

March 13th, 2014

The regular meeting of the Town Board was held on Thursday, March 13th, 2014 with the following members present: Paul Lunde, Supervisor; Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Daniel Pemrick was absent. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss and 10 residents.

At 7:20 PM the Board met as the Board of Health regarding an unsafe building at 2025 Route 9N, owned by United Mobil Homes. Supervisor Lunde reviewed the report from the Code Enforcement Officer dated March 12th, 2014. The building has been demolished and removed from the site. No further Town Board action is required.

At 7:25 PM Opening of Bids were held for a Used Diesel Powered Forestry Bucket Truck. Clerk presented proof of legal publication. The following bid was received:

Lindon Tree Service Inc. - 2000 International Diesel 4900 - \$40,000.

Bid was turned over to the Highway Supt. for his review and recommendation.

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 Kinsella, C. and seconded by Chandler, C., the minutes of 2/13/2014 were approved as submitted by all Board members present.

Letter from Greenfield Elementary School advising the Board that they will be hosting their 6th annual Greenfield Dragon 5K run/walk and 1K Fun Run for Kids on Saturday, June 14th, 2014. Insurance coverage has been obtained and the NYSDOT Special Use Permit has been prepared, as required.

Thank you letter from the Franklin Community Center for the first installment toward the after school prevention program, Project Lift, which is held at Greenfield Elementary School. At the end of the 2013-14 school year, they will provide the Board with a report documenting the accomplishments and successes of the program.

Credit Invoice from Adirondack Trust Insurance in the amount of \$441.10 due to the removal of the 1994 Ford Bucket Truck and the 1997 Volvo from the Commercial Package.

Bucket Truck Bid - Highway Supt. Barss stated that he has reviewed the bid and that it meets the specifications. He would recommend that the Board accept the bid.

RESOLUTION # 52 - Award Bid – Used Diesel Powered Forestry Bucket Truck

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby awards the bid for the Used Diesel Powered Forestry Bucket Truck to Lindon Tree Service Inc. in the amount of \$40,000.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Zoning Board of Appeals - Supervisor Lunde stated that the Board conducted interviews for the individuals who applied for the opening on the Zoning Board of Appeals prior to last weeks agenda meeting. The opening is for the Alternate Member.

RESOLUTION # 53 - Appointment of Zoning Board of Appeals Alternate Member

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby appoints Laura Sanda as the Alternate Member of the Zoning Board of Appeals with said term to expire on 2/16/2016.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Ambulance Service - Supervisor Lunde advised that he submitted the letter asking for ALS Service however he has not received a response. He has made the first payment for the ambulance

March 13th, 2014 continued

companies as per the contract. Corinth was paid \$58,000 and they are paid in full. The remaining two companies were paid for the first quarter minus 10%, as per the contract, until the Town receives the required report at which time the remaining 10% will be paid. Supervisor Lunde stated that he has been struggling with the billing company in trying to get everything set up with Multi Med. He suggested that if something doesn't change by the next meeting he thinks that it might be time to start looking for something else. He would have to find out what the Board could legally do because we are in a Municon now. Everything is working out really well with Community due to the fact that they do their own billing. Multi Med has been very difficult to get answers out of.

ZBA Referral - Mulleyville Snowmobile Club - Supervisor Lunde stated that the Town Board has received a referral from the Zoning Board of Appeals for Open Development approval. Kinsella, C. stated that they would like to build a pole barn on property that does not have frontage on a Town road. Supervisor Lunde noted that Mulleyville had provided the Town Board with a copy of the Jurisdictional Determination from the Adirondack Park Agency. He stated that he believed that the road was able to handle the 50,000 lb. requirement for emergency equipment. Supervisor Lunde asked if the next step would be to accept the application and refer it to the Planning Board. Town Counsel Schachner stated that if the Board felt that it was appropriate for development and there was adequate emergency access then they can authorize it as an Open Development area. Kinsella, C. asked what the area would include. Town Counsel Schachner stated that it would be for that piece of property only.

RESOLUTION # 54 - Designate 534 Ormsbee Road as Suitable for Development

Motion: Lunde, Supervisor

Seconded: Chandler, C.

