign ordinance. Why not give an exception to any Not-for-Profit organization. Mr. Janik questioned the proposed vendors license. Anyone can apply. There is no oversight on the location, such as Site Plan Review, traffic impact, etc. They can open anywhere in Town. The last concern was with Hobby Farmers. He questioned whether this was to be limited to specific zones or allowed in all zones. For example, can someone have a 1 acre parcel and have any number of animals listed in the proposed table and be considered a Hobby Farm. Supervisor Rowland stated that there was one item in the proposed Vendors section that needed to be deleted. The requirement that the applicant be a United States Citizen must be removed. Butch Duffney, Brigham Road – Mr. Duffney was in favor of a vendors license for the Town. There was an individual that set up across the road from the Town Hall who was made to shut down. She sold hot dogs and fresh produce. She was a life long resident of the Town and she should be able to set up a business in her own Town. Mr. Duffney believed that the proposed Code required the applicant to provide the Town with written permission from the landowner, etc. when they apply. As far as Hobby Farms, he believes that animals teach children responsibility, etc. They should be able to have these animals as pets. Susan

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Celia, Braim Road – Mrs. Celia questioned why Section 54-6 E. was being deleted and wondered if it was inserted in another location. When she initially read the Code she thought that it was in an odd spot. There being no further public comments either pro or con, the hearing was closed at 7:45 PM.

The regular meeting was called to order by the Supervisor at 7:46 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Pemrick, C., the minutes of 8/11/2011 were approved as submitted by all members present.

Letter from the Department of Labor notifying the Town of the issuance of an Explosive License for Robert Woodard, Porter Corners Road.

Notice from Adirondack Trust Insurance with an endorsement from NYMIR which amended the property values of the Town Buildings in accordance with the recent CBIZ professional property appraisal. This resulted in a return premium in the amount of \$789.34 for the policy period 1/1/11 to 1/1/12.

Thank you letter from Donna Edgerly for allowing the residents of Lake Desolation time at the last meeting to express their opinions and concerns.

Resolution of Honor – Myron Rowland - Supervisor Rowland stated that the Town Board adopted the Resolution to Honor Myron Rowland at the Town Board meeting in August. Supervisor Rowland read the Resolution aloud and presented the plaque to the daughters of Myron Rowland, JoAnn and Joan Rowland. Myron had been honored at the County as the Deceased Veteran of the Month for the month of July. A flag is flying in his honor at the County. When it is taken down, the family will be presented the flag along with a video of the service.

Proposed Local Law #1-2011 - Cochran, C. stated that the Board started looking at changes to the Code back in March. The Planning Board had suggested a change in the Code that would allow individuals to replace an existing mobile home on an individual lot without having to go before them for review. This would be able to be done through the Code Enforcement Officer. For many years there has been a peddlers license that individuals/companies could obtain to go door to door etc. to peddle their wares. The idea of allowing Cart Vendors is one that has been talked about for the past couple of years. Cochran, C. stated that like the peddlers license, the vendor would be required to fill out a rather lengthy application and it would be up to the Town Clerk as to whether or not a license would be issued. The license would have to be renewed on an annual basis and the Town Clerk would have the authority to deny a license if there was a problem with a particular vendor the prior year. Cochran, C. stated that Hobby Farming has been an issue in Town for as long as he has been in Town, over 20 years. There are a lot of people that would like to raise their kids with small pets in small locations, even 1 or 2 acres. This would allow the Hobby Farmer to have a limited amount of livestock. The farmer has to take care of noise problems, waste removal, etc. Another issue that has been ongoing is the removal of debris from a property in connection with an unsafe building. A building will get knocked down, however all the remaining debris does not get cleaned up. The proposed changes to the Code would address this issue. Cochran, C. stated that as far as the sign question was concerned. It does address the Town Wide Garage Sale banner. It is larger than allowed and that was why it was addressed. He added that the last large Code change was about 2 ½ years ago when the issues of wind

