

April 11<sup>th</sup>, 2013

The regular meeting of the Town Board was held on Thursday, April 11<sup>th</sup>, 2013 at 7:30 PM with the following members present: Richard Rowland, Supervisor; Thomas Kinsella, Daniel Cochran and Walter Chandler, Councilman. Daniel Pemrick arrived late. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 18 residents.

The meeting was called to order by the Supervisor and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Cochran, C., the minutes of 3/14/2013 were approved as submitted by all members present.

Check in the amount of \$5.20 from the Saratoga County Treasurer for 2012 interest earned on the Cemetery Trusts.

Notice from Governor Cuomo announcing an increase in C.H.I.P.S. funding for this year. The Town is scheduled to receive an additional \$45,000.

Letter from SaraSpa Rod and Gun Club thanking the Town Board for their patience and willingness to hear their comments and concerns regarding the NY Safe Act and for adopting the Resolution in Opposition.

Letter from Stanley Weeks stating that he was unable to attend this evenings meeting, however he had some thoughts regarding the Ambulance Committee Report that he would like to express to the Board. In reading the report there appeared to be a range of projected costs from \$10.95 to \$159. per year for a home assessed at \$150,000. He felt that it was going to take some time and discussion for residents to understand and subsequently support a significant change in ambulance service. He hoped that a separate public hearing regarding this issue will be scheduled in order to provide residents time to listen to and react to the report.

Pemrick, C. arrived at this time.

Ambulance Committee Report - Supervisor advised that the Board would be holding a discussion regarding the report and that this evening was not a public hearing. The Board needs to decide what direction to take and determine what is required such as public hearings, local law, public referendum, etc. There will be opportunities for the public to speak.

Planning Board Appointment - Pemrick, C. stated that the Board had interviewed candidates for the position and also received input from the Planning Board Chairman.

RESOLUTION # 65 – Appoint Planning Board Member

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Andrew McKnight as Planning Board Member with said term to expire 6/20/2018.

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

Noes: None

Ambulance Committee Report - Kinsella, C. stated that the Committee spent a few months reviewing the current ambulance services and services in the surrounding communities. He added that while Empire and all the ambulance services are certified by the State of New York and are all capable and licensed, the Committee noticed a distinct difference between the services provided. With that, there is a price

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difference between the types of services provided. Kinsella, C. added that when looking at the services that the Town provides to our citizens, we do not have a police department or have a fire department that is paid for by the Town. The Town takes care of the roads and provides some services to senior citizens and youth. In addition, the Town provides some ambulance service and he felt that the Town could do better than what the current process is. Kinsella, C. would like the Town to pursue obtaining the Certificate of Need and see if the Town can provide better service. The Fire Department has indicated that they would work with the Town to help set up a location in the center of Town which would improve the response time to the citizens. He would like to see this move ahead relatively quickly since it could take several months to get everything together. Cochran, C. stated that the whole committee did a great job and spent a lot of hours and time putting together this report and looking for the best approach for the Town. Supervisor Rowland stated that after looking over the report and looking over a "White Paper" that he received from the Association of Towns regarding Volunteer Fire and Emergency Medical Services he has some concerns. The Association of Towns had concerns regarding private vs. paid, as well as what the effect on tax increases would be. They suggest, and he strongly believes, that the citizens need to have input regarding this matter and he felt that it calls for a referendum. This would provide for public hearings, etc. He added that regionalization comes to mind, and that pulling from a larger group of volunteers was important. The Town received some good input from the people who have used the ambulance service. There was a 10% return on the survey, which is very big. Normally you receive closer to 2%. There have been comments made that there were not qualified people on the ambulances, however the reports that the Town is receiving show that the individuals are. He added that he is also looking at State mandates. They are not going away and the State is mandating training and more extensive services which leads him to believe that there will be ever increasing costs. It will increase and set up a full entity of payroll and billing, whether done by a hired service or the Town. You also have the issue of deciding what to do with "no pays". Supervisor Rowland added that there are options as to where to put the ambulance and what types of services the Town needs. Town Counsel Schachner stated that New York State was very funny regarding the issues that can go to public referendum and he was not sure that this was one of them. Supervisor Rowland felt that in the creation of a taxing district it was. Kinsella, C. felt that this would be paid for out of the General Fund just as we currently pay Empire by contract and that it was not necessary to create a taxing district. There would not be Town employees added to the payroll to do billing, etc. That was a service that the Town would procure from the ambulance service. Town Counsel Schachner clarified that Kinsella, C. was not suggested that a Town squad be created. Supervisor Rowland questioned if that were the case, why the Town would have to obtain a Certificate of Need if they were not going to control or operate the ambulance. Kinsella, C. stated the Town would contract with the group that gives the best service and if they are not happy with that service then they could go out to bid again and find someone else to provide service. Chandler, C. would like to see the public hearings. He felt that the people needed to be educated about how this works. The volunteers are out all night saving lives. The people need to know what the Fire Company provides and that