RESOLVED, That the Town Board declares that the property located at 534 Ormsbee Road, owned by Mulleyville Trail Systems, is appropriate for development and that there is adequate emergency access, and

FUTHER RESOLVED, That the Town Board hereby declares 534 Ormsbee Road as an Open Development Area.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

541 Ridge Road - Stephen Connors and his uncle/owner of the property Mr. Carroll, were present. The property has been owned by Mr. Carroll's family since 1946. Mr. Connors stated that he had a copy of the tax map which shows that Ridge Road runs approximately to the edge of the property line. In 1993 the family was approached by the Town to build a turn around on the property and were given permission to do so. Mr. Carroll would like to sell a portion of the property and the purchaser would like to build a home on the property. They were looking for confirmation that the Town will maintain this Town road that exists now and have not been able to get that confirmation. Mr. Connors understands that there may have been practice where that land is not being used at present and the road has not been plowed in the winter but there has never been any statement that the Town was not going to maintain the road as it is shown on the map. Mr. Connors stated that when his uncle brought other family members out to the property he spoke with Mark Young and Stanley Brandon, who were members of various boards for the Town, and he was assured that the Town would maintain the road and there would be access from west to east. Mr. Connors did not think that they were looking to rehabilitate or do anything with any portion of the road that has been abandoned in years past, they were just talking about the road at it exists and is shown now. They are just asking that the Town Board confirm that the road as it currently exists will be maintained in the future. Mr. Carroll explained the history of the property to the Board and how he had inherited the property. He was aware that the northern section of the road had been abandoned by the Town and he had a copy of the map. The road

Mach 13th, 2014 continued

goes a little over 8 tenths of a mile from the corner. Before the Town put in the turnaround, the road went by the farmhouse and made a turn to the south. The road has been used continually on a limited basis. He received a call from his neighbor, Joseph Bruchac, the day before the Town paved the road letting him know that they were only going to pave the road up to the last driveway. Mr. Carroll stated that he was a little concerned about that at the time. A short time later he spoke with Mark Young, who at the time was on the Planning Board. Mr. Young had a friend who wanted to do some logging on his property and asked to meet with him to discuss it. Mr. Carroll stated that he decided not to do any logging at that time, however, Mark did have someone bring in some gravel and do a little grading to the road. This was about 8 years ago. Mr. Carroll stated that he has kept the property all these years with the hope of building a home on it for himself and has resisted the offers of several developers. In August 2013, he received a call from his neighbor asking him if he would be interested in selling a small portion of his property to a family whose property was adjacent to his so that their father could build a home on it. Many people use the Town road to get up to his property to go hunting, etc. Mr. Carroll stated that he has a copy of the map and resolution showing when a portion of the road was abandoned in 1947. Mr. Carroll stated that the Code Enforcement Officer measured and believed that the road should continue through his property. Mr. Carroll felt that the portion of the road in question still was and should remain a Town road. Highway Supt. Walter Barss stated that the road work that Mr. Carroll was talking about was done prior to him being Highway Supt. He believed that there was a pin back down there. Supervisor Lunde asked if there was a roundabout back down there that the Town uses at the moment. Highway Supt. Barss stated that they do not go that far down the road. They go about 3/10 ths of a mile. Supervisor Lunde asked how far it was from where the Town maintains to the property. Highway Supt. Barss felt that it would be about 2,000 feet. Harold Jones, stated that he owns property on Ridge Road just to the north of Mr. Carrolls' property. He asked the Board to continue to maintain the road across the Carroll property to the Rowland property. If it is not a Town road it could cut off his access to his property. Cochran, C. asked what the burden would be to the Town. Mr. Carroll stated that neither himself nor the gentlemen who was interested in purchasing the piece of property wanted to see the road paved. They would like to see the road remain gravel and have the snow plowed. Mr. Carroll stated that at some point in time he would like to restore the building that used to be there. He wanted to maintain the rural feeling. Kinsella, C. asked for a clarification as to whether they were trying to recover a road or give permission to build a home on property without road frontage, i.e. open development. Mr. Connors stated that they are not looking to restore an abandoned road. As is exists right now, the road runs up to the turnaround. They just want to confirm that since it is a Town road that it will be maintained. Mr. Connors understood that it had not been plowed in recent years due to the fact that there were no driveways to plow beyond. He added that they wanted to know that if in fact a home was built on the property that the road would be maintained to that point. Supervisor Lunde asked if that was a maintainable road right now. Highway Supt. Barss stated that it was not adequate to plow. There would have to be trees removed, gravel drawn, etc. He would have to have access to construct another turnaround at the location of the proposed home. Cochran, C. questioned what happens when a road is abandoned in Town. Town Counsel Schachner stated that it would depend legally on how it was abandoned. There are several methods. Some extinguish any public right of easement. Some, the public easement is still maintained so that the public can still go on it but the Town has no responsibility for maintaining it. Supervisor Lunde did not feel that this part of the road was legally abandoned. Chandler, C. stated that he was done some logging up in that area and agrees with the information that has been provided. He suggested that the Town maintain the road as far as what is being proposed to be built. Mr. Carroll stated that all the neighbors that he spoke with believe that the road is still a Town road. He added that he would just want the portion of the road to

