

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

The regular meeting of the Town Board was held at the Town Hall on Thursday, November 13<sup>th</sup>, 2014 with the following members present: Paul Lunde, Supervisor; Daniel Pemrick, Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Cochran was absent. Also present were Town Counsel Mark Schachner, Town Engineer Charlie Baker, Town Highway Supt. Walter Barss and 6 residents.

The meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Kinsella, C. and seconded by Pemrick, C., the minutes of 10/9/2014, 10/15/2014 and 11/6/2014 were approved as submitted by all Board Members present.

Notice of Public Hearing for the Saratoga County Sewer District No. 1 proposed sewer rates for 2015.

Check from LPC Properties in the amount of \$1,000. for Open Space Fees.

Thank you note from the Town of Greenfield Historical Society thanking the Board for waiving the \$100. rental fee for their recent fundraiser at The Haven Tee Room. It was a big success.

John Jayko, Denton Road - Mr. Jayko stated that he wanted to make a couple comments regarding Prestwick Chase and statements made by the applicant after the public hearing at the last meeting. Stormwater drainage is one of his main concerns. Their position is that they collect the drainage and release it slowly over time so that it does not flood. He added that his property is lower than Prestwick Chase and is now always wet. The water was not there prior to Prestwick Chase being developed. Mr. Jayko is concerned that the property would be declared wetlands in the future. They are proposing to triple the size of the development. Mr. Jayko's second concern was with traffic. The applicant was asked how many bedrooms were in the units and they were not able to answer that. He questioned how you could conduct a traffic study without knowing how many people are going to be living within this project.

2015 Town Budget - Supervisor Lunde stated that the Board held the public hearing on the 2015 Budget at the last meeting at which time there were no public comments. He stated that the tax rate last year was \$1.83 per thousand. The proposed rate for 2015 is \$1.86 per thousand. Based on the average home assessed at \$250,000. the tax increase would be approximately \$7.50. Supervisor Lunde added that the budget would stay within the 2% tax limit imposed by the State and that taxpayers will be entitled to the tax rebate next year.

RESOLUTION # 128 - Adopt 2015 Town Budget

Motion: Kinsella, C.

Seconded: Pemrick, C.

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

RESOLVED, That this Town Board does hereby adopt said preliminary budget as finally compiled, as the annual budget for the year 2015, and that such budget as so adopted be entered in detail in the minutes of the proceedings of the Town Board, and be it

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

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Prestwick Chase PUD - Kinsella, C. stated that he was interested in more information regarding the traffic study. He understood that they took away the proposed Nursing Home with 120 units but it seemed counterintuitive to him that adding 284 units, that there would be less of an

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impact on the traffic. He was looking for some assurances that the Town Engineer's review of the traffic study included the other changes that have or may occur on Denton Road. Charlie Baker stated that the study that was presented did not account for Polo. Skidmore had their own study done when they were working on their Solar project, which did not account for Polo either. The original study that was done for Prestwick Chase in 1996 did not either. As far as he was concerned, Prestwick Chase is the project before him at this time and he has no idea as to what the plans are with Polo or if it will ever occur. Charlie Baker stated that he has reviewed both studies prepared for Prestwick Chase. They are very similar. He did not believe that there was a lot of difference between the two as far as the change of the level of service. When the Planning Board was reviewing the project, they looked at having 2 entrances to the project, 1 on Daniels Road and 1 on Denton Road. They made the decision to limit the access on Daniels Road for emergency vehicles only. Once that decision was made, the traffic engineer was asked to update the study to make sure that the study was concentrating on just the one entrance, which they did. The traffic report was based on statistics for the type of development which enabled them to come up with a number of estimated trips. Based on the numbers, approximately 20% of the units would be leaving in the morning and coming home in the afternoon during the peak hours, which would seem to be realistic. C. Baker added that they also asked the traffic engineer to look at site distance related to the second entrance on Daniels Road. They first study based it on stopping sight distance and he asked that they look at intersection sight distance, which they did. There is a reaction time that is added to the stopping sight distance which increases that distance. Their findings met the ASHTO requirements for the posted speed limit on the roadway. Pemrick, C. asked what could be done if there was a concern with the traffic on Denton Road, i.e. would you widen the road, have a turn lane, etc. C. Baker stated that those types of things can be done, however that is not something that you would do unless there was a change in the level of service. Supervisor Lunde stated that there was mention of some retail space, such as doctors' offices, etc. that would keep the residents from leaving the site. C. Baker noted that the traffic report talks about peak hours. There will be vehicles in and out of the project throughout the day but they are trying to find the worst case scenario. Pemrick, C. noted that there could also be a high volume of construction traffic in the beginning years. He asked what would happen if it was determined 5 years from now that something needed to be done with the traffic, who would pay for that? Town Counsel Schachner stated that it would depend on what traffic improvement was recommended and when. If the applicant had completed one phase and was looking for site plan approval for the next phase and the Planning Board was aware of a traffic problem, the Board could either not approve the next phase or approve it with some traffic mitigation. At that point, the mitigation would be funded by the applicant and not the Town. Kinsella, C. asked if 284 was the correct number to assume if some of the units were more than 1 bedroom. C. Baker stated that they used the figures from the ITE Manual for Senior/Adult Housing Attached. Supervisor Lunde stated that there were also concerns raised by the public regarding storm water management. C. Baker stated that this was all looked at during the SEQRA process. The detailed Site Plan Review still has to be completed. At that time, they will look at the storm water management in detail. From a conceptual standpoint, what they are proposing as far as storm water management makes sense. During the detailed review, they will look at sizes of the system, the amount of discharge, the pre and post development discharges, etc. They will have to meet all the NYS Dept. of Environmental Conservation requirements. Kinsella, C. noted that the original PUD was not fully built out and questioned if the storm water infrastructure was fully built out. C. Baker believed that the storm water for phase 1 only was completed. Kinsella, C. asked if the Board could go back and look at the original plan to make sure that it meets the design requirements. C. Baker believed that that was something that they were going to have to look at

