# June 10<sup>th</sup>, 2021 Town Board Minutes

The regular meeting of the Greenfield Town Board was held June 10<sup>th</sup>, 2021 at the Greenfield Town Hall with the Following members present: Daniel Pemrick, Supervisor; MaryAnn Johnson, Rick Capasso, Kevin Veitch and Ty Stacey Councilpersons. Also present were Justin Burwell, Superintendent of Highways, Mark Young, Deputy Superintendent of Highways, Mark Schachner, Town Counsel and approx. 9 residents. The Supervisor opened the meeting at 7:00 PM with the Pledge to the Flag.

On a motion by Capasso, C. and seconded by Stacey, C. the minutes from May 13<sup>th</sup> were approved as submitted by all members present.

#### **CORRESPONDENCE**

Quarterly report was received from Community Emergency Ambulance.

Letters were received from Sam and Virginia Jones and J. Thomas and Gelsomina Hubbard regarding the Solar Field Project on Middle Grove Road.

#### **OLD BUSINESS**

There was no old business presented.

#### **NEW BUSINESS**

INFORMATIONAL DISCUSSION-- CTG POLO PROJECT- Scott Lansing, Lansing Engineering and Nick Laraway, CTG Polo, are present. Supervisor Pemrick states that the Town received in April maps and information that Mr. Lansing intended to go the Planning Board for Site Plan Review. We took a look at it and asked our Town Engineer and Town Attorney to review it. We received a letter of review from our Town Engineer which you have a copy of. His report includes questions he has with comparisons of the previous PUD with the information you provided us. You have responded to that. This is the formal presentation. We would like to hear what you intend at that site. Mr. Lansing states that as far as correspondence from Mr. Baker they thought the comments were excellent comparing the current proposal to the original PUD. This is last minute but have addressed each item. Mr. Lansing feels this should be going to the Planning Board for Site Plan Review as opposed to a PUD modification. They feel they are in accordance with the PUD and hopefully the Board will agree. Mr. Lansing describes the

parcel as 43 acres located on Bloomfield Road. He feels the board is familiar with the existing use of Polo activities. There is a Clubhouse and other buildings, but is largely vacant. There is approx. 2.6 acres of DEC wetlands. They are proposing a Condominium Complex on the parcel with primary access on Bloomfield Road with a Boulevard. There would be a Clubhouse approx. 6000 Square ft. in size with amenities. The roadway system would serve all of the proposed units. They would be privately owned and maintained so they would not be dedicated to the Town, they would be owned and operated by the Condominium Association. They are proposing 43 4-unit buildings and 5 6-unit buildings for a total of 202 units. Overall 48 condominium buildings and one Clubhouse for 49 buildings on the parcel. All the square footage would be about 274,000 square feet. The Polo field is a regulation field and they are proposing parking on the west end of the site. He continues to explain parking lot construction. All units would have attached garages. They are proposing the site served by public water, public sewer and stormwater managed onsite. Supervisor Pemrick asks the relationship between the Condos and Polo? He is assuming there are commercial interests. Mr. Lansing states there are no commercial interests. There will be a Condo association which would be for the owners within the condominium complex. As far as the Polo Fields, he is not sure if that is something that will be incorporated into the Condo Association and leased to various organizations for use of that field or retained by the owners and leased independently. Nick Laraway, CTG Polo, states that is something they would like to work with the Planning Board on as they work to conceptually get the layout of the Condominiums approved. They have a number of people interested, both private organizations as well as public entities that are interested maintaining Polo at Saratoga. They have had meetings with the community and a few Board members informally. They would like to move forward with Polo as long as they have someone who is interested in operating it. Supervisor asks if they have a commitment from someone to maintain Polo? Mr. Laraway states no. They feel there's a commitment as far as the project to maintain Polo. So they have someone now who mows the fields and keeps everything clean. As they continue through the process they will further detail how they can get a long term commitment. They want as part of the approvals the ability to maintain the Polo fields.

