

## September 12<sup>th</sup>, 2019 Town Board Minutes

The regular meeting of the Town Board was held on Thursday September 12<sup>th</sup>, 2019 with the following members present: Daniel Pemrick, Supervisor; Daniel Cochran, MaryAnn Johnson, Rick Capasso and Kevin Veitch Councilpersons. Also present were Superintendent of Highways, Walter Barss; Deputy Superintendent of Highways, Duane Wright; Town Counsel, Mark Schachner and approx. 12 residents. The meeting was opened by the Supervisor at 7PM with the Pledge to the Flag. On a motion by Capasso, C. and seconded by Veitch, C. the minutes from August 8<sup>th</sup> were approved as submitted by all members present.

### **CORRESPONDENCE**

TOWN OF WILTON- Letter was received from Brett Steenburgh Engineering regarding an application to The Town of Wilton for site plan approval for Warren Tire.

Letter was received from Bohler Engineering regarding an application to the Town of Wilton for site plan approval for a Valvoline Service Center.

SKIDMORE COLLEGE- Standard Notice of Intent was received from Skidmore College to apply for a Liquor License.

KAREN GIBBINS- Thank you letter was received from Karen Gibbins thanking the Town for the great summer youth program.

WILTON EMS- Quarterly report was received from Wilton EMS for their service area.

TONY BUCCA- Letter was received from Tony Bucca asking the Town's permission to open the Caboose and Station on certain days to share that piece of the Town's History.

### **OLD BUSINESS**

RADAR SIGNS- Superintendent of Highways, Walter Barss states that he would like to purchase two battery operated Radar Signs. He's received a lot of requests. The Town has a permanent set on Daniels Road and there is a set on Grange Road which can be moved. The cost is \$5500 for two. Highway Superintendent Barss states he has money in his budget to pay for these signs as they do help with traffic.

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**RESOLUTION # 96-2019- AUTHORIZE PURCHASE OF TWO RADAR SIGNS**

Motion: Johnson, C.

Seconded: Capasso, C.

**RESOLVED**, The Town board hereby authorizes the Highway Superintendent to purchase two radar signs for the Town of Greenfield contingent upon using the correct budget line.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

Supervisor Pemrick asks Highway Superintendent Barss if we should consult with the County Highway regarding the Town's request for speed limit on Middle Grove Road. Walter Barss states that it does take time, it has to go from the County to the State DOT, then they need a study, it takes well over a year. He will look into that.

AMENDING TOWN CODE FOR PUBLIC IMPROVEMENTS- Highway Superintendent Barss states he's spoken with Town Engineer, Charlie Baker, the draft is what they need updating the base for road construction, cul-de-sacs, road construction, thickness of the binder, top coat and sub-base. Veitch, C. asks if the change to the top coat is standard. W. Barss says yes. We went from 7 on the top which did not have a lot of strength to using a little more on the top and a thicker sub-base. This is what we have been using. Supervisor Pemrick states we need to schedule a Public Hearing.

**RESOLUTION # 97-2019- SCHEDULE PUBLIC HEARING ON PROPOSED LOCAL LAW 2-2019- AMENDING GREENFIELD TOWN CODE RELATING TO ROADWAY INFRASTRUCTURE CONSTRUCTION AND DEDICATION PROCEDURE.**

Motion: Cochran, C.

Seconded: Veitch, C.

**RESOLVED**, the Town Board hereby authorizes the Town Clerk to schedule a Public Hearing for October 10<sup>th</sup>, 2019 at 7:00PM at the Town Hall regarding Local Law 2-2019, amending Town Code for Highway Infrastructure. A copy of the proposed Local Law 2-2019 will be available for viewing at the Town Clerk's Office.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

**NEW BUSINESS**

NOISE ORDINANCE DISCUSSION- Supervisor Pemrick states that we have residents from North Creek Road who would like to discuss a noise ordinance.