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because he believed that they are proposing to utilize some of the storm water basins that were created for the original Phase 1 for portions of the new development. He would also be interested in looking at the wetlands inventory for that area. They will be able to tell whether or not that area has been disturbed. He has all the original information that was completed for the original phase 1 of the project. Pemrick, C. stated that it was his understanding that the build out of the project was proposed to be 5 years with 3 phases. He asked how the Town was protected, especially toward the end of that 5 year period, if the project were to go on past the 60 months. Would the applicant have to apply for an extension and questioned what the limits might be for that. Town Counsel Schachner stated that as proposed, the legislation has no limit on the length of any extension(s). Kinsella, C. felt that it would be unwise to have it be unlimited. Design standards change and suggested that the legislation might be changed to show the 60 months with one 1 year extension only. C. Baker stated that this was also an item that was discussed at the Planning Board. He was very concerned about this as well. Originally the applicant had requested that the project be approved as one site plan and one approval. After a great deal of discussion, they arrived at the 3 phased approach. Pemrick, C. suggested that bonding would add some protection, which he believed was addressed in the original PUD. C. Baker stated that typically bonds are generated with municipal items. This project is going to be private and there are no Town roads or infrastructure. Kinsella, C. believed that the original bonding was related to the development of the sewer. Supervisor Lunde stated if the project took longer than 6 years and the applicant came back to the Town to start an additional phase and the Codes had changed, if they would have to meet all the new Codes. Town Counsel Schachner stated the proposed legislation makes it very clear that any construction of any buildings or improvements in any phase is subject to Planning Board review. When that review occurs, the Planning Board would be implementing and evaluating in accordance with whatever the then applicable laws are. Kinsella, C. asked C. Baker was his professional opinion was regarding the emergency access road. C. Baker stated that from the beginning he has felt that it should be a full access entrance to the project. Chandler, C. asked how adequate the water supply was for the proposed project. C. Baker stated that based on the information that has been submitted to date, there is no reason to believe that they do not have adequate water supply. That was something that would be looked at further during the detailed site plan review. It will have to be approved by the NYS Dept. of Health. Chandler, C. asked if they were to have water problems in the future what effect that would have on the Town. C. Baker stated that it was a private development and if they have a water problem it would be their problem and not the Town. They have a series of steps to follow as a licensed water company and they have to do yearly testing etc. for the State. Pemrick, C. understood that they had enough water there. Recently there was a water line proposed for the north side of the road and it was his understanding that all of the residents, with the exception of Prestwick Chase, have granted a right-of-way for that pipeline to be put in there. Having that access to water as a result of a pipeline being installed would be a reasonable safeguard if something were to ever happen to the Prestwick Chase water supply. No one expects that to happen, however the other residents in the area may wish to have access to that water. He felt that it would be helpful to the community to have that water supply. Pemrick, C. stated that he would hope that they would step forward and grant that easement, however if they do not he would propose that the Town condition any amendment to the PUD to require the right-of-way. Chandler, C. asked if this was something that we could do as a condition of approval. Town Counsel Schachner stated that it could be made part of the legislation that the owner must provide the right-of-way or easement necessary for Town infrastructure. Supervisor Lunde stated that one other item that was brought up had to do with the time of operations. During construction, there are limits as to starting and ending times. He suggested that they possibly limit the hours for deliveries, garbage pickup, etc. C. Baker stated that construction times were discussed at the

