

April 12th, 2012

The regular meeting of the Town Board was held on Thursday, April 12th, 2012 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 8 residents.

At 7:25 PM the Board met as the Board of Health to review an application by Ron McElwain for a variance of Chapter 54 of the Town Code – Septic Variance for 222-228 South Greenfield Road. The application has been reviewed by the Town Engineer and a report has been provided. Gary Robinson, the applicant's engineer was present. Mr. Robinson explained that the parcel was approximately 1 acre in size. There are 4 mobile homes on the property. The 2 units in the back are served by individual septic tanks with a couple of dry wells. The well house is located in the middle of the property. It has a few shallow wells – points. The 2 front units are serviced by some dry wells and a partial leachfield located to the front of the property, keeping the 100 foot separation from the well that was required at the time of installation. Mr. Robinson stated that the soils in the area are not good. There is a drainage ditch that runs across the front of the property and crosses under the road to a wetlands area. They are limited as to where a replacement system can be located due to the 100 buffer from the well. Mr. Robinson stated that they have designed a peat fiber system. Each of the units will have a septic tank which will be connected to a pump station and will pump up into the peat fiber system. It will take 5 of the peat units to service 6 bedrooms. The system is approved for use by the Health Department. Mr. Robinson explained to the Board how a peat fiber system worked. He stated that anything that comes out of the system is treated prior to leaching out through the stone layer beneath the containers. Supervisor Rowland asked if there was any way to determine if the system had failed. Mr. Robinson stated that there was an alarm on the pump station, however there was not an alarm for the peat system. The manufacturer recommends that the units be serviced once a year to make sure that the unit is working properly. Cochran, C. asked what would happen in the case of a power failure. Mr. Robinson stated that the pump station would not operate. However, it is required to have excess capacity above the high level alarm. Cochran, C. asked if the drainage design will handle large flooding rains. Mr. Robinson stated that all the drainage is currently in existence. They will only be adding a small ditch behind the property out to the existing culvert. Mr. Robinson added that he just received a copy of the Town Engineer's comments and that he would be in contact with him to review.

RESOLUTION # 60 – Schedule Public Hearing – Septic Variance
222-228 So. Greenfield Road

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That a public hearing be scheduled for Thursday, May 3rd, 2012 at 7:25 PM for the application for Septic Variance by Ron McElwain for property located at 222-228 South Greenfield Road.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Supervisor Rowland stated that the Code Enforcement Officer submitted 3 reports of Unsafe Buildings: 4422 – 4424 Route 9N, 251 Greene Road & 521 North Creek Road. He explained that the wooden structure at 4422-4424 Route 9N constituted a health and safety risk in its present condition. The manufactured home located in the

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rear of the property is unsafe and is an imminent life, health and safety risk. It is the opinion of the Code Enforcement Officer that the manufactured home should be demolished and all the junk, debris and household garbage removed from the site. The building at 251 Greene Road has deteriorated to a point where the roof has partially collapsed. The exterior wall, bottom plates, wall studs and siding are all severely deteriorated. It was the opinion of the Code Enforcement Officer that the building be demolished and all the junk and debris removed from the property. The building located at 521 North Creek Road is also severely deteriorated and partially collapsed. It is the recommendation that this building be demolished and the debris removed.

RESOLUTION # 61 – Send Notices of Unsafe Building & Schedule Hearings

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That an Unsafe Building Notice be sent to Patricia & James Wolfe & Corelogic Corporation for the property at 4424 NYS Route 9N; Jim Strassburg for the property at 251 Greene Road and Leon Ross for the property at 521 North Creek Road and that a hearing be scheduled before the Town Board for 7:15 PM on May 3rd, 2012.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

The regular meeting was called to order by the Supervisor at 7:45 PM and opened with the pledge to the flag.