Johnson, C asks if the access is going through the site? Mr. Laraway says it will on the west side. Stacey, C asks if there are any proposed buildings for Polo? Mr. Lansing Says no. Supervisor Pemrick asks if the market for the condos are associated with Polo or general public? Mr. Lansing states it would be a mix. Supervisor Pemrick asks if they intend on renting these or to be owned? Mr. Lansing states owner occupied. Veitch, C states you can't guarantee they will not be sub-let. You could buy one and rent it out. Mr. Laraway states part of the original approval was a time share at the lodge. Their intention is to build and sell them not to retain them as a rental or time share. Veitch, C says right now the Polo is not being used. Mr. Laraway says this year it has not been used, we do have party who is maintaining it and intentions of doing a few matches. Supervisor Pemrick asks if the Polo business is viable. There is going to be a restaurant and rental property related to the polo fields. It wasn't successful last time, what makes this idea different. Mr. Lansing explains the ability to develop this site in this manner will make it successful. As they go through the development process they can focus on what will make the rear section successful. They don't have any experience in the polo industry they are looking to find someone with experience for a long term lease. If the Planning Board would consider they could divide off the rear section so it couldn't be developed and be maintained by another organization as a Polo Field. Supervisor Pemrick states to Mr. Lansing you are asking us to approve something you are unclear about. In terms of a PUD there is clear language as far as intent, uses, how it's going to be developed, what will happen on a regular basis and this is not clear on how you intend to use this 43 acres as one unit and

how the HOA will be affordable. We are not fond of an HOA because if the site is not successful they end up with the Town. Mr. Laraway states they feel if the Polo Field is retained as part of the HOA it would actually work to decrease the cost for the condominium owners, instead of a burden, if they were able to bring in a tenant who would provide rental income that would share in the maintenance cost of the roadways and would be completely responsible for the costs of the Polo Field, that would work to decrease the overall costs vs. if they just build the condos and the 202 home owners were responsible for the costs. Supervisor Pemrick states if it is successful. Mr. Laraway continues their intention is to develop this into a successful product. The one question that was asked of them was to provide something that was economically viable and they believe this fits the requirements of the PUD. If they lose a few units to Storm Water Management then all of that would be answered before the approval of the final site plan. It is hard to answer all these questions definitively before they get to the next step. They can't lease the polo field to a long term until they know what will be developed in the front. Supervisor Pemrick states we can't send you to the Planning Board until we have a thorough grasp of what you intend to do at this site. Veitch, C states one of his concerns is the polo field is specialized, you have to continue to use it as Polo. You are saying the residents will not have to bear the burden. If the other condos are empty and can't rent it, the other homeowners would be carrying that. Mr. Laraway replies if the Polo Field is not rented out, then the HOA would be responsible. Veitch, C states even though you say you are trying to separate that from the HOA. Mr. Laraway says the current plan as presented is saying this is remaining as one parcel as it sits today would be maintained by the HOA and would be leased to an organization to maintain and run it as a Polo Field. The other statement he made is alternately if the Planning Board was interested or concerned about that burden of it being part of the HOA which was a question asked, they would look at the ability to subdivide it and sell it to an organization that does Polo. They would look at it either way. As the PUD is read it would be maintained and that is why it is presented this way. Supervisor Pemrick asks what groups that you say would use this, is there someone who would be more specific? Would it be during racing season? In the fall? Mr. Laraway answers the group that leased it and is maintaining it for the remainder of this season is going to use it through the end of September for pick-up Polo matches on the weekends. One of the neighbors has an idea using, maintaining and operating it under a non for profit option.

Supervisor Pemrick asks about water. He states there is no water district and only the Town can enter with the County. The Town would need to create the district and the installation would be the builders. We would need a guarantee that the Town would be able to cover at least the cost plus a little more to run that. No one on Denton Road has an obligation to use that water. It seems that this project, standing alone, would not be able to raise those funds and from that. The Water District /Authority is off the table. Mr. Lansing answers they would connect down Bloomfield Rd to Locust Grove and that was approved 2014, but it was not constructed because a party of that water district found another source for that water.