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they know what they are doing. Kinsella, C. stated that in effect what they are proposing is regionalization. They are going to go to existing ambulance services in the area and ask them to expand their business in our Town. Supervisor Rowland asked if they were looking at dealing with more than one entity. Kinsella, C. stated that it would be one entity, but they are already in business somewhere. They would add some new staff and/or equipment, however not nearly as much as would be required if they were going to start up a new business. Cochran, C. stated that during the public informational meeting that the committee held, no one present had a problem with the increase in taxes in order to get services. Supervisor Rowland stated that prior to going to public hearing, the Town needed to know the costs that they will be looking at in order to be able to tell the taxpayers what kind of increases to expect. Every year the Town Board works diligently on the budget to keep the taxes as low as possible and not have large increases and the Board has over ridden the tax cap for the past 2 years. He added that no matter what direction the Board takes regarding ambulance service, there would have to be a tax cap over ride again and it could be significant. Kinsella, C. stated that the Board could choose to pave less roads. Pemrick, C. stated that this Board is just beginning to discuss this and trying to determine the financial impact that it will have. Any changes made will certainly have an impact on the Town Budget and most likely the Fire District Budget. He did not have any problem with looking into everything and examining all avenues very carefully, but he felt that it was going to take time. Pemrick, C. stated that in the 8 years that he had been on the Board, they have underwritten a portion of the taxes by taking approximately \$150,000. out of the Surplus Fund. We are now talking about possibly adding an additional moderate amount. It appears that on average the contiguous Towns are paying between \$170,000. and \$200,000. per year. He agreed that the Town could decide to do 3 miles less in road construction, however the limited Town revenue needed to be spent wisely and for the greater good of every citizen in the Town. Are we going to spend the money on 8,000+ citizens or are we going to spend it on 326 +/- calls each year. Possibly there is a compromise somewhere in between. Pemrick, C. believed that the Fire Dept. spends a good deal of money on emergency services within their budget each year. The Town currently spends \$55,000. each year. He noted that the Fire Dept can not have an ambulance service. People have been trying to change that law since 2002 to make it easier for Fire Depts. and ambulance services to exist on the same lot. There is a gentleman who is an Attorney in Syracuse who specializes in emergency services. He travels and speaks to groups. When the Board is looking at their budget each year, they are looking in terms of 5 or 10 years down the road, not just next year. When we look at the ambulance service, we have to look at it the same way. Reports show that volunteers are disappearing and that will require more paid staff down the road. Pemrick, C. noted that there seems to be an extreme interest in private investment and private business and a disdain for government run or operated entities. We seem to be moving in the opposite direction in the Town. The County has had difficulty in running Maplewood Manor as a government operation. Pemrick, C. stated that there may be certain advantages to having a Town Ambulance Corp. It would help to create a sense of identity, could offer some employment and perhaps provide faster service. Maybe there is something that the Town can do to tweak the current service to improve it. Work on