BOB RIGANO- Mr. Rigano states he and his neighbors are here to get a noise ordinance in place. They have a neighbor who leaves loud music on from at times, 6:30 in the morning when he goes to work until 9:00 at night every day. He was at the Mann's house with the windows and doors closed and it was unbelievable. Supervisor Pemrick acknowledges a letter he received from the Manns. Mr. Rigano states the Sheriff was called and one of the Officers told the neighbor that he can't leave the radio on

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when he is not home, that is harassment and disorderly conduct. When he comes home at 3 in the afternoon he has the radio blasting. (One of the neighbors states he runs chain saws and anything that causes a disturbance to them). This has been happening since June. Supervisor Pemrick asks if they have spoken to the Town Code Enforcement Officer. Mr. Rigano states he was there for other things, but not for the noise. He states the Code Officer's hands were tied. Capasso, C. asks why? Because the neighbor says he is just listening to his music. Supervisor Pemrick asks where the speaker is placed. Mr. Rigano says outside facing the Mann's house. Capasso, C. states there is an ordinance. Mr. Rigano has copies of Wilton and Galway's noise ordinances which have a specific section for stereos, decibels, annoying neighbors. Supervisor Pemrick states he would review the other Town's ordinances. Capasso, C. states he is surprised that the Sheriffs have not cited him for harassment. This is a definite act of harassment and those charges would have more meaning than violation of a noise ordinance. Mr. Rigano states the Troopers said they would need to sign a complaint. Mrs. Mann did not want to do that and go to the Town instead. Capasso, C. states that unfortunately in these situations you have to step forward. Supervisor Pemrick reads from the Town's Code, "Noise-unnecessary, excessive, offensive and /or nuisance noises from all sources are prohibited". He continues the Code Enforcement Officer, Mike Waldron, could identify that and would write a violation to appear in front of the Town Justice. I know he was headed out there one day to check on that. One of the neighbors states that he was there to see if the chicken coop and buildings were down. Supervisor Pemrick states this was specific to the noise. Capasso, C. states to be persistent. He would like to see the Sheriff's Dept. charge him with harassment, there are penal laws and violations. Mr. Rigano states what was read is pretty clear. Supervisor Pemrick says he will make sure the Code Officer keeps checking on that. Capasso, C. states to keep calling law enforcement and record that with the Sheriffs / Troopers and bring that to Mike.

DR. STREIT and DR. MASTRIANNI- Dr. Streit and Dr. Mastrianni are here to discuss the health hazards of vaping. Dr. Streit explains he was on the Greenfield Planning Board for 11 years, however he does not feel he made the right decision to allow a Vape Shop in the Town. Dr. Streit states years later we know more about the hazards to health concerning vaping. He explains how corporations target the young and underage population. Now the companies want to cut out the flavored vaping however it's not the flavoring but what is in it. He presents articles from several newspapers concerning vaping to the Town Board. He states that the shop in question is a mile from the Middle School. He discusses tobacco companies that are merging and are associated with vaping companies. Warnings have been issued by the CDC and NYS Poison Control Center. A sixth death has been reported. Doctors and science know the chemicals that are causing these problems and are proven dangerous. Cigarettes take years to cause cancer, vaping ruins lungs much quicker. He is asking the Town to do the right thing. He discusses the dangers of vaping and pregnancy as he was an Obstetrician for many years. Dr. Mastrianni states he is an Oncologist and head of a Medical Group at Saratoga Hospital. His colleagues say that when these chemicals are heated they don't burn, which is less irritating and a lot more can be taken in. They are worried about the vaping of marijuana. It does not smell, you don't know it, the school teachers and nurses don't know it. The doses of marijuana can be higher with vaping and this is at a time when the young people's brains are forming. They expect three major problems, a lung disease that we are seeing now, in some areas one third of the kids are vaping. Second the ones who are vaping marijuana are getting high doses and how that will affect the formation of their brains when they are teenagers. Third what is this going to do for cancers and chronic heart disease in the future. Response teams are being organized and anything that local community governments can do would be appreciated and supported. He thanks the Town Board for listening.

