

February 13<sup>th</sup>, 2014

The regular meeting of the Town Board was held on Thursday, February 13<sup>th</sup>, 2014 with the following members present: Paul Lunde, Supervisor; Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Pemrick and Daniel Cochran were absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss and 8 residents.

At 7:17 PM a public hearing was opened concerning proposed water district #1 in the Town of Greenfield. Clerk presented proof of legal publication. Peter Goutos, 168 Denton Road, stated that since the last meeting John Jayko and himself met with Stewarts and went over some of the items that they felt would be concerns and encumbrances including restoration of the area where the water line is installed, protection of the trees, a potential grave site on his property, wetlands impacts, where the taps would be, where the fire hydrants would be, etc. Mr. Goutos felt that they had a successful discussion in the field and felt that they could work out the locations and restorations together as they get closer to construction if this project is to go forward. There being no further public comments, the hearing was closed at 7:20 PM.

At 7:25 PM the Board met as the Board of Health for a hearing on an unsafe building at 2025 Route 9N, owned by United Mobile Homes. There was no one present from United Mobile Homes. Supervisor Lunde reviewed the report from the Code Enforcement Officer dated February 13<sup>th</sup>, 2014. The mobile home had been severely damaged by fire. The structure has been demolished and approximately 75% of the debris has been removed. Kinsella, C. asked if there had been any communication from the owner as to when they thought they might be completed. The unsafe building notice was signed for on January 15<sup>th</sup>. The owner has 60 days to bring the property into compliance. The matter was tabled until the March meeting.

At 7:30 PM the regular meeting was called to order by the Supervisor and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Kinsella, C., the minutes of 1/9/2014 were approved as submitted by all Board members present.

Notice from the Town of Wilton Planning Board regarding a public hearing that will be held on February 19<sup>th</sup> for Site Plan approval of a commercial building to be constructed on property located at 538 Maple Avenue by Saratoga Health and Wellness.

Memo from the Saratoga County Sewer District with an attached map showing the municipalities that are located within the boundaries of the district. Communities that are located within the boundaries are afforded the "in District" septage dumping rate of \$25 per 1,000 gallons for homeowners that maintain a septic system. Customers outside of the district pay \$50 per 1,000 gallons.

Notice from NYS Office of Real Property Tax Services stating that Lorraine Fiorino had completed the requirements of the basic course of training for the designation of State Certified Assessor.

John Jayko, Denton Road, stated that he was asked to relay to the Board that the neighbors have come to an agreement with Skidmore and the pending lawsuit should be dropped within the next week, providing all the signatures and necessary paperwork are taken care of. Mr. Jayko stated that he was not personally part of the lawsuit. Mr. Jayko added that he did have some issues with the Boards, especially the Planning Board. He felt that they put the Town in the position to be sued just by the way that they ask questions. He questioned their methods. He did not feel that they did any independent discovery with this project. As soon as the neighbors brought up an issue, the Board would automatically turn to the applicant and would accept their answer and not do any further review. Mr. Jayko felt that the Planning Board dropped the ball and the lawsuit should never have happened. The Planning Board needs to do a little better discovery on some of the things that is brought before them.