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developing a better working relationship between the Fire Dept. and the current ambulance service. He could not believe that two entities that have the same purpose to provide health and care for the citizens can not find a way to work out any differences. The citizens of the Town should be the ones to determine how much they are willing to pay for the services. Pemrick, C. wanted to have informational meetings so that all citizens can make an informed decision. Pemrick, C. added that the Town can not continue to underwrite the taxes. The General Fund balance is already running low and will be out of money. He did not expect the Fire Dept. to feel any differently then they do regarding this issue, however other people have a voice as well. Kinsella, C. felt that Supervisor Rowland and Councilman Pemrick were misunderstanding and that the committee was not recommending a Town ambulance corp. and there would not be an increase in Town government. They would subcontract the service, whether it be with a for-profit business or a non-for-profit business. Pemrick, C. stated that he understood that, however he felt that if you were not operating your own service then you were public. There are changes as volunteers change, as firemen change, as population change, etc. Chandler, C. stated that the Town has not really budgeted a lot of money for ambulance service over the years. He felt that the Town was asking an awful lot of an ambulance service to provide at \$55,000. He added that he spoke with the Highway Supt. and he stated that it costs approximately \$125,000. per mile for road improvements. Chandler, C. added that the Highway Dept. has already cut down from 8 miles of road to 6 miles due to budget constraints. He felt that moving forward with the Fire District it would not be that hard to come up with the extra money that it would cost for ambulance service. He would like the opportunity to do so. Pemrick, C. stated that he would be in favor with sitting down with the Fire Dept., however he did not believe that they could have an ambulance corp. Chief John Lant stated that the ambulance could be housed at the Firehouse, however they can not have an ambulance service of their own. Kinsella, C. suggested that a public hearing be scheduled for 7 PM on May 2<sup>nd</sup> to get the process started. He would give a brief presentation about all of the steps that the committee went through to help educate the public and Pemrick, C. because a lot of the research was done and they picked up a lot of information. They have budgetary estimates that are provided in the report so they can give an idea of the costs that there could potentially be for different types of services. He would then open it up to the public for their comments. Supervisor Rowland suggested that the hearing be scheduled at a separate night and not at the agenda meeting. Supervisor Rowland stated that if the Town is looking to establish an ambulance district then he believed that a public referendum would be necessary. Kinsella, C. stated that it was an option in the report, however it was not something that the committee was looking to consider. They felt that it would be too expensive and they did not want to get into the ambulance business. Supervisor Rowland stated that one of the things that concerns him the most is that when the Town was working with SEMS, a volunteer group, they functioned as an entity. At no time did SEMS indicate that they were having difficulties financially. He found out by reading it in the newspapers. Supervisor Rowland stated that the Town realized that we had a great deal. However, if SEMS had come to the Town and asked for more money, the Town would have worked out something during the budget process to figure out a way to boost their payment. If

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the Town does not have control they have no way of knowing if there is a problem until it is too late. Supervisor Rowland stated that he called REMO and questioned what they were doing. They decided what was going to happen in ambulance services in the Town of Greenfield without the Town having any input. The same thing happened when Corinth went out of business. The Town found out they were done 2 weeks after they closed. Everybody thought SEMS was great and that they would be around for a long time, however things are not always what they appear to be on the surface. Pemrick, C. stated that he was envisioning a series of hearings. He did not mind having it on the night of the agenda meeting, but perhaps a time limit should be set. He did not feel that this was something that was going to be settled in one evening and would require more than one hearing. Pemrick, C. stated that about a year ago he was at a Fire Dept. meeting and was asked about the idea of setting up a committee at which time he stated that he was not a big fan of committee's. As he said at that meeting, he felt that if you want to do something like this you have to take it to every church group, community group, etc. and sell it. Have them understand the value of taking on something like this. Chief John Lant stated that as far as the statement regarding the 2 entities not getting along, when the individuals from Empire came to the firehouse the fire department asked them to set up a meeting so that they could make sure that they were all on the same playing field and they did not get back to them. It is lack of communication on their part. Chandler, C. asked if he was appointed as liaison to the Fire Department this year. Supervisor Rowland stated that he was. Chandler, C. stated that he would go to the Commissioners meeting and come back with some answers to bring back to the Board so that decisions can be made. The two had to work together to figure out how this was going to be paid for. Dr. Peacock stated that the current state of affairs were very bad. She will not use the current service at her office and she is very uncomfortable with the current coverage.

RESOLUTION # 66 - Schedule Public Hearing Ambulance Committee Report

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby schedules a public hearing to be held on Thursday, May 2<sup>nd</sup>, 2013 at 7:00 PM at the Greenfield Community Center for the purpose of soliciting public input regarding the Ambulance Committee Report.

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

Noes: None

Spring Clean Up - Highway Supt. Barss reminded everyone that the Spring Clean Up weeks starts on April 20<sup>th</sup> and runs through April 28<sup>th</sup>. They will be accepting tires.

Mass Gathering Permit Application – GCBA - An application for Mass Gathering Permit was received from the GCBA. They would like to hold the annual car show at the Middle Grove Park again this year. A map was provided showing the layout of the event which is the same as last year. Butch Duffney, President of the GCBA, was present. He stated that everyone loved having the event at the Middle Grove Park and the layout. Certificate of Insurance has been provided.