Supervisor Rowland introduced the new Golf Pro for Brookhaven Course, Kevin Canale. Kevin thanked the Board very much and stated that he was pleased to be the Golf Pro at Brookhaven. He noted that this year is a very early start to the season but they are off to a good start. With everyone's help, he felt that things were moving along smoothly. He has received a lot of nice comments from the members and public coming into the Pro Shop. He was looking forward to a great year and added that he was very excited to be here.

On motion of Cochran, C. and seconded by Pemrick, C., the minutes of 3/8/2012 were approved by all Board Members present.

Letter from Saratoga Polo Catering and Events Services notifying the Town of their intent to renew their license to sell alcoholic beverages on premise at 2 Bloomfield Road.

Check from the Saratoga County Treasurer in the amount of \$3.27 for interested earned in 2011 on Cemetery Trusts for the Denton and Miller cemeteries.

Letter of acknowledgement of our request for a speed reduction for a portion of Wilton Road from the NYS Dept. of Transportation. A study has been initiated and they will advise the Town of the results upon completion.

UDAG Committee Vacancy - Town Clerk advised that there were no responses to the 2nd advertisement that was placed. In addition it has been on the website for the past several months. Supervisor Rowland suggested at this point not to readvertise. Chandler, C. suggested that perhaps individuals on the committee would know of potential members.

Emergency Squad Contract - Supervisor Rowland advised that Town Counsel had a few minor wording changes to be made to the contract which have been forwarded to Empire. They verbally indicated that they were in agreement with the

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changes and stated that they would make the changes. In the interim, there is a concern that the Sheriff's Department would like to charge a fee for renting radio's. Empire has in turn stated that they would be willing to purchase the radio's. There has also been a discussion regarding charging a fee for dispatching services. Supervisor Rowland has asked Town Counsel to look into whether that was appropriate and proper. He has also asked the County Attorney to look into as well. The Public Safety Committee Chairman has appointed an advisory committee to look into setting a policy for charging for dispatch. They would be looking to see if it was in the best interest of the County to do so and if it was appropriate and proper to do so. The committee should begin meeting sometime within the next week. Supervisor Rowland had been appointed to that committee. Pemrick, C. stated that Chandler, C. and himself attended the Board of Fire Commissioners meeting and entertained a number of questions regarding the status of the contract. They suggested that as a precautionary measure to better position the Town in case we ever find ourselves in this situation again, that the Town should apply for our own certificate of need but not enact it. In addition, they also asked if the Town had ever considered contracting with Jessup's Landing for emergency services. Chandler, C. added that they also suggested to make sure that in the contract it stated that there would be a paramedic on board and not just advanced life support. Pemrick, C. stated there was conversation about the future and the possibility of establishing a committee that could provide information, guidance, recommendations to the Town as it moves forward in considering emergency services. Chandler, C. stated that the idea of the committee was to help educate the Board so they can better answer the necessary questions to complete a certificate of need. There is a question as to whether or not the Town could get a certificate of need and still be able to contract with several other ambulance squads. Pemrick, C. stated that having our own certificate of need would allow for the Town to create its own emergency system, however it did not take into consideration the funds needed, the law and procedures that need to take place in order to implement something like that. They are many opinions about what should be done. However, the Board needs to have an objective source of information that has the best interest of the people of Town in mind, not the Firemen or the Town Board. Cochran, C. was in favor of the committee. He was on one of the original ambulance committees that brought Saratoga up to most of the Town and it worked out well at the time. A non-partial committee which included citizens at large can be a big help to the Board. Nate King, Wilton Emergency Squad, stated that at this point the Town needed to get somebody to cover the Town. He stated that it seemed like it was not an emergency because the Town was being covered by mutual aid. He added that there is nobody looking out for the Town of Greenfield because there is no primary provider. If the surrounding squads are busy on their own calls, there is no one close to call for mutual aid and you could be waiting an hour for an ambulance. Pemrick, C. stated that the Town Board is worried about what is happening in Greenfield. Saratoga County is not worried about Greenfield. The stumbling block at this time is Saratoga County. Chandler, C. agreed and stated that the Town is trying to get the job done and contract with a primary provider however we are hitting some walls at the County. Supervisor Rowland stated that the fee that the County was looking to charge Empire for dispatch encompassed both the City of Saratoga and Greenfield and it was rather significant. Public Safety has stated that they will continue on mutual aid for Greenfield for the immediate future and try and get this matter straightened out as soon as possible. Cochran, C. asked if any other County charges for