Mr. Lansing states there are users along Denton that would support that water line. Supervisor Pemrick asks who the other users are? Mr. Lansing states different properties along Denton Rd, he doesn't have that information, it would be similar to the 2014 map. Supervisor Pemrick reminds Mr. Lansing the Board would need to see facts and figures. That would require an entire department from the Town in terms of billing, maintenance, water testing, meter readers, it is a huge investment. Mr. Lansing said hopefully they are hoping to go from the previous approval in 2014. Supervisor Pemrick states it is an unanswered question.

Town Counsel states what he is understanding the applicant is suggesting what is currently the Polo Field area will remain a Polo Field. He asks if that is correct? Counsel asks if he heard Mr. Lansing

say you can't lease the Polo area until you know what is in the front part of the property. He is not sure if that is based on legality, economics or practicality. He focuses on legality. Counsel asks if someone said they would lease the Polo area for one million dollars a year starting tomorrow, you don't have have an idea of what will happen in the front, why can't you enter into that lease? Mr. Laraway refers to the 2014 map and shows where the old and new practice fields are and where the proposed units would be. He says right now there are two Polo Fields and depending what happens with the approval process with the Planning Board, they don't know for certain if this is the final layout until that process. Town Counsel, asks from his perspective they are not suggesting they could not legally lease the Polo area until you know what is happening in the front, correct? Mr. Laraway responds correct.

Capasso, C. asks you say we have an existing water district but it never got off the ground, so how can we run off of something that doesn't exist? Mr. Lansing says it was approved in 2014. Capasso, C says it never came through. Mr. Lansing states it did not. They are proposing something identical to 2014, something they can hinge off of. Capasso, C. states there were other parties that were involved then, that didn't go through and they are not going to get involved now. Mr. Lansing states they are hoping to go with the 2014 approval. Supervisor Pemrick states there were a number of conditions that were attached. Town Counsel states there was a conditional approval with a number of conditions that were never fulfilled, so it never came to pass. He is not criticizing anyone's statements, there is not currently an approval there that any party can come along and exercise, because the approval had a number of conditions that were never fulfilled. Veitch, C states it seems like they are hoping we will consider that same type of proposal with those conditions. Town Counsel states different conditions. Mr. Lansing states there was a resolution Feb. 13, 2014, #39, they are thinking they can go from that and adjust any conditions from that time and move forward. Mr. Laraway states he understands there are a lot questions with not having clear and concise answers. They are asking there is an approved PUD and they are working to stay within the constraints of and part of that has to do with an impervious area, buildings, square footage and to retain the continued use of Polo. He apologizes for not having those answers, but until they get into the planning process and know what they are getting the final approval on, it's hard to say if they go through the planning process what they are going to be doing in the future. Supervisor Pemrick responds by asking them to think of that from the Town Board's perspective. The Board is not sure what they are doing there. That's why we need to see PUD language describing what you are doing. Mr. Laraway states they just provided a letter. Supervisor Pemrick states that is a start but he thinks that before it goes to the Planning Board there may be new PUD language needed. Veitch, C. states it seems to him, they are asking for something and they are not sure they will get the water district, which would change the plan that needs to be submitted to the Planning board. You are showing the maximum of what you want but you don't know what you can have until you know that water system is in place, correct? Capasso, C asks if there is a secondary water source. Mr. Lansing states they do. There is the potential to connect with Prestwick Chase, the potential to have their own water source onsite. They are working with the Saratoga County Water Authority and the Town to extend the district. The project would need to connect to the sewer. They need to move forward as far as the project. They feel it meets PUD ordinance and they should be working with the Planning Board so they can work things out. Mr. Laraway states it's their desire to work with the Planning Board. They had a previous plan that would have been a new PUD and be a 5-6 year project. So they put together a plan they feel the best of what they want to do and ask to be approved under the PUD that is in place.

Supervisor Pemrick states there are a lot of uses in the original PUD. They may not be used in what you are developing now, so he is uncomfortable with leaving potential uses in the original

language that could be used 10-15 years from now. Mr. Lansing states all PUDs have a mix of different uses and only two could be used. Supervisor Pemrick asks what happens to HOAS when the projects don't do well? HOAs run out of money, who ends up with that responsibility? Supervisor tells them the Town ends up with them and that is a concern. It, like the water, is a tremendous step the Town has to take. The more information that is laid out can be examined and if it can be viable, valuable and quality for the people who decide to own there is a big question. A great deal of information has to be available to make that kind of decision. There is a lot of risk for the Town and the developers. The Polo industry/ business has not done well. The blend of the two leaves him wondering about monies, income assisting the rest of the condos in that development. You will have the opportunity to convince this Board and the Planning Board.