March 13th, 2014 continued

where Mr. Mandel wishes to build his home, and possibly 50 yards past to be maintained. Highway Supt. Barss stated that he would have to do some tree work. The road bed will have to be brought up to meet emergency access standards. He would also have to go on to private land to build a turnaround. Mr. Carroll agreed to allow access for the turnaround. Supervisor Lunde stated that the Town would bring the road up to passable standard for emergency equipment up to the point of the turnaround. Mr. Carroll clarified that it would remain a Town road which would give them road frontage and they could proceed with the subdivision of the property. Kinsella, C. stated that when he was on the Planning Board in order to have adequate frontage it had to be on a road that met Towns' standards. That is not going to be the case with this. Supervisor Lunde stated that they may have to do the Open Development Permit like the Board approved for Mulleyville. Town Counsel Schachner advised that the requirement for the Open Development Area is not a matter of the quality of road, but lack of frontage. Supervisor Lunde stated that the Zoning Board has approved applications when there was a paper road that did not meet the road standards because it still has frontage. If there was not enough frontage, they would have to go to the Zoning Board to get an Area Variance.

Town Wide Clean Up Week - Highway Supt. Barss stated that they would like to schedule it to begin Sat. April 26th and end Sun. May 4th. Only one cleanup week was budgeted for this year. He cannot find anyone to take the amount of tires that we normally receive and suggested that no tires be accepted this time. Highway Supt. Barss stated that last time the Town was charged \$5.00 per car tire, more for trucks. What used to cost the Town about \$1,500. per year would now be in the thousands. Chandler, C. asked if he ever thought about charging for the tires. Highway Supt. stated that they do not have a fence and things show up at night.

RESOLUTION # 55 - Advertise for Town Wide Clean Up Week

Motion: Lunde, Supervisor

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be authorized to advertise for the Town Wide Clean Up Week to be held from April 26th to May 4th, 2014 and that no tires will be accepted.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Skidmore PUD Development Agreement - Supervisor Lunde stated that he provided the Board with a copy of the Development Agreement that he understands was authorized in December. The Agreement still needs to be signed by Skidmore and the Town. Board members in agreement for Supervisor Lunde to contact Skidmore and sign the agreement.

RESOLUTION # 56 - Resolution of Honor - Ralph Stacey

Motion: Cochran, C.

Seconded: Kinsella, C.

WHEREAS, RALPH C. STACEY of Locust Grove Road served his country in World War II from 1945 to 1947 in United States Army, and

WHEREAS, Mr. Stacey was a decorated soldier receiving the World War II Victory Medal and the Meritorious Unit Plaque, and

WHEREAS, Mr. Stacey served his community as Zoning Board of Appeals Member from 1977 to 1981 and Town Supervisor from 1990 to 1994, and

WHEREAS, during his tenure as Town Supervisor Mr. Stacey helped to develop the Porter Corners Baseball Park, Middle Grove Town Park, the Town Community Center and spearheaded the efforts to move and erect the D & H Caboose on Route 9N, and

March 13th, 2014 continued

WHEREAS, Mr. Stacey was a founding member of the Stacey Family Youth Foundation, BE IT RESOLVED, by the Town Board at their meeting of March 13th, 2014, that there be spread upon the minutes of this meeting our recognition of the service of RALPH C. STACEY to his nation, his Town and his family, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to his family at the Special Recognition Ceremony at the County Offices on March 18th, 2014.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Energy Savings Company - Supervisor Lunde stated that he had a company come in and check out the Town Hall, Golf Course and Town Garage for lighting. They would relamp the building and cut some of the kilowatt hours. The cost to change over the Town Garage would be approximately \$9,000. and it would take about 4 years for the payback. For the Clubhouse, the cost to changeover would be approximately \$2,300. with a 21 month payback. After that 21 month period, it is estimated that the electric costs could be reduce by approximately \$1,500. per year. At the Town Hall, they did not suggest any changes in the new section of the building. The changes would be made in the meeting room and middle section of the building. The upfront cost would be \$2,900. which would mean about a 23 month payback period. The savings after that time would be approximately \$1,600. Cochran, C. asked who would do the work. Supervisor Lunde stated that National Grid has to work into these agreements according to NYS Law. They take care of all the labor and new fixtures. Supervisor Lunde asked the Board to take a look at the information he provided and they can discuss as to whether or not they want to move forward. He felt that the Town Hall would be the one where the Town would get the longest savings. No decision had to be made tonight.