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dispatch. Supervisor Rowland stated that they have not been able to find that out. They know that Warren, Albany, Schenectady and Rensselaer do not. Kinsella, C. asked if there was a way to enter an agreement that would allow for dispatch to begin while this was all being sorted out and if necessary agree to make payment in the future. Supervisor Rowland stated that one of the questions is whether it is the Town or Empire that is being billed for dispatch services. The residents of the Town already pay County taxes for services. Town Counsel Schachner stated that there was nothing wrong with an interim contract as long as terms can be reached. He was not sure how to reach terms without knowing this variable. Supervisor Rowland stated that he has also asked Town Counsel to look into the legality of whether or not it would be proper for Empire to bill a portion of the dispatch fee to the consumer. He added there is another for profit company that has a certificate of need for the entire County and there is no methodology to dispatch them. Supervisor Rowland felt that in the process people have lost sight as to who they are taking care of. We are talking about taking care of somebody's mother, daughter, husband, child, etc. There should be no question as to how that ambulance is called and delivered. There is no difference in sending an ambulance to 124 Main Street in Greenfield or 124 Main Street in Wilton. Why should there be a charge to dispatch one and not the other. Pemrick, C. suggested that the Board considered serving the County a notice of our concern for the safety and welfare of the people of the Town of Greenfield because we have to continue to exist under a mutual aid system that is not as efficient as the service we are looking to contract with. This process continues to endanger the citizens of Greenfield. Town Counsel Schachner stated that he would also like to call the County Attorney and speak with him. Supervisor Rowland felt that the County was disrupting the flow of this contract and possibly endangering the citizens of this community.

RESOLUTION # 62 – Authorize Supervisor to Formulate Letter to
Saratoga County

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Supervisor and Town Counsel formulate a letter to Saratoga County that expresses the displeasure and concern of the Town about putting the citizens of Greenfield at risk through prolonged response times.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Kinsella, C. felt that the Board should begin the process of setting up a committee and/or advertising for people to serve on the committee. Pemrick, C. suggested that we talk to the Fire Commissioners to discuss a committee since they thought it was a good idea. They can assist in setting up the details of the committee as to what they are going to do, the time frame, etc. Cochran, C. disagreed and felt that the Town Board should come up with the charge, etc. Kinsella, C. agreed with Pemrick, C. to start with the Fire Commissioners and put together a citizens committee.

GCBA Mass Gathering Permit - Chandler, C. stepped down from the Board at this time. Butch Duffney, President of the GCBA was present. He stated that they previously came to the Board and received approval to use the Middle Grove Park this year for their annual car show. The date for the show is June 10th. Mr. Duffney provided the Board with a copy of the proposed layout. It included a fire lane, extra portable toilets, food concessions, handicapped parking, etc. Spectator parking will be

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out in the front of the Park toward Middle Grove Road with overflow parking out in the back. There will be medical and first aid services, as well as EMT's on site. The GCBA will provide members to assist with parking and exiting and entering the Park. All the garbage and refuse will be removed from the Park at the completion of the event.

Cochran, C. asked if the participants parking on the fields would cause any damage to the fields. Mr. Duffney did not believe there would be any damage. There would only be cars down in the center. Any of the larger trucks and fire trucks would be off to the side. A certificate of insurance will be supplied listing the Town as additional insured.

RESOLUTION # 63 - Grant Mass Gathering Permit to GCBA

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby grants a Mass Gathering to the Greenfield Community and Business Association (GCBA) for their 4th Annual Country Car Show to be held at the Middle Grove Park on June 10th, 2012, and

FURTHER RESOLVED, that the Mass Gathering Fee shall be waived.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran

Noes: None

Abstained: Chandler

Part Time Seasonal Parks Position - Supervisor Rowland stated that they will be conducting the interviews this coming week

RESOLUTION # 64 - Increase Petty Cash for Brookhaven Pro Shop

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board authorized an additional \$100. in Petty Cash for the Brookhaven Golf Course Pro Shop.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 65 – Budget Amendments

Motion: Chandler, C.