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power and outdoor wood furnaces were addressed. The Board has been very proactive in trying to listen to the community, reviewing the laws and trying to make the necessary changes to make the Town a better place to live. Kinsella, C. added that as far as the changes to Chapter 54, it was the intent to delete Section 54-6 and replace it with the section of what the inspection requirements are. They deleted section E on purpose due to the fact that it was kind of redundant with some of the definitions of what was required for a septic system back in the Appendices to Chapter 54. Kinsella, C. stated that there was one other change to this Chapter that he would like to put forward. One of the things that he talked about previously was the requirement for double inspections where the Code Enforcement Officer makes an inspection and also requires an engineer certification prior to the issuance of a Certificate of Occupancy. He would like to see Section 54-5E2 deleted as well. NY State Law does not require this extra inspection and he felt that it was an extra burden to the homeowners. Pemrick, C. asked if the additional changes to the law would require that an additional public hearing be held. Town Counsel advised that it would only require an additional hearing if there was a material change. It was up to the Board as to what they wanted to do, however he would suggest that this was not something that he felt would require an additional public hearing. Susan Celia suggested that the Inspection section of the Code should line up with the list of required inspections on the building permit. Kinsella, C. stated that the Building Permit itself was not in the Code. If necessary, the Building Permit will have to be updated to reflect what is in the Code. Town Counsel suggested that if the Board is considering adopting the Local Law, the motion should make some reference to potential environmental impacts of the proposed changes. Board members felt that the proposed changes may actually have a beneficial effect on the environment.

RESOLUTION # 120 – Adopt Local Law #1-2011

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby adopts Local Law #1-2011 entitled “Amending Greenfield Town Code Provisions” as presented, including the deletion of Section 54-5E2, and

FURTHER RESOLVED, the proposed amendments to the Town Code will not have an adverse impact on the environment.

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

Noes: None

Veterans Committee – Town Clerk advised that an ad looking for volunteers to serve on the committee was in the paper for at least two weeks and has been posted on the website for the past two months. As of this date, no applications have been received. Supervisor Rowland suggested that perhaps we should add that the individuals who serve on the Veterans Committee do not necessarily need to be Veterans. It could be any Town resident who would like to make sure that Veterans are honored. Pemrick, C. to work with the Town Clerk to draft a new notice for volunteers.

Lake Desolation Residents Concerns – Donna Edgerly, Park Avenue – She stated that she wanted to come back to the Board and give them an overview of what has happened since the last meeting. They have met with Aaron Miller and have been

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able to work out several issues that they did not bring up at the last meeting. She wanted to make sure that the Board realized that it was not just the residents of Happy Hill who had the concerns. It included residents from on the Lake, behind the Lake and neighbors. There have been a lot of successful changes that have taken place up by the Lake during the past 10 years. Mrs. Edgerly would like the Board's help in eliminating the rumors that are circulating. She believed that they these rumors sabotage the positive working relationship with the tavern owner and the residents. She wanted the Board to know that this was all about having a safe environment to the residents and visitors. They have talked to the tavern owner regarding events that have taken place on the lake which at times has restricted the access and use of the lake by the residents. There is never any prior notification of these events. During an event in July, which she heard that the Town participated in, an event volunteer told her not to enter the lake and people on a private dock had to stop fishing. The residents have asked the tavern owner to provide some sort of prior notice, such as posting the events on the website. Mrs. Edgerly stated that the residents have compromised on several issues and it is not their intention to make it difficult for the tavern owner. The residents want to be part of the solution and not seen as the problem. Mrs. Edgerly again brought up the matter of the fence. This is a narrow two lane road and when there is an event happening, there is parking all over which makes it very unsafe and dangerous. The tavern owner has told them that he had permission to put up the fence and that one of the reasons that he put the fence there was so that there were not cars parking on his beach impeding the views of the customers on the deck. Mrs. Edgerly did not feel that the fence met the requirements of a fence code. She stated that they also spoke with the tavern owner about the dogs. A lot of people coming up to an event bring their dogs which disrupts the resident's dogs and has become a real issue. She hoped that they could continue to work out these issues so that there was not a negative cloud that hangs over the people who live there. Mrs. Edgerly asked the Board if the lake was private or public. She questioned whether Mr. Miller should have obtained a mass gathering permit for the events that he has with over 150 people. In addition, she questioned who would be liable in the event of an accident. Mrs. Edgerly stated that as she as said in the past this is nothing personal against Mr. Miller. She would welcome the invitation to speak with him, the Town Supervisor and/or the Town Board to resolve these issues. Supervisor Rowland asked Mr. Miller if he wanted to address the Board. Mr. Miller stated that he had no comment at this point. Supervisor Rowland stated that as far as access to the lake is concerned it is all private access. Property owners own various spots which access the lake. There have been rumors that there is State Land that can be used for access, however in reviewing all the tax maps, etc. he found it to be all private. The lake bottom is owned by a private individual whom it was sold to on County Auction. The water is owned by the People of the State of New York. Cochran, C. stated that the Town has not had any sanctioned activities at the lake, which Mrs. Edgerly made mention of earlier. Supervisor Rowland stated that if an event is held where there are more than 150 people, either public or private, the Code clearly states that a Mass Gathering Permit is required. As far as fencing is concerned, there is nothing in the Code regarding fencing of your personal property. Supervisor Rowland stated at last months meeting there was a question regarding bike lanes and possibly a