Highway Supt. Barss stated that they sold the Bucket Truck and the Plow Truck that had been declared surplus. He would like to ask the Board to move the \$9,600. sale to his new equipment fund and leave the other money available possibly for salt or other expenses later on in the year, if needed. He stated that he has some additional salt ordered, however he was not sure if he was going to be able to get a delivery until the Fall. Highway Supt. Barss noted that he has never seen such a large hole in the sand pile at the garage. In the last storm, they used approximately 200 tons of salt and 500 tons of sand.

RESOLUTION # 57 - Authorize Budget Amendment/Transfer of Funds

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves the transfer of \$9,600. from DA2650 to DA5130.2 – New Equipment.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Gravel Pit - Highway Supt. Barss stated that the Towns involved in the pit have discussed the fact that they need to cut some wood back so that they can keep mining. They would like to have it go out to bid to have the property logged. The Town of Ballston Board voted at their last meeting to authorize the hiring of a Forester to obtain bids to log the property.

RESOLUTION # 58 - Authorize Hiring of Forester at Town Gravel Pit

Motion: Lunde, Supervisor

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby authorizes the hiring of a Forester to go out to bid for logging to be conducted at the Town of Greenfield/Ballston Gravel Pit.

March 13th, 2014 continued

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

Federal Surplus Equipment - Highway Supt. Barss stated that he received a list from Federal Surplus Equipment and there are D6H and D7R2 Dozers that they are giving away. They are in Afghanistan. They are giving them away, however you have to pay for the shipping. Shipping cost is approximately \$40,000. Supervisor Lunde stated that after 18 months you can sell the equipment and you could make about \$100,000. profit for the Highway Equipment Fund. Highway Supt. Barss stated that he does not need the piece of equipment at this time. He could put the D8 he has on the auction site and see what they could get for it. He will get more information regarding the equipment and see if it is even still available.

Brookhaven Committee Report - Duane Wright stated that the committee has met a couple times. The committee reviewed the Capital Program that was put in place last year. The biggest issue is funding. The #1 priority is irrigation, which there is no money to do. The committee has to skip around within the program and come up with a way to piece meal the projects. Maybe by the end of the year they will be able to come up with the funding to finish irrigating the front 9 holes. There is also a equipment plan in place. There has been some discussion with a vendor regarding the possibility of leasing equipment. Duane stated by leasing you average out the cost per year and are able to keep the costs relatively stable from year to year. However, he is not really in favor of that. He did not feel that it would work that well for the Town. If there was a big piece of equipment that the golf course had to have, he would rather see the golf course take a loan from the Town and pay back the Town rather than pay some other company back. Supervisor Lunde agreed. For a \$45,000. piece of equipment, the course would pay approximately \$40,000. over a 4 year period and have to give the equipment back to him. Cochran, C. stated that quite a bit of money had been spent up there and felt that it should be in pretty good shape. Duane Wright stated that they were in good shape right now, however there needed to be a plan for the future. At some point there is going to be a piece of equipment that needs to be replaced. Duane Wright added that there has been some discussion regarding the advertising budget and how we wanted to set that up this year. Kevin Canale has some very good ideas that are being worked on. Duane stated that there have been a lot of changes/improvements made in the clubhouse for the better. There are still a few changes that are going to be made to the actual Pro Shop area. We are planning on holding an Open House on Sunday April 13th from 1 to 5 PM. We will be offering some golf specials, food to sample, etc. Cochran, C. asked if any thought has been given to opening up for off season activities and be open year round. Supervisor Lunde stated that there was quite a bit of activity up there now with cross country skiing, snowshoeing, etc. Highway Supt. Barss stated that Kevin wants to stay open for the winter. Duane Wright stated that the Town needed a concessionaire that would support that, which we have not had in the past.

Kinsella, C. asked what the status was with the purchase of the house next door. Town Counsel Schachner advised that it was moving forward. It was currently in Supreme Court.

Monthly reports were submitted by the Town Clerk, Highway Supt., Building Department, UDAG Revolving Loan Fund and Town Supervisor.

RESOLUTION # 59 - General Bills

Motion: Cochran, C.

Seconded: Lunde, Supervisor

RESOLVED, That General Bills # 96 to # 160 in the amount of \$49,822.70 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

March 13th, 2014 continued

RESOLUTION # 60 - Park Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 25 to # 41 in the amount of \$9,859.67 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

RESOLUTION # 61 - Highway Bills

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 29 to # 55 in the amount of \$379,926.31 be paid, subject to audit.

VOTE: Ayes: Lunde, Kinsella, Cochran, Chandler

Noes: None

Absent: Pemrick

On motion of Cochran, C., and seconded by Chandler, C., the meeting was adjourned at 8:34 PM.

Town Clerk