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Supervisor Pemrick thanks Dr. Streit and Dr. Mastrianni for the information. Dr. Streit states the purpose for coming tonight is to ask the Town Board to look into and seriously consider banning vaping in Greenfield. There is a mass of medical information and knowledge and it kills people, young people. He feels Greenfield should join 47 States that have a partial ban on vaping. He asks this as a medical person and in conjunction with Dr. Mastrianni to ban vaping in this Town. Supervisor Pemrick asks if there are any questions. Mr. Wright asks if that is the same as the Town trying to ban smoking? Dr. Streit says to approach the problem head on. Capasso, C. asks how long has this been going on? Dr. Streit responds about 10 years. Capasso, C. asks how long the flavors have been out, this is more recent, correct? Dr. Mastrianni replies there are heavy smokers who could use vaping to quit cigarettes. So the industry used vaping to send the message this is not harmful. For every person who used vaping to quit smoking there are a lot of kids who would never smoke who are vaping. Capasso, C. asks if vaping is illegal under the age of 18. Dr. Mastrianni states they can't buy it. Veitch, C. states if we banned vaping would that push people back to smoking? The people who use it to quit smoking. Capasso, C. states the State is considering legalizing marijuana, it doesn't make sense. Dr. Mastrianni agrees that these are confusing times, especially from the public health point of view where there are many different opinions. A program would need to be developed for people who have dependency to it. If it were banned there would need be a way for some exception for those who have a strong dependency. Veitch, C. asks what his opinion is on second hand smoke from vaping. Dr. Mastrianni states the same chemicals are there, it stands to reason it is harmful. Discussion takes place on vaping and advertising. Supervisor Pemrick states the point is what have we learned from smoking. The Board doesn't disagree that this is a serious problem. He asks Town Counsel if the Town were to ban vaping what the legal ramifications are. Can it be a position statement from the Town Board that would be appropriate for the Board to inform the community. Mark Schachner, Town Counsel, states that if the Town Board wants to make a policy statement frowning on it, you have every right to do that. He asks the Doctors if they are aware of any legal authority for local municipalities in New York to do this? Are there any bans in New York State? Dr. Streit states about 15 counties in NYS have bans. Discussion takes place on the issue if banning vaping is the same as banning smoking. The issue of banning smoking is preempted by Federal and State governmental control. His understanding is a local government does not have the legal authority to ban cigarette smoking within its municipality. The reason is a legal principal called preemption that vests certain powers in State, Federal and County governments that are not vested in local governments in New York State, meaning cities, towns and villages. A town in the state of New York does not have legal authority at town level to ban cigarette smoking. He doesn't want people to leave with the thought that the Town has legal authority to ban vaping. He predicts the State or County would have to take the action to ban, not the Town. Discussion takes place concerning smoking with years of laws and litigation. Supervisor Pemrick states the conversation is valuable. The Town Board can think about a position they would like or can take. Dr. Mastrianni offers help from the hospital to speak at schools or with the community.

**RESOLUTION #98-2019 – AMEND RESOLUTION #92 POST BARNEY ROAD TO A 4 TON LIMIT**

Motion: Johnson, C.

Seconded: Cochran, C.

**RESOLVED,** The Town Board pursuant to Highway Law and per the request of the Superintendent of Highways, authorizes Walter Barss to post Barney Road from the Providence Town Line to the intersection with Lake Desolation Road and post Kilmer Road from the intersection with Barney Road to the intersection with Boyhaven Road to a four (4) ton weight limit. This is a permanent weight limit.

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VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch  
Noes: None

**RESOLUTION #99-2019- RE-APPOINT LORRAINE FIORINO ASSESSOR**

Motion: Cochran, C.  
Seconded: Capasso, C.

**RESOLVED**, the Town Board re-appoints Lorraine Fiorino as Assessor to a six year term to expire October 2025.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch  
Noes: None

URBAN COUNTY BLOCK GRANT- Supervisor Pemrick states Saratoga County has become eligible for yearly funds designated from the U.S. Department of Housing and Urban Development by joining with the City of Saratoga Springs and other towns within the County. The Town of Greenfield would need to opt into this program and by doing so we would be eligible to apply for funds for projects within our community. Veitch, C. asks if this is the grant program would allow home owners to apply for funds to make repairs. Supervisor Pemrick states yes. The Town Board agrees that this is a program that we should be a part of and agree to opt in the program.

**RESOLUTION #100-2019- AUTHORIZING THE TOWN OF GREENFIELD TO JOIN SARATOGA COUNTY AS PART OF AN ENTITLED URBAN COUNTY UNDER THE COMMUNITY BLOCK PROGRAM, AND AUTHORIZING THE SUPERVISOR TO EXECUTE ALL REQUIRED COOPERATION AGREEMENTS IN CONNECTION THEREWITH**

Motion: Capasso, C.  
Seconded: Cochran, C.