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speed limit reduction. He spoke with the County Highway Department and the installation of bike lanes was not something that the County would do. It was too cost prohibitive. In addition, they did not feel that a speed limit reduction would help. Unfortunately, there is not a lot anyone can do about individuals who ride their bikes down the middle of the road. If they are violating the vehicle and traffic law, then you should call the police. Chandler, C. noted that with a Mass Gathering Permit it stipulates that there must be over 150 people at one given time, not over the course of the event. People come and go to these events. Chandler, C. felt that as far as access to the lake was concerned, that would be a private access and would not have anything to do with his tavern. Supervisor Rowland stated that the Code is very clear on what needs to happen if an event is going to attract more than 150 people at a given time. He would hope that if an event were to go over the threshold, that the next time the event were to be scheduled a Mass Gathering Permit would be obtained. Mrs. Edgerly asked what the requirements were for Mr. Miller to be able to expand his business to include these different events. Chandler, C. felt that the events were being held on private land and if he was not charging for the event it would not be a business. Cochran, C. stated that the Greenfield Community and Business Association comes before the Board each year for a Mass Gathering Permit because they sell tickets to the Auto Show. Mrs. Edgerly stated that she was not trying to build a case against the tavern owner, she was just trying to get the facts.

County Sewer Expansion – Supervisor Rowland stated that the County Sewer District has requested that if there was ever a potential to allow people within the Town to access the sewer system, that the Town Board adopt a resolution which indicates that they would consider allowing it. The County Sewer District is looking to apply for a grant. In order to do so, they have to show what the potential service area for the district would be. Supervisor Rowland added that there would not be any advalorem charge to anyone in the Town. Currently there are a couple of areas in Town counted to the sewer. There are no plans to expand the district at this time. If the Board were to agree to this, it could result in a savings for the residents in Town when a septic hauler pumps their system. If the address were outside the current sewer district, they would be able to charge double the rate to dispose of the waste through the County Sewer System. If the Board expresses the potential of interest, the standard rate would be charged to the haulers. The Board would be making no commitment. Pemrick, C. stated that it appeared that the immediate reason for this request was to allow the County Sewer District to apply for a grant and hire a consultant to look into the possibility of expansion of the district.

RESOLUTION # 121 – Expression of Potential Interest in Expansion  
of the Saratoga County Sewer District

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Supervisor be authorized to send a letter to the Saratoga County Sewer District expressing the potential interest of the Town regarding the possible expansion of the County Sewer District.

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

Noes: None

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Budget Workshop Dates - The first budget workshop date was scheduled for Sept. 22nd, 2011 at 7:35 PM, following the public hearing for a septic variance. Further dates will be determined at that time.