Seconded: Kinsella, C.

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

\$17,007.99 from DA00599 to DA5110.4

3,587.98 from DA00599 to DA5130.4

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Eagle Scout Award - Supervisor Rowland stated that he had received an invitation to attend the Eagle Scout ceremony for Ryan Hallaran to be held on April 21st at the Saratoga Arts Center from 1 to 5 PM.

RESOLUTION # 66 - Resolution of Honor for Eagle Scout Award

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Supervisor be authorized to prepare a Resolution of Honor and present it to Ryan Hallaran on behalf of the Town.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

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Annual Financial Report for the Town for the Year 2011 has been filed with the NYS Comptroller's Office. A copy is on file in the Town Clerks office for review.

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

RESOLUTION # 67 – Highway Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 66 to # 88 in the amount of \$67,373.19 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 68 – General Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 147 to # 208 in the amount of \$24,337.47 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 69 – Park Bills

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That Parks Bills # 39 to # 72 in the amount of \$41,350.70 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

RESOLUTION # 70 – UDAG Bill

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bill #2 in the amount of \$39,091.52 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

On motion of Chandler, C. and seconded by Pemrick, C., the Board adjourned to Executive Session at 8:35 PM to discuss possible litigation and a personnel matter. Clerk was not present for session. No minutes were filed.

On motion of Pemrick, C. and seconded by Chandler, C., the Board returned to regular session at 9:15 PM. Supervisor Rowland advised that no decisions were made or actions taken during the session.

Supervisor Rowland stated that there was one other item of other business that was forgotten prior to going into executive session. He apologized for the oversight of the Board. There needed to be a discussion regarding handicapped access to the club house at Brookhaven Park. Highway Supt. Barss stated that he spoke with a few local concrete businesses and received prices and their input to replace the concrete patio area. In talking to an individual who was present when the deck was originally built, it was confirmed that it actually was a raised deck. There are floor joists with plywood on top and then the poured concrete. Over the years the structure has rotted and is beginning

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to collapse. Duane Wright stated that the earlier estimate that was provided to the Board was approximately \$5,000. for concrete. In order to do the job properly, they have found out that the actual cost would be between \$8,000 to \$9,000 for the concrete. This will raise the deck about 10” so that you will be able to enter and exit the building from the deck area without a handicapped ramp. The Highway Department will build a ramp out of macadam from the deck to ground level. The total estimated cost for the deck replacement is \$30,000. Supervisor Rowland stated that this project is being done in order to provide handicapped accessibility as well as for safety. The current deck area is a raised system that has severe cracking. Pemrick, C. stated that by making the deck handicapped accessible it will open up access to the clubhouse and restaurant area and be more in compliance in terms of the community being able to use the facility. Duane stated that at some point they will have to look at providing handicapped bathrooms, etc. since the current restrooms are located on the lower level. This would provide the Board will a little extra time to look into the larger project. Highway Supt. Barss stated that we were recently told by the Golf Pro that there will be an outing there in June or July for the Wounded Warriors.

RESOLUTION # 71 - Approve Replacement of Patio

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Town Board hereby authorizes the replacement of the concrete patio at the Brookhaven Park Club House at a price not to exceed \$30,000. to be paid for out of the UDAG Fund.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran, Chandler

Noes: None

Asphalt Costs - Highway Supt. Barss stated that asphalt prices have gone up at least \$5/ton since January. This would mean an impact of about \$75,000. on the Highway program at this time. Some adjustments may have to be made depending on what happens with the costs.

On motion of Pemrick, C. and seconded by Cochran, C., the meeting was adjourned at 9:25 PM.

Town Clerk