**WHEREAS**, the Housing and Community Development Act of 1974, as amended (24U.S.C. 93-383 et seq.) created the Community Development Block Grant (“CDBG”) program by combining into a single grant program a number of previous federal grant programs administered by the United States Department of Housing and Urban Development(“HUD”), which programs included the Urban Renewal, Model Cities, Open Space, and Water and Sewer programs; and

**WHEREAS**, the CDBG entitlement program provides annual grants on a formula basis to cities and counties to develop viable communities through: the construction of affordable housing; the promotion of economic opportunity through the creation of jobs and the expansion and retention of businesses; the expansion of community services; and neighborhood revitalization projects, principally for low-and-moderate-income persons; and

**WHEREAS**, HUD annually allocates CDBG program funding to “entitlement communities” comprised of central cities of Metropolitan Statistical Areas; Metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the population of entitlement cities); and

**WHEREAS**, as Saratoga County’s population is now estimated to exceed 230,000, the County could qualify as an urban county eligible for entitlement status and CDBG funding; and

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**WHEREAS**, in order for the County to obtain entitlement community status, the County would need to enter into HUD approved cooperation agreements with local municipalities with a combined population of 200,000 in which each local municipality must agree to the County serving as an entitlement community on the municipality's behalf; and

**WHEREAS**, the Town of Greenfield acknowledges that an entitled urban county's included units of general local government are ineligible to apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which they are participating in the Entitlement CDBG Program with the urban County and; now, therefore, be it

**RESOLVED**, that the Town of Greenfield Council hereby wishes to be included in Saratoga County's designation as an entitled urban county as cooperating unit of general local government; and, be it further

**RESOLVED**, that the such election to be excluded will be effective for the entire three year period for which urban county qualifies; and, be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute any and all cooperative agreements with Saratoga County and/or the US Department of Housing and Urban Development needed in order for the County to qualify as an urban county under HUD regulations governing eligibility to receive and administer CDBG program funding; and, be it further

**RESOLVED**, that the Clerk of this Town shall forward a certified copy of this Resolution to the Saratoga County Board of Supervisors as part of the County's application to the US Department of Housing and Urban Development for entitlement community status.

**VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch**

**NOES: None**

MULLEYVILLE LANDOWNER PERMISSION- Supervisor Pemrick states this is an annual approval from the Town to cross a piece of Town Property in their trail system.

**RESOLUTION #101-2019- MULLEYVILLE SNOWMOBILE CLUB LANDOWNER PERMISSION**

Motion: Johnson, C.

Seconded: Veitch, C.

**RESOLVED**, that the Supervisor be authorized to sign the 2019-2020 Snowmobile Landowner Permission Agreement with Mulleyville Snowmobile Club.

**VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch**

**Noes: None**

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BUDGET WORKSHOP DATES- Supervisor Pemrick sets Budget workshop dates September 18<sup>th</sup> and 25<sup>th</sup>, 2019 at 9:30 AM.

DAVID GOTTSCHALT - David Gottschalt explains that he is from Boy Scout Troop 16 and would like to meet with the Town Board to discuss a Merit Badge project. Supervisor Pemrick sets a date of October 3<sup>rd</sup>, 2019 at 6:30 PM to discuss his idea with the Board.

COURT GUARD- Capasso, C. informs the Board that our Court Guard has resigned. Johnson, C. asks if we have an official resignation ? Town Clerk states yes. Supervisor Pemrick says that we will post the position.

Monthly reports were submitted by Town Clerk, Highway Dept., Parks Dept. July and August, UDAG, Permit Report from Building Dept., Town Court July and August and Dog Control.

**RESOLUTION #102-2019- GENERAL BILLS**

Motion: Capasso, C.

Seconded: Veitch, C.

**RESOLVED**, that the General Bills from # 622-702 in the amount of \$43,508.00 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

**RESOLUTION #103-2019-HIGHWAY BILLS**

Motion: Cochran, C.

Seconded: Johnson, C.

**RESOLVED**, that the Highway Bills from # 204-230 in the amount of 98,436.85 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

**RESOLUTION #104-2019- PARKS BILLS**

Motion: Veitch, C.

Seconded: Capasso, C.

**RESOLVED**, that the Parks Bills from # 204-238 in the amount of \$26,897.67 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

On a motion by Veitch, C. and seconded by Capasso, C. the meeting was adjourned at 8:09PM.

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Town Clerk

DRAFT