RESOLUTION # 122 – Community Center Use Request

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the following organizations be authorized to use the Community Center for their regular meetings:

Greenfield Community Garden – Every other Wednesday from 7 to 9 PM – Sept. to June

Girl Scout Troop #3263, Melissa Nicolaysen, Leader – Saturdays from 9:30 to 12:30 from Sept. to June

Girl Scout Troop 3105, Jennifer Ginley, Leader – Every other Thursday from 6 to 7:45 PM from Sept. to June

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

Noes: None

RESOLUTION # 123 – Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

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

\$ 39.94	From A5010.4	to	A5010.2
484.11	From DA9060.8	to	DA9055.8
42,003.25	From CD8668.4	to	CD8662.2
42,956.21	From CD8668.4	to	CD8662.4
154.07	From A8020.2	to	A8020.4
2,643.54	From A1910.4	to	A3310.4
14,009.46	From A1990.4	to	A5132.4
9,106.25	From A1990.4	to	A9060.8

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

Noes: None

Supervisor Rowland stated that he received a phone call from a gentlemen who lives next to Brookhaven Park. He stated that there are a number of people who are very interested and are assuming that they have the right to hunt on the Golf Course and surrounding Town property. Supervisor Rowland added that the Rules and Regulations adopted for all Town Parks do not allow any weapons. Therefore, there is no hunting allowed on the Brookhaven Park lands. If there had been any hunting rights by the previous owner, that is no longer the case. The Town has had problems with weapons at another Park which we are working to correct.

Mr. Janik, King Road – Mr. Janik realized that the Board was not looking to spend a lot of money on the Community Center building, however on the back part of the building there is quite a bit of loose siding that needs to be addressed. As far as signs are concerned, he asked the Board Members to keep their eyes open as the drive through Town and they will see the large number of illegal signs. Just driving from Route 9N to King Road there are 9 or 10 illegal signs. He suggested that as a possible solution would be signage similar to what the State allows where a permit has to be purchased each year

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to advertise. This may be a way to allow people to advertise their business and for the Town to get some revenue at the same time.

Monthly reports were submitted by the Building Inspector, Highway Supt., Brookhaven Park, Town Supervisor, UDAG Revolving Loan Fund and the Town Clerk. Town Clerk noted that the Dog Enumeration is moving along. They are approximately half way through the Town. Since the beginning of the enumeration, there have been an additional 430 dogs licensed and 781 licenses renewed, or 1211 licenses issued. For all of last year the total number of licenses sold was 1286.

RESOLUTION # 124 – General Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 475 to # 534 in the amount of \$33,082.53 be paid, subject to audit.

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

Noes: None

RESOLUTION # 125 – Parks Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Parks Bills # 152 to # 181 in the amount of \$34,267.41 be paid, subject to audit.

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

Noes: None

RESOLUTION # 126 – Highway Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 152 to # 174 in the amount of \$113,028.25 be paid, subject to audit.

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

Noes: None

RESOLUTION # 127 – UDAG Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That UDAG Bill # 13 in the amount of \$11,189.18 be paid, subject to audit.

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

Noes: None

Highway Barss stated that he was at a meeting today and found out that the Town was eligible for FEMA reimbursement from the recent storms. The Highway Department is going around and picking up all the brush and trees and stock piling it by the garage. FEMA will be paying by the yard. In addition we should be eligible for reimbursement for manhours, equipment, etc. Supervisor Rowland commended the Highway Department for doing a great job during the storms. They were out clearing the roads and trees and got things back in shape very quickly.

On motion of Pemrick, C. and seconded by Cochran, C., the Board adjourned to Executive Session at 8:47 PM to discuss potential litigation. Town Clerk

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was not present for session and no minutes were filed. On motion of Cochran, C. and seconded by Pemrick, C. the Board returned to regular session at 9:40 PM.

On motion of Cochran, C. and seconded by Pemrick, C. the regular meeting was adjourned at 9:41 PM.

At 9:44 PM, the regular meeting was reconvened and called to order by the Supervisor. There was a potential conflict with the date scheduled for the Septic Variance Public Hearing and Budget Workshop.

RESOLUTION # 128 – Re-Schedule Public Hearing & Budget Workshop

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Board of Health Public Hearing for a Septic Variance for Julie Carvajal be rescheduled for Monday, September 26<sup>th</sup>, 2011 at 7:30 PM, and

FURTHER RESOLVED, that a Budget Workshop be scheduled immediately following the hearing at 7:35 PM on Sept. 26<sup>th</sup>, 2011.

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

Noes: None

Town Clerk to advise the applicants' engineer, Gary Robinson, of the change of the hearing date.

On motion of Pemrick, C. and seconded by Cochran, C., the meeting was adjourned at 7:45 PM.

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Town Clerk