

September 9th, 2021 Town Board Minutes

The regular meeting of the Greenfield Town Board was opened at 7:00PM by Supervisor Daniel Pemrick with the Pledge to the Flag. The following members are present: Daniel Pemrick, Supervisor; Maryann Johnson, Rick Capasso, Kevin Veitch and Ty Stacey, Councilpersons. Also present were Justin Burwell, Superintendent of Highways and approx. 10 residents. Mark Schachner, Town Counsel, arrives at 7:04PM.

On a motion by Veitch, C. and seconded by Capasso, C. the minutes from August 12th, 2021 were approved as submitted by all members present.

CORRESPONDENCE

Town Clerk states she received a copy of quarterly EMS calls from Community Ambulance Service.

OLD BUSINESS

Supervisor Pemrick states we have upcoming events scheduled. The Town Wide Garage Sale, Town Wide Cleanup, September 17, 18 and 19th at the Town Highway garage. Highway Superintendent Burwell states they are ready to go and will be taking electronics.

Supervisor Pemrick states we have "Pedal the Creek" event on September 18th beginning at the Brookhaven Pavilion, hosted by Friends of the Kayaderosos. They have notified the County and Town the routes they will be using.

NEW BUSINESS

RESOLUTION #107-2021- AUTHORIZE THE SUPERVISOR TO SIGN 2022 SARATOGA COUNTY ANIMAL SHELTER CONTRACT

Motion: Veitch, C

Seconded: Stacey, C

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RESOLVED, That the Town Board hereby authorizes the Supervisor to sign the Intermunicipal Agreement for Animal Shelter Services rendered from January 1, 2022 to December 31, 2022 for the Town of Greenfield.

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

Noes: None

DISCUSSION-CREATE NEW JOB POSITION- PRINCIPAL ACCOUNT CLERK-Supervisor Pemrick states that Cara Parks has asked to change the title of her job description to Principal Account Clerk, a job she has held at other Towns in the past. She does have a Bachelor's in Economics. Veitch, C. asks if he could have some time to make a comparison of the two titles. He would like to review the position descriptions. Robert Roeckle asks if the new position is a civil service county position? Supervisor Pemrick answers yes. He states we will move this to the October meeting so the Board has time to review the descriptions of the two titles.

RESOLUTION #108-2021-REAPPOINT JOE JARVIS TO THE BOARD OF ASSESSMENT REVIEW

Motion: Stacey, C

Seconded: Capasso, C

RESOLVED, that the Town Board hereby reappoints Joe Jarvis to a five year term with the Board of Assessment Review, term to end September 30, 2026.

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

Noes: None

DISCUSSION GOOSE HOLLOW ROAD BOND - Highway Superintendent Justin Burwell states there is a new road bond for \$482, 110. Johnson, C states it is a cost estimate for Phase II. J. Burwell explains with the new law we have subdivision roads will be done in phases. Crestwood Drive is ready to turn over Phase I and start Phase II but we need the new road bond in place. The Town Engineer had the as-builts changed to what was needed. Veitch, C asks if we are happy with the bio-retentions. J. Burwell states yes those plans were accepted. That would need to be fenced if it continues to hold water. Supervisor Pemrick asks Counsel Schachner if he is satisfied with the deeds? Counsel Schachner states they looked at the bond documents but that was all. Johnson, C asks if we are accepting the road bond and not officially the road. Supervisor Pemrick asks Town Counsel if he reviewed the deeds? Counsel states no, just the bond. Supervisor Pemrick states there is a bond on the first half and they are releasing it and extending it for the second half of the development. J. Burwell states there is a new instrument done for Phase II. Counsel states the \$482,110 encompasses all in his understanding. J. Burwell states yes, it includes the protection on the road for Phase I, that will be the Town's and Phase II.

RESOLUTION #109-2021- RELEASE CURRENT BOND BY MAKAY DEVELOPMENT LLC AND APPROVE THE NEW ROAD BOND FOR PHASE II

Motion: Johnson, C

Seconded: Veitch, C

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RESOLVED, that the Town Board hereby releases the current road bond for Goose Hollow Subdivision, Makkay Development LLC and approves the new road bond to cover Phase II in the amount of \$482,110, contingent upon completing the remaining obligations on Phase I and acceptable to Town Counsel.