Supervisor Pemrick asks Tonya Yasenchak if she has a question. Tonya Yasenchak, Planning Board Chair states she has a few. First, to the Board, is to understand the correct process, where when there is PUD language in place for a particular piece of property, then understandably that is the zoning. She doesn't understand why the project is being presented to the Town Board at this point if the applicant is not proposing a change in their PUD. If the applicant says it complies with the PUD, what decision would the Town Board be making on this project at this point besides the obvious the utilities, water or sewer that would be offsite and at some point be the responsibility of the Town's? Mark Schachner, Town Counsel, states unless he is mistaken there is a threshold issue here, which the applicant is appropriately pursuing and that is not crystal clear that what is being proposed complies with the existing zoning. So the applicant is trying to confirm what they are proposing is compliant with local zoning. Counsel asks if that is a fair statement. Mr. Lansing states yes. Counsel responds, that is very appropriate. The Town Board is the legislative body in charge of making zoning determinations about what are allowed uses and not allowed uses. If it was crystal clear what is proposed is authorized by the existing Planned Unit Development the applicant would not be here seeking the blessing of the Town Board. The reason, from his perspective as Town Legal Counsel, the applicant is trying to confirm that what they want to pursue is in fact allowed by existing zoning. For example, if the existing zoning was commercial only and the applicant was proposing residential only, it would not go to the planning board because it is not an allowed use, that would be crystal clear. Here we have something in his opinion and this table, it is not clear what is proposed is an "allowed use". Is it allowed under the original PUD? Since the Town Board is the legislative body that authorizes the PUD, it is not inappropriate for the applicant to be asking the Town Board if it complies or not. Tonya Yasenchak replies then if there is a difference between what the code enforcement officer his interpretation if they felt his interpretation differed it would not go to the zoning board it would typically go zoning interpretations beyond the Code Enforcement official, it would go the Town Board. That is what you are saying. Mark Schachner, Town Counsel, responds he did not say anything that sounded like that. He did not mention Zoning Board of Appeals or Zoning Officer. T. Yasenchak states her understanding of Zoning Code if anyone had a question about Zoning be it a PUD or regular Zoning the first person they would ask is Code Enforcement and he would be making the interpretation if the project meets the Zoning as far as process goes? Is that correct? Counsel answers that is another avenue, not the only avenue. T. Yasenchak states her second question is about the relevance and obviously the Town Board would have more discussion whether or not his project is compliant or consistent with the PUD. The Planning Board did go through a detailed SEQUAR process, part of that did include looking at the density. There is supposed to be 70 fractional units, plus a banquet hall and Polo uses. Now we have 202 units. She is not saying it is bad or good, she is saying this board will be looking at that detail to come up with their

interpretation. Part of the SEQUER looked at the impact on schools and emergency services. Part of the original SEQUAR was since this is fractional ownership it would have little or no impact on the schools. It is listed out in their determination which you can get a copy of. Since it's fractional there is no anticipated increase at all in the school district. T. Yasenchak states she does have questions on the 202 units. She asks at what point would SEQUAR constantly be revisited. Is that something the Town Board, looking for interpretation of code relevancy, would the Town Board be making that determination or would the Town Board send it to the Planning Board for an advisory? Mark Schachner, Town Counsel answers neither. Because unless he is mistaken, the Planning Board was the SEQUAR lead agency. So the Town Board would not be seeking Planning Board advisory opinion on SEQUA review. If it's determined that what's proposed is officially compliant with the existing Zoning to be an allowed or permitted use then it would go back to the Planning Board and the Planning Board as SEQUAR lead agency would make the determination of whether there is additional SEQUAR review needed or not. So the Town Board would not be seeking an advisory opinion from the Planning Board it would be a Planning Board responsibility. Supervisor Pemrick asks Tonya if she received a copy of the Town Engineer's response. T. Yasenchak states no. Supervisor states he will make sure she has a copy. T. Yasenchak states she has one other item. Part of the PUD language did also reference the concept sketch that was dated June 2005. That's what was reviewed as part of the PUD and it does states that the map and the PUD is part of the record filed in the Town Clerk's Office. So she would suggest the when the Town Board is reviewing the compliance that they also look, not just at the code language, but at the map that's referenced and that was reviewed. It is noted as an appendix and noted that it was reviewed for a specific deeded sketch.