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Planning Board during the SEQRA process. Pemrick, C. noted that the Town Engineer stated that he was in favor of access to Daniels Road as a two way road. Chandler, C. stated that the Fire Chief had an issue with that location do the sight distance. Chandler, C. added that personally he was in favor of the access road due to the size of the project. Town Counsel Schachner stated that the access road was a major issue with the Planning Board. He was not comfortable suggesting that the Planning Board would have issued the favorable recommendation of approval absent the condition that the road be an emergency access only. He suggested that the Town Board should consider asking the Planning Board if their recommendation would change if the access was not limited to emergency access only. C. Baker stated that this was one of the biggest issues. Paul Bouchard, Denton Road, stated that it was his understanding that the water from Saratoga County was not potable. They had to put in a chlorination station, etc. Supervisor Lunde stated that the entire situation is being mitigated. Mr. Bourchard added that in the meantime, because of the right-of-way issue, Stewart's is now going to hook into the waterline extension being put in on Church Street, so there is no longer a need for a waterline on Denton Road. Pemrick, C. stated that perhaps that may be true for now, however Stewart's could change their mind in the future. He was thinking more of the neighborhood and that it was a reasonable thing to do for in the future. Chandler, C. stated that the Town is not going to put in the waterline. They are just looking for the easement so that in future it would be available. Supervisor Lunde added that it was not just for water. It would include sewer, fiber optic, etc. C. Baker stated that from an engineering standpoint, it makes all the sense in the world to be able to have that. Kinsella, C. asked the Town Engineer to go back and take a look at the traffic study to make sure that the correct assumptions were used. The applicants' engineer, Luigi Palleschi, was present. He explained that the ITE book is based on historical data obtained through studies over the course of years. The Senior Residential Living Use was picked and they were able to come up with the trip generation assumption. Mr. Palleschi stated that the study is based on the number of units and not the number of bedrooms. Town Counsel Schachner stated that the proposed amendment is not a stand-alone document. It was his opinion that the proposed PUD amendment and the original PUD document should be integrated into one and make it a stand-alone document. There are only a few sections of the original legislation that remain intact. Board members in agreement to have Town Counsel make the revisions to the legislation. Kinsella, C. asked if there were any time limits from holding the public hearing until action had to be taken. Town Counsel Schachner stated that there is no default approval. Board members in agreement to table until next month.

RESOLUTION # 129 - Employee Policy Updates

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the Full-Time Employee Benefits Policy, Part-Time Employee Benefits Policy and the Part-Time Seasonal Employee Benefits Policy as revised.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Archers Vly Agreement - Highway Supt. Barss stated that NYSDEC was looking for the Town to do some work for them. It would be a small project to put in a 10 space parking lot and do some upgrades to the road. The State would like a contract from the Town so that they can approve it. Supervisor Lunde stated that they have all of the information together now and that he would provide it to Town Counsel to review.

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RESOLUTION # 130 - Approve Archer Vly Agreement with NYSDEC

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the agreement between NYSDEC and the Town for work to be completed by the Town at Archer's Vly contingent upon review and approval by Town Counsel.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 131 - Approve Emergency Medical Services Agreement for 2015

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby approves the Emergency Medical Services Agreements for 2015:

Wilton Emergency Squad \$58,000.

Community Emergency Corps \$50,000.

Town of Corinth (Jessup's Landing) \$50,000.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION #132 - Schedule Opening of Bids #2 Fuel Oil

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk is hereby directed to advertise for Opening of Bids for #2 Fuel Oil on Thursday, December 11<sup>th</sup>, 2014 at 7:25 PM.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 133 – Declare Portion of Barney Road as Seasonal

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk be directed to give public notice that in accordance with Town Highway Law, the portion of Barney Road from the end of the blacktop to the Town Line be declared a seasonal highway from November 15<sup>th</sup> to April 15<sup>th</sup>.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 134 - No Parking on Town Highways

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to place an ad notifying residents that there shall be No Parking on a Town Highway or Public Right-of-way between November 15<sup>th</sup> and April 15<sup>th</sup> for snow removal purposes.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 135 - Community Center Use Request

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That Boy Scout Pack 18 be authorized to use the Community Center for their regular meetings on Monday evenings from 6:00 to 7:30 PM.