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Proposed Water District #1 - Supervisor Lunde stated that the next step would be to review the Short Environmental Assessment Form. Kinsella, C. stated that before the Board started discussion, he received a call this evening prior to the meeting from a member of the public who stated that she was not willing to come out this evening due to the weather and asked the Board to consider holding open the public hearing. She was at the last hearing and made comments at that time. Supervisor Lunde stated that the hearing had already been closed. Town Counsel Schachner stated that there is not a requirement to have any further public hearings, however the Board has been very liberal in allowing public comments at most meetings. Chandler, C. asked if the Board needed to address the proposed resolution first before completing the SEQRA. Town Counsel Schachner advised that the Environmental Assessment Form needs to be completed first. The applicant has completed Part 1 of the form and if the Board feels that the information in Part 1 is adequate then the Board would conduct SEQRA by completing Part 2 of the form. Supervisor Lunde stated that the Town Engineer has reviewed Part 1 and is satisfied with all the information provided. Kinsella, C. stated that he had one question in going over Part 1. The maps in the Map, Plan & Report were not detailed enough with wetlands. He questioned how close the wetlands were going to be to the chlorination system. John Barnes stated that the wetlands need to be delineated and that will be part of the next phase. Kinsella, C. asked how the Board would be able to check the box that states that they will not be disturbing any wetlands if they have not been delineated. John Barnes stated that it is their intention that they would not disturb or restore any wetlands. Kinsella, C. noted that there was a certain tie in point to the water line where the chlorination building had to be located. John Barnes stated that they would not construct the building in wetlands. Kinsella, C. asked if they had the latitude to move up or down the line if they need to. Gary Dake stated that he was certain that there were some requirements as to where the treatment building needs to be located. They have to do the engineering to determine exactly where the line is going to be located first. They wanted to establish the water district first before they moved on to the engineering phase. The Board reviewed Part 2. Kinsella, C. stated that question 2 regarding change in the use or intensity could be debated. There would now be an opportunity for other water uses. However if a development were to come about as a result of the water line it would be reviewed. The consensus of the Board was to check the box for no or small impact. Question 9 – Will proposed action result in an adverse change to natural resources, i.e. wetlands, waterbodies, etc. Kinsella, C. asked if there was another Site Plan Review when the detailed engineering plans are complete. Town Counsel Schachner did not believe this would be subject to Planning Board Site Plan Review, however the Town Board has review prior to the final order. Supervisor Lunde stated that the applicant has indicated that it was not their intention to construct the building in the wetlands and suggested that the Board check the no to small impact box. Kinsella, C. was in agreement since the Board would have the opportunity to review the detailed plans prior to the Final Order. Supervisor Lunde stated that this could also be addressed during the building process. Board members in agreement to check the no to small impact box. Question 11 – Will proposed action create a hazard to environmental resources or human health? Kinsella, C. stated that a large chlorine leak would cause a neighborhood to have to be evacuated. However, what is being proposed is a small tank. Chandler, C. did not feel that it would really create a hazard to environmental resources or human health. Supervisor Lunde stated that none of the questions were answered “moderate to large impact may occur” so therefore Part 3 does not have to be completed. Town Counsel Schachner advised that since no moderate to large impacts were checked, that the Board could then adopt a SEQRA Negative Declaration which is a determination that there are no significant adverse environmental impacts and therefore no environmental impact statement is needed.

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Town Counsel noted that in anticipation of that possibility, he worked that statement in as paragraph number one of his proposed draft resolution. Supervisor Lunde read the resolution aloud for the record. Kinsella, C. suggested that in the 3<sup>rd</sup> Whereas, and the same with the 5<sup>th</sup> Whereas, the statement should be added "if connected to the proposed water main". He wanted to make sure that it was clear that if you are not connected you are not bearing any of the costs or burden associated with the water district. Kinsella, C. did not understand items 2 a & b regarding all the property owners in the proposed district will be benefited. He felt that they stated the same thing. He stated that if they are not connected to it then how are they benefited. Town Counsel Schachner stated that the property owners who are not proposing to be connected to the waterline have the opportunity to be connected to it. In theory, they would be benefited by having that opportunity. Town Counsel added that if the Board does not believe that the property owners are benefited than they cannot form the district. Gary Duke added that there would also be improved fire protection due to the installation of the fire hydrants.

**RESOLUTION # 39 - APPROVING ESTABLISHMENT OF WATER DISTRICT NO. 1**

Motion: Chandler, C.