Supervisor Pemrick puts the CTG Polo on the July agenda pending on Charlie Baker's ability to respond and discuss this and the Zoning Administrator to find out how they want to proceed .Tonya brought up the question of the SEQUAR, Supervisor Pemrick states that Mr. Baker has addressed that, mentioned some of that in his response and pointed out by one of the Board members some possible changes in building requirements that could affect the use of water and fire prevention and anything that needs to be constructed right now. Mr. Lansing states all PUDs have some representation of what the project will look like, but the language is very specific. He references Section 9 of 2005 PUD legislation. It does allow flexibility for different configurations as long as the use is in the PUD. Supervisor Pemrick responds that he wants to state this clearly that this Town Board has to be very comfortable with everything that is going on there, not just setbacks but the viability of this , the potential success of this operation . The fact that it's Condos not Townhouses has some impact in terms of generating taxes for the Town, the fact that the Town may end up with them if this does not go as well as everyone hopes and there have been 3 different people interested in the last decade that fell short. It is a big decision on the Town's part and we want to be very comfortable with a complete understanding of everything before we move forward.

<u>NEW YORK STATE RETIREMENT SYSTEM STANDARD WORKDAY & RETIREMENT-</u> Town Clerk states she received a notice for elected officials Ty Stacey, Justin Burwell and Michael Ginley and appointed official Lorraine Fiorino that we need to establish a Standard Workday for New York State Retirement System. Based on the information submitted the standard workday was determined along with the number of days to be reported to the New York State Retirement System

# RESOLUTION #79-2021 =ESTABLISHING A STANDARD WORK DAY AND REPORTING TO NYS RETIREMENT SYSTEM FOR ELECTED AND APPOINTED OFFICIALS RS 2417-A

Motion: Capasso, C Seconded: Veitch, C

**RESOLVED,** That the Town of Greenfield location code 30303 hereby establishes the following standard workdays for elected and appointed officials and will report the following days worked to the New York State Local Employees Retirement System based in the record of activities maintained and submitted by these officials to the clerk of this body and that a copy of the attached resolution be submitted to the NYS Retirement System:

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	Office of the New York State Comptroller  New York State and Local Retirement System  110 State Street, Albany, New York 12244-0001 Please type or print clearly in blue or black ink	Employer Location Code $30303$	BE IT RESOLVED, that the TENIN report the officials to the New York State a	Name	Elected Officials:	Ty Stacey	Justin Burwell	Michael Ginley Appointed Officials:	Lorraine Fiorino			, Louise OKoniews	do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the	on file as part of the minutes of such meeti IN WITNESS WHEKEOF, I have hereunto  FLUIL HETHEREOF	Affidavit of Posting: I, <u>Louise (New</u> June 11, 2021 and continued in the second continued in the seco	ᇤ	X Official sign board at: 7 Wilto	Main entrance Secretary or Clerk's office at:
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VOTE: Ayes: Pemrick, Johnson, Capasso, Veitch, Stacey

Noes: None

<u>DISCUSSION SOFTWARE FOR TOWN BOOKKEEPER-</u> Supervisor Pemrick states that Bookkeeper Cara Parks, would like to purchase new software from Williamson Law that she has worked with before. Johnson, C. states that the Harris Software we have is obsolete and there are no updates. Williamson is a company that operates just in New York State. Williamson software works with the NYS Retirement System and knows the AUD process.

#### **RESOLUTION #80-2021 – PUCHASE NEW SOFTWARE FOR BOOKKEEPER**

Motion: Johnson, C Seconded: Capasso, C

**RESOLVED,** That the Town Board hereby authorizes the Town Bookkeeper to purchase Williamson Law Bookkeeper Financial and Payroll software for \$35,690.00.