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VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None Absent: Cochran

RESOLUTION # 136 - Community Center Use Request

Motion: Lunde, Supervisor

Seconded: Pemrick, C.

RESOLVED, That Greenfield Yellow Jackets Baseball Club be authorized to use the Community Center for a meeting to be held on November 13<sup>th</sup>, 2014.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None Absent: Cochran

RESOLUTION # 137 - Transfer of Funds

Motion: Chandler, C.

Seconded: Pemrick, C.

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

\$ 4,639.05	From	A1990.4	to	A5132.4
922.89	From	A7520.4	to	A7140.4
376.00	From	A8160.45	to	A8810.4
3,077.70	From	A7140.2	to	A7140.1
151.97	From	A8010.2	to	A8010.1
1,458.66	From	A1990.4	to	A9050.8
500.00	From	A8020.2	to	A8020.1
227.55	From	A8020.4	to	A8020.1
1,319.01	From	DA5130.4	to	DA5110.4
2,461.84	From	DA5130.4	to	DA5120.4
521.23	From	DA9070.8	to	DA5140.4
1,722.56	From	DA9070.8	to	DA9050.8
328.73	From	CR7110.44	to	CR7110.43
1,067.66	From	CR7180.2	to	CR7180.42
131.25	From	CR7180.2	to	CR7180.41
768.66	From	CR7180.2	to	CR7110.48
2,625.45	From	CR1990.4	to	CR7110.41
1,105.60	From	CR 7180.2	to	CR7110.4
385.16	From	CR7180.2	to	CR7180.44
1,561.11	From	CR7180.2	to	CR7110.4
1,309.82	From	CR7180.2	to	CR1375.4

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None Absent: Cochran

Road Widener - Highway Supt. Barss stated that he would like to go out for bid for a self-propelled road widener. He had to take his out of service due to safety issues. It is a 1963 vehicle and they are unable to get parts for it anymore. There are no brakes on the vehicle. He would purchase it with equipment funds that have been budgeted for in the 2015 budget.

RESOLUTION # 138 - Schedule Opening of Bids – Road Widener

Motion: Lunde, Supervisor

Seconded: Chandler, C.

RESOLVED, That the Town Clerk is hereby directed to advertise for Opening of Bids for a 2012 or Newer Self-Propelled Road Widener on Thursday, December 11<sup>th</sup>, 2014 at 7:20 PM.

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VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Time Warner Cable Franchise Agreement - Supervisor Lunde stated that he received a draft franchise agreement from Time Warner Cable. Time Warner is proposing a 15 year agreement which he felt was a very long time. Supervisor Lunde stated that he would like to look into this further and speak with other Supervisor's before the Board looks to move forward with this agreement. The Town currently receives approximately \$65,000. in Franchise fees per year. Pemrick, C. asked if every part of the Town had cable at this point. Supervisor Lunde stated that there are approximately 2,300 customers. Pemrick, C. stated that he would like to see Time Warner supply access to cable to people who do not have it. In addition, he would like to see the quality of service improved.

Environmental Committee - Supervisor Lunde stated that he had been contacted by the Environmental Committee. They are interested in working on the Code revisions. One of the concerns that they have is that there be less roadside mowing. There are types of vegetation that can be planted that would reduce the need for mowing. They have a concern regarding deer ticks. They would like to get a survey out to get the concerns from the community regarding environmental issues.

GCBA - Butch Duffney stated that in the past the GCBA has held their meetings at the Community Center on the 2<sup>nd</sup> Monday which the Board just approved for use by the Boy Scouts. Town Clerk advised that she had not received an application from the GCBA. The Boy Scouts were approved to use the room on every Monday, except the first Monday, from 6:00 to 7:30 PM.

Monthly reports were submitted by the Highway Supt., Town Clerk, Town Supervisor and the Town Justices.

RESOLUTION # 139 - Park Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 243 to # 263 in the amount of \$11,201.44 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 140 - General Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 580 to # 633 in the amount of \$25,326.18 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 141 - Highway Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 215 to # 239 in the amount of \$25,836.48 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

On motion of Chandler, C. and seconded by Pemrick, C., the meeting was adjourned at 8:40 PM.

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Town Clerk