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

Noes: None

VETERANS DAY LUNCHEON- Supervisor Pemrick would like to have a luncheon for Greenfield Veterans on November 11, Veterans Day at The View at Brookhaven. He has not spoken with owners as of yet, will keep us informed.

DISCUSSION –REPEAL LOCAL LAW- POLO PROPERTY- Supervisor Pemrick asks Counsel Schachner if the Town could rezone the Polo property from it's current zoning? Counsel Schachner states that one of the good and evils of zoning is the Town has a lot of discretion to zone property in the Town as they see fit as long as it is consistent with our Comprehensive Plan, Land Use Plan, Master Plan and Planning and Zoning laws. To rescind the zoning it would be a Local Law subject to a Public Hearing. Capasso, C asks about the PUD that exists now. What is the property zoned as? Supervisor Pemrick states what was approved in 2016. Capasso, C asks the map he sees is what exists there now. The Board says yes, that is the Zoning for that property. Veitch, C states everything was approved, they could put what is in the current PUD on that property. Capasso, C asks what is the Board looking to do? Do we want to change the PUD that exists now? Supervisor Pemrick states that is a possibility for us to consider. Stacey, C states we are looking at what our alternatives – options are. Capasso, C asks what is the purpose of rescinding what is in place? Veitch, C there's the possibility that the current Board may not want what was approved, we may want to see a different picture there. Supervisor Pemrick states the PUD allows certain uses that may not be allowed under it's previous zoning. Veitch, C it doesn't mean the property could be sold and do a new PUD there. Attorney Marybeth Slevin states she represents the property owner. The property owner has been considering an amendment to the PUD. They hope the Board would provide the property owner an opportunity to finalize a new plan. She hopes the Board would give them an opportunity to present something to the Board to consider before they take any action to rezone. That would give everyone a chance to discuss what they would like to finalize a new plan, what the Board would like to see, what the owners would like to see and have a consensus on what makes sense to have there. Supervisor Pemrick asks if what she is saying is that the current owners intend to submit a new PUD? Counsel Slevin states they are considering that, she can't guarantee that is the direction they will go in. Before the Board takes any action they have an opportunity to give a path the property owner would like to go. Supervisor Pemrick states that would be fair. Veitch, C asks if the property owner is for sale. Counsel Slevin states every property is for sale. Veitch, C states he has seen advertisement. Counsel Slevin states the owners bought the property with the intent to develop it. It would be a better return instead of what the market would bear. Supervisor Pemrick states he would be happy to receive a plan they would want to present to the Board. This is a process, nothing has been decided tonight, it will go on for a couple of months at least. If something is presented to us in that time it is our obligation to consider it. Counsel Slevin thanks the Board for their time.

OTHER BUSINESS

Tonya Yasenchak, Planning Board Chair, asks about the correct process to address the Board regarding staffing and staffing support for the Planning Board. Supervisor Pemrick asks what is the question. T. Yasenchak states she doesn't know if it's appropriate to bring that up in a public forum with respect to the people she wants to discuss. Is this the proper forum? Counsel Schachner asks if it is generic staffing or specific people? T. Yasenchak states staff for the Planning Board and the process which applications are being reviewed and forwarded or not forwarded to the Planning Board in a respectable or appropriate amount of time. Counsel Schachner states he will ask his question again. Are you talking about staffing generically and in general or specific members of our staff? T. Yasenchak states yes, it would be specific members of our staff and specific issues that have arisen and complaints from the public. Counsel Schachner states it sounds like it would fit in one of the Open Meeting Law acceptations of discussing employment of particular individuals in Executive Session. You are not compelled to discuss it at all, you are not compelled to discuss it in Executive Session, but you could lawfully do so, should you wish to do so. Supervisor Pemrick states he would not want a discussion unless Mr. Waldron is here and he asks T. Yasenchak to start that conversation. She states she has. Supervisor Pemrick offers to continue that discussion. T. Yasenchak states she would like to do something in front of the whole Board or have the Board as part of the discussion. It has to do with responsibilities that are written in our Town Law as far as the Planning Board process, how applications are processed and who reviews those. Supervisor Pemrick states to start with Mr. Waldron and we can get recommendations where this needs to go from a legal perspective from Mark. T. Yasenchak asks the Supervisor if he would like her to talk to Mr. Waldron first. She asks about additional staff. Supervisor Pemrick states that would be through Mr. Waldron. T. Yasenchak states there is a question on responsibilities and she is appointed by the Town Board as Planning Board Chair. She states there is direct law by which the Planning Board is run and receives applications. Her question is does she report and ask the Supervisor as he is the one who appoints her, she does not have any direct responsibilities listed in the code or our law with the code enforcement official. He is not her secretary or under her direction so she isn't sure how a conversation with him would go in regards to the responsibilities of the Planning Board. She is not in charge of directing him to do something nor is he responsible to direct her as Planning Board Chair. Supervisor reiterates the conversation should start with Mr. Waldron. He is in the process of preparing descriptions and rolls for each of the aspects of his office to review and approve. He has indicated that he will ask for additional support for the office and this board will be happy to provide. T. Yasenchak asks that she should go to Mr. Waldron to direct questions about the Planning Board and is that part of his job description? Supervisor Pemrick says yes, we work together. She has been told that she cannot ask her Executive Secretary of the Planning Board to do certain things, she's appealing to this Board for the proper process knowing that she is, from an employee and staff standpoint, knowing that she is appointed to do her job as Planning Board Chair by this Board. If she has a question about the process, she questions why she should talk to the Building and Code Enforcement official about that job. M. Gyarmathy feels that personnel issues should not be discussed here, but we can discuss the process. Tonya has read a Town Law that describes the process. Counsel Schachner states that why he asked the question, he agrees with what was just said if generically you are asking about

