

April 11th, 2019 Town Board Minutes

The regular meeting of the Town Board was held on April 11th, 2019 with the following members present: Daniel Pemrick, Supervisor; Daniel Cochran, MaryAnn Johnson and Rick Capasso, Councilpersons. Absent was Kevin Veitch. Also present were Superintendent of Highways Walter Barss; Deputy Superintendent of Highways, Duane Wright and Mark Schachner, Town Counsel. Also present were approx. 8 residents.

A Public Hearing was opened at 7:00 PM by Supervisor Pemrick with the Pledge to the Flag. The purpose of the Public Hearing was to hear public comments for proposed Local Law # 1-2019 "Code of Ethics" –replacing Local Law 4-1998, Chapter 13 of the Town Code. Town Clerk presented proof of publication. Supervisor Pemrick advises that anyone interested in speaking will have 3 minutes to give their opinion.

Karen Wadsworth- Appreciates the changes to the Town's Ethics Code and feels good changes have been made. She has changes to the code and reads the changes to the sections and provides the verbiage for those changes, including Section 13-4 Definitions- Immediate Family; Section 13-5 she would add to the statement of purpose; add a sub-section "Honesty and integrity; would like guidelines for meeting attendance and training. She continues with her thoughts on changes to ethic board openings, how to apply and draw from the Milton Town Code. She requests changes to the review procedures. She thinks it is a State Law to post the Code of Ethics. A basic level of training should be required for all Boards and members. She questions the legality of having the accuser and accused in the same room. She lists other requests and language changes and presents them to the Town Board and Town Clerk.
Her full letter is on file and available for viewing at the Town Clerk's Office.

Tabitha Orthwein- Karen Wadsworth reads from Tabitha Orthwein's letter. She would like a better definition of Ethical Conduct. She questions financial interest of employees and criteria of an Ethics Board member. She reads Tabitha Orthwein's suggestions for complaints and reads suggested language. She reads Tabitha's suggestions for review procedures.
Her full letter is on file and available for viewing at the Town Clerk's Office.

James Van Dyk- He feels the proposed legislation is self-serving. People in the community have offered suggestions that were declined. Collectively, they have done a lot of research. He states where he feels the Board falls short. He'd like the Town Board to start again.
His full letter is on file and available for viewing at the Town Clerk's Office.

Marian Okeefe - She feels the public should be made aware of any proceedings. She feels Public input is vital. She encourages discussion and interaction instead of a closed atmosphere.
Her full letter is on file and available for viewing at the Town Clerk's Office.

April 11th, 2019 continued

The public hearing was closed at 7:34PM.

The regular meeting of the Town Board was opened at 7:34PM.

On a motion by Capasso, C. and seconded by Cochran, C. the March 14th, 2019 minutes were approved as submitted by all members present.

CORRESPONDENCE

Thank You letter was received by the Town for holding the Bill Koch Skiing event at Brookhaven Park.

Town Clerk received letter from National Grid to “opt-in” street light replacement program.

Letter from Lions Club –Their annual Town Wide Garage Sale will be held September 7 & 8 and are asking for the same support the Town has so graciously provided in the past.

Jessups Landing submitted the 1st Quarter 2019 Report for the Town of Greenfield.

Town Clerk received \$3.93 from the Cemetery Trust Association.

Open Space fee of \$500.00 was received from Mark Young.

DISCUSSION ETHICS POLICY- Supervisor Pemrick states the Town Board has held the public hearing and would like the Town Board to discuss proposed Local Law 1-2019 Code of Ethics, Chapter 13 of Town Code. The Board has reviewed ethics codes throughout Saratoga County and adjoining Counties. Town Counsel has provided Town Code examples and has reviewed our proposed Code. He feels it meets the standards required by New York State Law. Mark Schachner, Town Counsel states Town Boards have a lot of discretion in what is contained within the Ethics Code. The State statute that governs the requirements is short and is general. There is a wide range of provisions. He believes the proposed Code complies with the State requirements which are set forth in State Law General Municipal Code Sect. 806. It meets the legal requirements. Anything else is policy and that is up to the Town Board. Supervisor Pemrick states that we added to the standards of conduct and definitions, he feels the Ethics Board procedures were strengthened. Johnson, C. states that she worked on this policy and everyone looked at many Towns including Milton, Queensbury and many other Towns. Tonight she heard comments on two people coming to the Ethics Board at the same time referring to sexual harassment. That is a totally separate policy and feels this is not a Code of Ethics issue. We are updating the Sexual Harassment policy and feels that the 2 people coming at the same time would be an issue but is covered by a separate policy. Capasso, C. states employee issues are private they are dealt with in Executive Session. Ethics deals with Fiduciary concerns. Supervisor Pemrick refers to the Milton Code which was mentioned, he feels we do not need a five member board in the Town of Greenfield. We have had one incident since 1998 brought before the Town Board. Our Ethics Board has latitude per the new Ethics Code, something that’s not stated in the Code, does not mean the Board cannot use their own judgment. He feels that Board should consist of good people, with a good sense of right and wrong, common sense and the ability to make a good decision that is fair for all people involved. Capasso, C. explains criminal situations would be handled by the District Attorney’s office, Sherriff’s and other agencies. Cochran, C. states we scrub all codes from time to time. This is a good code it is not onerous,

April 11th, 2019 continued

in this Town we do not need a committee that meets on a regular basis. Supervisor Pemrick states per this code the Ethics Board is required to have an organizational meeting every year. The Milton Ethics Committee, as described in their Code, serves the authority of the Town Board and does not feel that is appropriate.