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RESOLUTION # 67 – Approve Use of Middle Grove Park and Mass  
Gathering Permit for GCBA

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves the request for use of Middle Grove Park on June 16<sup>th</sup>, 2013 for the GCBA 5<sup>th</sup> Annual Country Car Show, and FURTHER RESOLVED, that a Mass Gathering Permit be granted to the GCBA for this event and that the fee be waived.

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

Noes: None

Subdivision Regulations – Road Specifications - Highway Supt. Barss stated that he was still working on proposed updates with the Town Engineer. He hoped to have further information available at the next meeting.

Highway Equipment Purchase - Highway Supt. Barss stated that at the agenda meeting there was some discussion regarding the possibility of purchasing an excavator. They are at a point in road construction where they are going to have to dig up some of the road bases and replace it. He felt that it was a valuable piece of equipment to have. They have been using the Gradall for everything, however it is really not meant to be an excavator. Highway Supt. Barss hoped to be able to purchase it with some money from his equipment budget and some from the Equipment Reserve Fund. The other option would be to look at a lease purchase. Cochran, C. asked if a lease purchase was a better way to go. Highway Supt. Barss stated that it would allow the Town to spread the payment out over a period of 3 to 5 years at 2.5% interest. Kinsella, C. stated that the Board just got through spending a great deal of time talking about the cost of an ambulance and whether they should be spending the money and here they are looking to spend \$200,000. or more on an excavator. It did not make sense to him at the moment. He stated that at the agenda meeting there was mention of the fact that an excavator was rented last year. It was used for 1 or 2 weeks out of the month. Kinsella, C. stated that they could rent one for a month again and plan the schedule so that all the work that they need to do for the summer could be done in that month. That way the Town would not have to dump \$200,000. this year on an excavator. Highway Supt. Barss stated that the work can not be done in one month. There are several roads that he needs to use it on and he is not going to tear up every road all at once. They would be dirt roads all summer and there would be the added cost of dust control & grading, as well complaints about rocks being thrown, etc. Highway Supt. Barss stated that he would not do the work that way. If he can't purchase or lease the equipment, he will have to rent it for 3 or 4 months for the summer at a cost of approximately \$5,600. per month. Kinsella, C. stated that at \$6,000. per month you could rent the equipment for several months. He felt that there were other budgetary matters that needed to be decided before the Board chooses to spend this money. He believed that they would be looking to purchase a new plow truck next year and that they would get more utilization out of the truck then this piece of equipment. Supervisor Rowland asked what the cost would be for a 4 year lease with the option to buy. Highway Supt. Barss stated it would cost approximately \$46,000. per year. Pemrick, C. suggested that it could be put out to bid

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and the Board could then decide whether or not to accept the bid based on the cost. Highway Supt. Barss stated that there is an option where he could rent the equipment and 90% of the rent could go toward the purchase at the end of the rental agreement. Chandler, C. felt that would be a better way to go until the Board gets through the other budget issues and that they could go out to bid for the lease. Highway Supt Barss stated that they did not have to go out to bid if they were going to rent the equipment. At the end of the rental agreement, they will tell you that 90% of the cost would go toward the purchase of the equipment and you would then have to go to bid. Kinsella, C. stated that he would be interested in the number of hours the equipment is used during that rental period. Highway Supt. Barss added that if the Town did purchase this equipment it would probably be a 20 year purchase. It is a specialized piece of equipment. Yes it will sit idle at some times, however it is a long term investment.