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the process. He asked if we are talking process- generic or specific individuals. He thought the answer he was given by the Planning Board Chair was specific individuals. From his standpoint what the Supervisor suggested makes sense. M. Gyarmathy's comment was not about specific individuals it's about process. From a legal perspective those are two completely different topics. Capasso, C asks what is the problem that he does not know about? He is confused. Counsel Schachner if you want to talk about someone misbehaving that you don't discuss in an open public meeting. If the question is when an application is received that needs both a variance and site plan review and you don't know where it goes first, that is a process question then talk about it. Counsel Schachner summarizes that if you have a general, not individual people question, on process then discuss it. If it's concerns, criticisms, about specific individuals, he feels it is the sentiment of the Town Board you do not want to discuss those in an open public meeting. Town Board concurs. T. Yasenchak states her question is two-fold. One part is the supervisory procedure for Planning Board receipt of applications, review and placement on the agenda. According to Planning Board law, sub-division applications are made to the Planning Board, and they are the ones that review and ask for additional information. She would like the Board to clarify that if not here, another meeting. Johnson, C states previously if she remembers we had meetings with all boards together, Town, Planning, Zoning and we discussed this, she remembers the Planning and Zoning Boards asked for more support and they wanted the applications complete before they came to them. They wanted someone from Zoning / Code Enforcement to review them and make sure they were complete because it was wasting the Boards time to have them when they were not complete. Now we are hearing the opposite. Counsel Schachner states that was an important aspect of the joint meetings including from our Planning Board. Johnson, C states she is confused with this because you are saying now the complete opposite of what you said at those meetings, now you want everything to come to you whether it is complete or not and not go to Code Enforcement/ Zoning, which is what we changed to make it that way because that was how you asked for it. T. Yasenchak states that is part 2 the question that she cannot talk about in public forum. She has had complaints that applications are taking 2 months to go to the Planning Board, this is from the public calling her. An application was made April 30 they received it August 10th. A sketch plan review took 2 months. She is trying to make the process better. The process seems to have a bottleneck. If there is something that the Planning Board can do to make the process better, they are here to help. A lot has happened in the 2-3 years since they asked for that. Capasso, C asks if it's because he doesn't have enough personnel? T. Yasenchak will not discuss that in public forum. Veitch, C asks if you know a project is coming in, T. Yasenchak states she doesn't know, that is a problem, Veitch, C continues, then how do you know it is back upped in the office. T. Yasenchak gets call from the individuals asking her it's been 2 months and they are not on the agenda. Veitch, C asks if she has had any conversation with the Building Dept.? He has had calls also, but when he asks the building dept. the applicant doesn't have all the information required on the application. He feels the Building Dept. cannot handle the flow that is coming into that department. It was not designed to and never will be under the conditions that it is working under. We have to come up with a way to fix this. M. Gyarmathy feels that department is working as a Town Planner and that is why they are overwhelmed. Veitch, C states we need someone to do more of that, that staff is trying to do things that haven't been done. M. Gyarmathy states if the Chair a person comes with a sketch plan, which is preliminary, like this board has done with Polo, there's nothing to review. Veitch, C. that's something everyone can work out. He asks if an applicant is asked to bring something to the next meeting is it there for you? T. Yasenchak states sometimes. There's multiple layers that are not working and it's frustrating. She has asked for certain items and has been told she cannot ask for them. She is not getting the