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

Noes: None

#### **RESOLUTION #81-2021 – REAPPOINT CHARLES DAKE TO THE PLANNING BOARD**

Motion: Veitch, C Seconded: Stacey, C

**RESOLVED,** That the Town Board hereby reappoints Charles Dake as Planning Board member with said term to expire June 10, 2028.

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

Noes: None

<u>DISCUSSION STEWARTS ANNEXATION-</u> Town Counsel, Mark Schachner asks regarding the annexation of Stewarts property at last month's meeting was to possibly have it in July. His question is if the Board would like to authorize the joint Public hearing with the City of Saratoga Springs if the paperwork is in order? It is not yet in order but it may be soon.

# RESOLUTION #82-2021-SET JOINT PUBLIC HEARING FOR ANNEXATION OF STEWARTS

PROPERTY

Motion: Veitch, C Seconded: Stacey, C.

**RESOLVED,** That the Town Board hereby authorizes the Town Clerk to advertise a Joint Public Hearing with the City of Saratoga Springs regarding the annexation of Stewart's Property, approx. 0.07 acres, on July  $8^{th}$ , 2021 at 7PM at Greenfield Town Hall if appropriate paperwork is filed on time.

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

Noes: None

DISCUSSION GAMES OF CHANCE- Supervisor Pemrick states a request was made from Saratoga Snowmobile Association regarding monies they raise for a School Scholarship they give away every year. When they were making an effort to make sure they have the proper licensing to hold a raffle and fundraisers, they were told by the State that the Town Of Greenfield was never approved for Games of Chance Local Law. They were told by the State they were not entitled to do any fundraising. Veitch, C states there are other non-profits organizations that are fund raising. Capasso, C states that is against the Law. Veitch, C states this would make them legitimate. Johnson, C states we tried that before it has to go on the ballot and it was defeated. We can try it again. At that point, people thought it was gambling and did not want it. Stacey, C asks whose responsibility is it to explain to the public what it is? Johnson, C states it would need to be a Local Law. Stacey, C states it effects the Churches, Lions all community groups that do this. Veitch, C states we have a FB page and website. Veitch, C states if it was gambling it is covered by different licensing. Town Counsel agrees, gambling would be covered by the State Racing and Wagering Association. Johnson, C states that it was 1999 when it was on the Ballot last. Supervisor Pemrick asks about Local Law language. Town Counsel, states you have it. Johnson, C states it was adopted.

#### RESOLUTION #83-2021- SET PUBLIC HEARING FOR LOCAL LAW - GAMES OF CHANCE.

Motion: Veitch, C Seconded: Capasso, C

**RESOLVED,** that the Town Board hereby sets a Public Hearing for July 8<sup>th</sup>, 2021 at 7PM at the Greenfield Town Hall, regarding proposed Local Law #1-2021 – Games of Chance.

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

Noes: None

<u>EMS COMMITTEE DISCUSSION-</u> Capasso, C states the EMS Committee held their second meeting and they are looking at leasing the Old Firehouse. The Committee is looking at being part owners of the Corinth Emergency Squad. We are moving forward.

Monthly reports were submitted by the Town Clerk, Building Dept, and Supervisor's Financial Report.

#### **RESOLUTION #84-2021 GENERAL BILLS**

Motion: Capasso, C Seconded: Stacey, C.

**RESOLVED,** that the General bills from #347-420 in the amount of \$120,673.07 be paid.

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

Noes: None

#### **RESOLUTION #85-2021 HIGHWAY BILLS**

Motion: Veitch, C Seconded: Johnson, C

**RESOLVED,** that the Highway bills from #125-152 in the amount of \$81,468.03 be paid.

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

Noes: None

#### **RESOLUTION #86-2021 PARKS BILLS**

Motion: Stacey, C Seconded: Capasso, C

**RESOLVED,** That the Parks bills from #116-148 in the amount of \$24,324.95 be paid.

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

Noes: None

On a motion by Capasso, C and seconded by Veitch, C the meeting was adjourned at 8:01PM.

\_\_\_\_\_\_Town Clerk