Seconded: Lunde, Supervisor

WHEREAS, the Town of Greenfield wishes to establish a Water District in accordance with New York Town Law Article 12-A to facilitate connection with the Saratoga County Water Authority distribution system; and

WHEREAS, a Map, Plan and Report (the "Plan") which includes (a) the boundaries of the proposed district; (b) a general plan of the proposed water system; (c) a report of the proposed method of operation; (d) the source of water supply and description of any lands, streams, water or water rights to be acquired; and (e) the mode of constructing the proposed water works, water mains, distributing pipes and hydrants, was submitted to the Town Board and filed with the Town Clerk; and

WHEREAS, on January 9, 2014, subsequent to the filing of the Plan with the Town Clerk, the Town Board adopted an Order (the "Public Hearing Order") reciting (a) the boundaries of the proposed District; (b) the proposed improvements; (c) the amount proposed to be expended for the improvement; (d) the estimated cost of hook-up fees (if any) and the cost of the District to the typical property and the typical one or two family home (if not the typical property) if connected to the proposed water main; (e) the proposed method of financing to be employed; (f) the fact that a map, plan and report describing the improvement is on file in the Town Clerk's office; and (g) the time and place of continuation of the Public Hearing on the proposed District; and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the office of the State Comptroller, all as required by law; and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated cost of hook-up fees (if any) and the cost of the District to the typical property and typical one or two family home (if not the typical property) if connected to the proposed water main were computed was included in the Plan filed with the Town Clerk for public inspection; and

WHEREAS, a public hearing on the proposed District was duly held on February 13, 2014, and the Town Board has considered the evidence given together with other information; and

WHEREAS, Part 1 of a State Environmental Quality Review Act ("SEQRA") Short Environmental Assessment Form ("EAF") has been prepared for the proposed District; and

WHEREAS, the Town Board has reviewed Part 1 and prepared Part 2 of the EAF;

NOW, THEREFORE, BE IT RESOLVED:

1. There will be no adverse environmental impacts from the formation of the District and construction of the improvements and the Board hereby authorizes the filing of a SEQRA Negative Declaration for the project.

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2. The Town Board hereby makes the following determinations:
  - a. The Order continuing the Public Hearing was published and posted as required by law and is otherwise sufficient;
  - b. All of the property and property owners within the proposed District will be benefited;
  - c. All of the property and property owners benefited are included within the boundaries of the proposed District; and
  - d. The establishment of the District as described is in the public interest.
3. The Town Board hereby approves, authorizes and establishes Water District No. 1 in accordance with the boundaries and descriptions set forth above and in the Plan and construction of the improvements may proceed subject to the following conditions:
  - a. The obtaining of any necessary permits or approvals from the New York State Department of Health and/or the New York State Department of Environmental Conservation;
  - b. Permissive referendum in the manner provided in New York State Town Law Article 7;
  - c. All costs shall be paid by Stewart's Shops, Inc./Dake Brothers, Inc./Green Field Development;
  - d. The Town being satisfied that construction of all improvements has occurred in accordance with the Plan;
  - e. The Town receiving and approving documents in acceptable form which shall dedicate all District infrastructure required by the Town including, without limitation, all required deeds, easements, associated forms and proof of title in the form of title insurance in favor of the Town; and
  - f. The adoption of a Final Order by the Greenfield Town Board.
4. Hook-up shall not occur until after the adoption of such Final Order.
5. This Resolution is subject to permissive referendum pursuant to Article 7 and Section 209-e of New York Town Law and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for resolutions subject to permissive referendum, to make available proper forms for a petition for referendum and distribute a supply to anyone who requests them and, if no such petition is filed within 30 days after the date of this Resolution, to file a certificate to that effect in the office of the County Clerk.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

Opening on Zoning Board of Appeals - Supervisor Lunde stated that two individuals have applied for the position. The alternate position is currently vacant. Kinsella, C. suggested that interviews be scheduled for prior to the agenda meeting on March 6<sup>th</sup>.

Drug & Alcohol Policy - Supervisor Lunde stated that he had provided the Board with two Drug & Alcohol Policies for their review. One is the DOT Policy which covers all the Highway Department Employees with CDL Licenses. He adjusted that policy to include the Supervisor, Deputy Supervisor, Highway Supt. and Deputy Highway Supt. as the individuals to be trained as to what to look for and have the authority to request that someone be tested. He also made an adjustment in the Prescription drug use section that states "...may result in disciplinary action up to and including termination of employment". He thought that section was very vague. The Board also had a second policy which would cover all other employees, ie. full time, part time and seasonal help, including elected officials. Board members in agreement with a zero tolerance policy. Supervisor Lunde stated that if the policies are approved, the intention is to meet with every Town employee and go over the policy. The policy will be effective 30 days from the date of the meeting with the employees.