RESOLUTION #63-2019- ADOPT LOCAL LAW #1-2019 CODE OF ETHICS –REPLACING LOCAL LAW # 4-1998, CHAPTER 13 OF THE TOWN CODE

Motion: Capasso, C

Seconded: Johnson, C

RESOLVED, That the Town Board hereby adopts Local Law #1-2019 as proposed entitled Code of Ethics, replacing Local Law #4-1998, Chapter 13 of the Town Code.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

STORM WATER REPORT- MS4- The MS4 Storm Water Report has been submitted by Town Engineer Charlie Baker and is available for review at the Town Clerk's Office. Johnson, C. states that we are no longer required to hold a public hearing. Superintendent of Highways, Walter Barss concurs. Town Clerk will contact Mr. Baker to link the report to the Town's website.

SEXUAL HARASSMENT POLICY- Supervisor Pemrick says the State is requiring all Municipalities to have a Sexual Harassment policy in by October 2019. All members have a copy of a policy draft to look through so we can prepare and have one in place.

RECREATION DIRECTOR'S HOURS- Supervisor Pemrick states the Recreation Director submitted a letter to the Town Board with the hours she worked 2018. She would like to increase her earned vacation hours retroactive to January 31st of this year. Johnson, C questions what we have in that budget it may be tight at year's end. Supervisor Pemrick would accept this on the condition that we speak with the Budget Officer, Board agrees. She would like the Board to consider this a full time position which we will discuss at budget time.

SPEND HIGHWAY FUNDS- Superintendent of Highways, Walter Barss would like to attend Superintendent School the first week of June. Classes include training in Storm Water Management, legal panels, sexual harassment, ethics, drainage and he would like to attend. Supervisor Pemrick acknowledges our road program is a result of the Road Building training from this school. W. Barss states they teach how to be cost effective among other things. The cost is \$300 for three nights. They provide all the meals.

RESOLUTION #64-2019- AGREEMENT TO SPEND HIGHWAY FUNDS

Motion: Capasso, C.

Seconded: Cochran, C.

RESOLVED, that he Town Board agrees to spend Highway Funds for the Superintendent of Highways, Walter Barss to attend Highway School in June, 2019.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

April 11th, 2019 continued

OPEN DEVELOPMENT LAKE DESOLATION ROAD- Supervisor Pemrick states we have an Open Development referral from the Zoning Board of Appeals Case #1014 for Jared and Aimee Mahay, 300 Lake Desolation Road, Tax Map ID #149.-1-1. The lot has no frontage.

**RESOLUTION #65-2019- ACCEPT OPEN DEVELOPMENT APPLICATION FOR MAHAY
300 LAKE DESOLATION RD**

Motion : Cochran, C.

Seconded: Johnson, C.

RESOLVED, that the Town Board hereby accepts the Open Development Application for Jared and Aimee Mahay for 300 Lake Desolation Road and refers it to the Planning Board for their review and recommendation.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

PURPLE HEART TOWN- Supervisor Pemrick states we passed a Resolution recognizing Greenfield as a Purple Heart Town, which requires Greenfield to post a replica sign of the Purple Heart honoring our wounded US Soldiers. He and Walt Barss are looking for sign printers so 2 signs can be posted in Town.

Monthly reports were submitted by Town Clerk, Highway Dept. , Town Justices and Bob Gizzi from the Building Dept.

Supervisor Pemrick states the Highway Superintendent submitted a list of funds in the Town Budget that were approved when the Budget was adopted and authorized the Highway to expend their funds. They will be meeting with Joan to see they are transferred for this year's budget.

Supervisor Pemrick states there will be a Public Notice in the Local First from the Code Enforcement Office reminding the need for permits, cleaning up their yards, dealing with Solar Companies, minimum acreage for farm animals and they need shelter, unsafe buildings and unlicensed vehicles in yards.

RESOLUTION #66-2019- GENERAL BILLS

Motion: Johnson, C.

Seconded: Capasso, C.

RESOLVED, that the General Bills from # 213-282 in the amount of \$41,552.02 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

RESOLUTION #67-2019-HIGHWAY BILLS

Motion: Johnson, C.

Seconded: Cochran, C.

RESOLVED, that the Highway bills from # 67-89 in the amount of \$52,563.77 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

April 11th, 2019 continued

RESOLUTION #68-2019- PARKS BILLS

Motion: Capasso, C.

Seconded: Johnson. C.

RESOLVED, That the Parks bills from #47 -62 in the amount of \$6,417.30 be paid.

VOTE: Ayes: Pemrick, Cochran, Johnson, Capasso

Noes: None

Absent: Veitch

On a motion by Capasso, C. and seconded by Johnson, C. the meeting was adjourned at 8:00 PM.

Town Clerk