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support that she needs. Veitch, C suggests a meeting. Everyone wants to make it work. It is an important department that is struggling. Stacey, C states there are staffing issues which if we had more it may help with those issues. Counsel Schachner is concerned that people are calling the Chair at work, home or both and having conversations about their applications. He is concerned about ex-parte communications. He tries to discourage anyone on any land use board having a conversation with an applicant. T. Yasenchak states she does not. If someone talks to her she tells them she cannot talk to them on the project. She says she tells them to speak to the Planning Board secretary for the proper process. She doesn't want to cross the line in any way. She tells the applicants this is not the proper process and cannot discuss any application. If people leave her a message, she calls the building office staff so they can call the person back. Supervisor Pemrick asks when you say you call staff is it someone in the building office? Mike? T. Yasenchak states she speaks with the Executive secretary to the Planning Board. She feels that is the proper process per the job description of that position. She does the same with letters. She asks every letter and email to go to the building dept and they will give them to me in the proper way.

COMMITTEE REPORTS

EMS COMMITTEE- Capasso, C states he has a lease agreement for use for the Emergency Services building. He would like to set a committee meeting. Supervisor Pemrick suggests forwarding it to Casey so he can review it with his Counsel. This has to be discussed and read and hopefully will be on next month's meeting.

COMMUNITY CENTER COMMITTEE - Stacey, C states he has a meeting scheduled for September 20th, at 7PM at the Town Hall. It will be the preliminary meeting for this committee.

Monthly reports were submitted by the Town clerk, Parks, UDAG, Highway and Building Department.

RESOLUTION #110-2021- RECOGNIZE RECEIPTS OF FUNDS FROM THE US TREASURY

Motion: Veitch, C

Seconded: Capasso, C

RESOLVED, that the Town Board hereby recognizes receipt of \$394,235.40 from the US Treasury on July 22, 2021, which represents the first half of the American Rescue Plan Act. These funds were credited to the General Fund A688 Other Liabilities account until it is to be expended. The Town Board also recognizes the receipt of \$1,609.57 from the US Treasury on August 30, 2021 which represents the first half of unclaimed funds from the American Rescue Plan Act. These funds were credited to the General Fund A688 Other Liabilities until they are to be expended.

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

Noes: None

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RESOLUTION #111-2021 TRANSFER OF FUNDS

Motion: Johnson, C

Seconded: Stacey, C

RESOLVED, That the Town Board hereby authorizes the supervisor to make the following transfer of funds, returning monies to the unclassified Revenue account from the Golf Course equipment for Bridge Repair at Brookhaven Golf Course.

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

Noes: None

RESOLUTION #112-2021 TRANSFER OF FUNDS

Motion: Veitch, C

Seconded: Capasso, C

RESOLVED, That the Town Board hereby authorizes the following transfer of funds from CHIPS, Federal Funds and State Grants:

\$45,835.46	From: DA2665	To: DA 5130.2
\$ 1,447.20	From: DA2680	To: DA 5130.2
\$62,235.34	From: DA3089	To: DA 5114.4
\$208,749.35	From: DA3501	To: DA 5110.4
\$49,360.68	From: DA4089	To: DA5120.400
\$11,115.88	From: DA4960	To: DA5120.400

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

Noes: None

RESOLUTION#113-2021 – GENERAL BILLS

Motion: Capasso, C

Seconded: Stacey, C

RESOLVED, that the General bills in the amount of \$60,396.28 be paid.

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

Noes: None

RESOLUTION #114-2021- HIGHWAY BILLS

Motion:Veitch, C

Seconded: Johnson, C

RESOLVED, that the highway bills in the amount of \$98,463.91 be paid.

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

Noes: None

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RESOLUTION #115-2021 PARKS BILLS

Motion: Stacey, C

Seconded: Capasso, C

RESOLVED, that the Parks Bills in the amount of 434,647.24 be paid.

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

Noes: None

On a motion by Veitch, C and seconded by Capasso, C. the meeting was adjourned at 7:58PM.

Town Clerk