RESOLUTION # 40 - Adopt CDL and Town Employee Drug & Alcohol Policies

Motion: Lunde, Supervisor

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby adopts the CDL Drug & Alcohol Testing Policy for Highway Employees and the Drug and Alcohol Testing Policy for all general Town employees and elected officials.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

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Zoning Committee - Supervisor Lunde stated that he spoke with both the Planning Board Chairman and the Zoning Board of Appeals Chairman, however he was unable to set up a meeting as of this time. He was hoping to set up a meeting shortly and asked if there were any other interested Board members who would like to attend. Kinsella, C. stated that back in the early stages of the Skidmore project there was a public notice sent out looking for volunteers to serve on a committee to review Zoning regulations and there were a few people who applied. Kinsella, C. suggested that the Supervisor contact them to see if they would be interested.

Ambulance Service - Supervisor Lunde stated that he spoke with 2 of the 3 squads and has obtained their pricing information that needed to be sent to Multi-Med. He added that he also wanted to clarify what the Town was getting charged for. He stated that it was a percentage of what the Town is paid for, not for what is billed, other than for Medicare and Medicaid which are a straight fee. Supervisor Lunde stated that he also asked the squads for information as to what they did last year as far as the number of trips and what the total revenue was. Kinsella, C. stated that he attended the recent Fire Commissioners meeting and asked for input back from them regarding their interaction with the squads. As part of the contracts, the Town has to provide periodic feedback to the squads. The Fire District has an EMS Coordinator, Tim Kemp, and he will provide Kinsella, C. with any feedback. Supervisor Lunde added that he had to write a letter for REMO which states that the Town would like the three ambulance services to provide ALS service to the Town.

Historical Records Policy - Supervisor Lunde stated that Town Historian has submitted a proposed Historical Record Collections Policy that he would like to see adopted by the Town.

RESOLUTION # 41 - Adopt Historical Record Collections Policy

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby approves the Historical Record Collections Policy as proposed by the Town Historian, and

FURTHER RESOLVED that such policy shall be made part of the Town of Greenfield Policy

Handbook.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 42 - Re-Appointment to Zoning Board of Appeals

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby re-appoints Michelle Granger as member of the Zoning Board of Appeals with said term to expire 2/16/2019.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 43 - Approve 2014 Nutrition & Transportation Agreements and  
2014 Animal Shelter Agreement

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves for the Year 2014 the Senior Transportation and Nutrition Agreements with the Saratoga County Office for the Aging in the amount of \$1,427.00 each and the 2014 Animal Shelter Contract with the County of Saratoga in the amount of \$1,422.75, and

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

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 44 - Agreement to Spend Highway Funds

Motion: Chandler, C.

Seconded: Lunde, Supervisor

RESOLVED, That the Town Board hereby approves the Agreement to Spend Highway Funds for the Year 2014 as submitted by the Highway Superintendent.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

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Surplus Highway Equipment - Highway Supt. Barss stated that he would like to declare two pieces of equipment as surplus - 1997 Volvo Dump Truck and 1994 Ford F700 Bucket Truck. The Volvo is currently used as the spare plow truck. The new truck will be in within the week. The Bucket Truck is no longer safe to use. It would cost approximately \$15,000. to repair the vehicle and he was not sure if it would even pass inspection at that point. Chandler, C. asked if it would pay to keep the spare. Highway Supt. Barss stated that one of the other plow trucks would be moved down as the spare.