Amendment to Prestwick Chase PUD - Supervisor Rowland stated that the Board just received a packet of information for a proposed amendment for the Prestwick Chase PUD. Frederick McNeary was present. Mr. McNeary stated that Prestwick Chase has been in operation for 15 years. When they put together the original PUD proposal, they thought they had all their basis covered, however over the past 15 years Senior housing needs have changed. The original plan called for a 120 bed nursing home to be constructed. At this point, there is no certificate of need for a nursing home. They no longer plan to construct the nursing home and are looking to go back to residential apartment living for seniors. All the amenities currently offered at Prestwick will continue. There had been some issues in the past regarding what needed to be completed in Phase I such as the sewer line being run to the north end of the property. The way the plan was originally drawn the sewer line would run across wetlands, bed rock, National Grid right-of-way, etc. The new proposal would have the project going out to Daniels Road and will include sewer not only for the project but will provide access to residents along Daniels Road. In addition to their current amenities, they are looking at adding a clubhouse type building for the seniors to gather at which will include an indoor pool. Originally they were approved for tennis courts. They are looking to change that to pickle ball. Mr. McNeary stated that they will continue to take care of their own roads. If the proposal is approved the road has the potential of becoming a cut through from Denton to Daniels Road. They do not want that and they would have a gate at the Daniels Road entrance just as they now have on Denton Road. Mr. McNeary stated that he really did not want to get into the middle of the ambulance issue, however 100+ of the 300+ ambulance calls this past year were at Prestwick Chase. Many of these were nonsense calls. When they see that a resident is starting to degrade and requires more help they try to reach out to family to get extra help. What has been happening is that some of the residents were using Saratoga Ambulance as their home care agency. They were calling them up to help them get out of a chair or get off the toilet. They realize that their facility accounts for about 1/3 of the ambulance calls per year and that some where down the road someone is going to come up with some sort of plan to establish a separate tax for them to pay for ambulance service. Mr. McNeary stated that whether it be Empire or Wilton or whoever, the biggest issue is the travel time. He stated that in this new plan they have set aside a piece of property on the North Side of the property to put some sort

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of an ambulance service on. They could partner with the Town, perhaps give it to the Town, or contract for their own private service to make sure that they are covered. He felt that it was in everyone's best interest to work together somehow. If there was going to be some sort of ambulance service put on that piece of property, it is one of the entrances to their community, and they would build the building and dedicate it in some fashion. He stated that this was not a caveat for the approval of their PUD. It was something that his community needs. As they were reviewing their financing, part of that included the building of a 2 bay building with quarters to house an ambulance service. Mr. McNearly stated that he hoped that this would not overshadow his project and that he did not want to get caught up in the middle of ambulance debate. Chandler, C. questioned if the land and building would be donated to the Town. Mr. McNearly stated that originally they were going to donate it, however they do not want this to tie up this project and he did not know how long this ambulance situation was going to take. The legalities will have to be worked out. Supervisor Rowland asked how many additional units they were looking for. Mr. McNearly stated that they were looking for 300 more. They currently have 189. Over 100 calls were generated from 189 units. The additional units will generate that much more. Mr. McNearly stated that the idea of onsite ambulance coverage was long thought out before the Town began looking at ambulance service and he did not want to get tied up in the middle of this. They are currently working on Stormwater Plans. The wetlands on the property have been re-delineated. Chandler, C. asked if the Town were to get the ambulance service resolved if they would be willing to deed it over to the Town forever, the land and building. Mr. McNearly did not see where that would be a problem, however he did not want this to hold up his project.

RESOLUTION # 68 – Refer Prestwick Chase PUD to Planning Board

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the application of Prestwick Chase for an Amendment of their PUD be forwarded to the Planning Board for their review and recommendation, and

FURTHER RESOLVED, That the Town Board directs the Planning Board to act as the SEQRA Lead Agency.

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

Noes: None

Monthly reports were submitted by the Town Supervisor, Town Justices, Building Department ( Feb. & March), Town Clerk and Highway Supt.

Town Clerk advised that the Annual Financial Report for the Year 2012 had been filed with the State Comptroller and that a copy was on file in her office for review.

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RESOLUTION # 69 - General Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 138 to # 193 in the amount of \$34,849.06 be paid, subject to audit.

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

Noes: None

RESOLUTION # 70 - Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 55 to # 83 in the amount of \$113,534.81 be paid, subject to audit.

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

Noes: None

RESOLUTION # 71 - Park Bills

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That Park Bills # 46 to # 48 in the amount of \$24,134.39 be paid, subject to audit.

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

Noes: None

RESOLUTION # 72 - UDAG Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That UDAG Bills # 9 to # 12 in the amount of \$12,808.00 be paid, subject to audit.

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

Noes: None

Supervisor Rowland announced that the tentative opening date for Brookhaven Golf Course was going to be April 26<sup>th</sup>. He added that the Handicapped Bathroom Project was close to being completed. All the bathrooms will be located on the upstairs level making the facility much more accessible and more open to the public.

Supervisor Rowland stated that he has informed the committee that he will be retiring at the end of the year and that he will not be seeking re-election. He felt that it was time to start doing things for himself and his family. He has been in public service a long time and it is now time to step down. He thanked everyone for giving him the chance to be Supervisor and the Town Board for the cooperation that they have had during his time here.

On motion of Pemrick, C. and seconded by Chandler, C., the meeting was adjourned at 8:55 PM.

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Town Clerk