RESOLUTION # 45 - Declare Highway Equipment as Surplus

Motion: Lunde, Supervisor

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby declares the 1997 Volvo Dump Truck and 1994 Ford F700 Bucket Truck as surplus, and

FURTHER RESOLVED, That the Highway Supt. be authorized to place on the on-line auction site.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

Bucket Truck - Highway Supt. Barss stated that he has been looking around for a Used Bucket Truck to purchase as a replacement. He has the money in his 2014 equipment budget. He would like to advertise for bids for the next meeting.

RESOLUTION # 46 - Advertise for Opening of Bids – Used Bucket Truck

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk be directed to Advertise for Bids for a Used Forestry Bucket Truck with said bid opening to be held on Thursday, March 13<sup>th</sup>, 2014 at 7:25 PM

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

Ethics Code - Supervisor Lunde stated that he provided Board members with a copy of the Ethics Code. The original code was adopted in 1970 and he felt that it was time to update it. He would like Board members to review for next month.

Supervisor Lunde added that he took a quick look at the Emergency Response Plan which was also quite outdated and suggested that it should be the next thing to look. Additionally, the Board needs to take a look at the Personnel Policies regarding Holidays. In the past, the Town has always followed the County schedule. The County no longer gives Lincoln's Birthday, however that is still included in the Town policy. Kinsella, C. asked how many total paid holidays the employees received. Supervisor Lunde stated that the Town Hall employees have 12 days and the Highway Dept. employees have 13. They also have Good Friday.

RESOLUTION # 47 - Authorize Increase to Town Clerk Petty Cash

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby increases the Town Clerk's Petty Cash fund to \$300.00

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

Brookhaven Committee Report - Supervisor Lunde stated that the Brookhaven Committee met. The new restaurant concessionaire has done a substantial amount of work inside the clubhouse. It has cost the Town approximately \$1,800. in materials. The concessionaire has provided all the labor and has also paid for additional upgrades that he has made to the clubhouse. Because of all the work that is being done, the Committee has agreed to purchase some new stools and tables for the restaurant area. The cost is approximately \$1,700. Supervisor Lunde added that the spoke with Middlebrook's Plumbing to get a quote for upgrades to the air conditioning in the building. His goal is that whatever money that is spent up there is spent to reduce long term costs of utilities. In addition, the cellar has been cleaned up and all the excess equipment and junk has been removed. The Highway Supt. will be taking whatever he can and sell it for scrap. Whatever money they get from it will be put right back into the golf course fund. Chandler, C. asked who was meeting on the committee now. Supervisor Lunde stated that it was the same group, the Supervisor, Deputy Supervisor, Highway Supt., Deputy Highway Supt., Town Clerk and Bookkeeper.

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Winterfest - Supervisor Lunde reported that the Winterfest was held this past weekend at Middle Grove Park and went really well. At one point there were approximately 75 to 80 kids. They had horse drawn sleigh rides, a snow mountain, ice skating, bond fire, etc.

Cross Country Skiing - Town Clerk stated that there has also been a large number of people at Brookhaven Park cross country skiing and snowshoeing. There are approximately 12 miles of trails that are being groomed by a neighbor of the golf course. Trail maps are posted on the outside board up at the course and copies are available at Town Hall.

Monthly reports were submitted by the Town Clerk, Tax Collector, UDAG Loan Fund (Dec. & Jan.), Dog Control Officer, Assessor, Highway Supt., Town Supervisor, Town Justices and Building Department.

RESOLUTION # 48 - General Bills

Motion: Chandler, C.

Seconded: Lunde, Supervisor

RESOLVED, That General Bills # 33 to # 95 in the amount of \$56,467.81 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 49 - Park Bills

Motion: Lunde, Supervisor

Seconded: Kinsella, C.

RESOLVED, That Park Bills # 12 to # 24 in the amount of \$5,608.06 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 50 - Highway Bills

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 10 to # 28 in the amount of \$143,818.85 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

RESOLUTION # 51 - UDAG Bills

Motion: Chandler, C.

Seconded: Lunde, Supervisor

RESOLVED, That UDAG Bill # 1 in the amount of \$5,750.00 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Chandler

Noes: None

Absent: Pemrick, Cochran

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

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Town Clerk