

August 11<sup>th</sup>, 2011

The regular meeting of the Town Board was held on Thursday, August 11<sup>th</sup>, 2011 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, Code Enforcement Officer Gerard McKenna, Town Engineer Charlie Baker and approximately 20 residents.

At 7:25 PM the Board met as a Board of Health.

Unsafe Building – 181 Porter Corners Road – Germain - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 8/11/2011. The compliance date was 7/17/2011. As of this date, the structure has been knocked down, however all the debris remains on the property. Code Enforcement Officer McKenna stated that there was no change since the last inspection and in his opinion it has actually gotten worse. It appears that addition junk, junk cars, etc. have been added to the property. Cochran, C. stated that there appeared to be some sort of structure remaining on the property and asked what it was. G. McKenna stated that it was a garage and that it was okay. Supervisor Rowland stated that there have been emails and phone calls from neighbors concerned with the property. Kinsella, C. asked if the property owner obtained a demolition permit. G. McKenna stated that he talked to the property owner once and has not heard from his since. No demolition permit was issued. Pemrick, C. suggested that a notice be sent to the property owner with a final completion date or the Town Highway Department will remove all the debris. On motion of Kinsella, C. and seconded by Cochran, C., the Town Clerk was instructed to send a letter to the property owner giving them until 9/6/2011 to remove all remaining debris from the property or the Town Highway Department will commence a cleanup operation. All Board Members in favor.

Unsafe Building – 37 Main Street – Mangona - Highway Supt. Barss stated that the steel has been removed from the property. There was one pile of roofing remaining that he was told would be taken care of this week. Highway Supt. Barss estimated that there was approximately 1 pickup truck size load remaining. Highway Supt. Barss stated that he would check to see if the debris has been removed within the next week. If not, he will remove it and all expenses will be charged to the property.

The regular meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Kinsella, C., the minutes of 7/14/2011 were approved as submitted by all members present.

Notice of Petition – Article 7 Real Property Tax Law – Karan Garewal vs. Town of Greenfield Assessor and Board of Assessment Review.

Proposed Town Code Revisions – Cochran, C. provided the Board with his final package of proposed revisions. This process started back in March. He hoped to have the information available on the Town website within the next couple of weeks and to schedule a public hearing. The most recent addition to the proposed changes are changes made to the Code Enforcement Section of the Code. Kinsella, C. stated that he reviewed the State Law. He also compared the Town Code to the Codes for the Towns of Milton, Ballston and Moreau. He did not feel that the Town Code was aligned with the State Law as well as the other Towns were, therefore he suggested the proposed changes to Chapter 54 of the Town Code. Supervisor Rowland suggested that in the Mobile Cart

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Vendor section item 6-1 that the definition be changed to read homemade craft items, rather than just craft items. Under the Penalties for Offenses section, the proposed fine is \$250.00 on a \$100. license. He suggested that the fine amount should be raised and that the person be required to purchase the license as part of the penalty. Town Clerk stated that in the back of the package provided by Cochran, C., the Code Enforcement Officer has suggested that the fine be raised to \$350. Supervisor Rowland also suggested that they may want to develop some sort of time line regarding the demolition debris associated with Unsafe Buildings. He suggested that clean up must be complete within 60 days of demolition. Kinsella, C. also wanted to add a statement which indicates that the property must be cleaned up to the satisfaction for the Code Enforcement Officer who will perform a site inspection. Pemrick, C. noted that the Town Clerk would be issuing the license for the Mobile Cart Vendors and asked who would then enforce the regulations. Cochran, C. stated that it would be the responsibility of the Code Enforcement Officer. Kinsella, C. stated that with the proposed changes he has made to Chapter 54, it clearly states that the Code Enforcement Officer was responsible for the enforcement of the Town Code which Mobile Vendor Cart is part of. Pemrick, C. questioned whether the issuance of the license should also be the responsibility of Code Enforcement rather than the Town Clerk. Supervisor Rowland added that it was important to make sure that the vendor supplied the Town with a valid NYS Health Permit. In addition, he felt that they should also provide the Town with a Certificate of Insurance. Lastly, he would like to see written permission from the landowner where the Mobile Vendor Cart sets up.

RESOLUTION # 108 – Schedule Public Hearing on Proposed Local Law  
No. 1 -2011 – Town Code Revisions

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That a public hearing be scheduled for September 8<sup>th</sup>, 2011 at 7:25 PM on Proposed Local Law No. 1 – 2011, Town Code Revisions.

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

Noes: None

Parks Advisory Committee – Supervisor Rowland stated that there was a group of seven individuals who have expressed an interest and have volunteered to serve on an advisory committee. He asked that the Board consider making the appointments to the committee and ask Peter Coseo to Chair the committee.

RESOLUTION # 109 – Appoint Parks Advisory Committee Members

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the following individuals be appointed as members of the Parks Advisory Committee: Peter Coseo, Adam Wojcicki, Paul Lunde, Louise Okoniewski, Steven Schriber, Lois Heller and Gary Heller, and

FURTHER RESOLVED, That Peter Coseo shall be appointed as Chairman of the Committee.

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

Noes: None

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Brookhaven Park Report – Duane Wright stated that both he and Chris Baker have provided the Board with written reports. The golf course is in very good condition. It continues to be doing quite well as far as rounds of golf being played. Supervisor Rowland added that the internet connection has finally been installed, along with the digital television connection. The phone lines have also now been rolled over to Time Warner Cable as well. There is still some cabling that has to be completed for the Point of Sale system, however everything should be up and running within the next couple of days. Cochran, C. asked if the extension of this line would benefit any residents along the road. Supervisor Rowland stated that it had the potential to benefit the residents between the clubhouse and the last pole location.

Building Inspection Requirements - Kinsella, C. stated that Board members had received some questions as to why both the Building Inspector and an Engineer had to make inspections of the same stuff. He thought that it seemed redundant and was looking for a better understanding of what the requirements were rather than burden people with having to get two inspections done while they were making improvements or building a new home. Code Enforcement Officer McKenna felt that two sets of eyes were better than one. He stated that the Town Code has required the two inspections since 2003. Kinsella, C. asked where that requirement was in the Code. G. McKenna stated that it was in Chapter 54 Section 5E-2 which states that prior to the issuance of the Certificate of Occupancy the design engineer shall certify that the building has been inspected and constructed in compliance with the Code. G. McKenna stated that he basically requires them to look at the footings, foundation, framing and insulation. He noted that with the insulation there are approximately 11 different ways to comply with the energy code. Kinsella, C. stated that he felt that this requirement was in excess of what is required in Part 1203 of the State Regulations. The Building Inspector could choose to have an engineer do an inspection for him, but it only requires one inspection. Tonya Yasenchak, Wilton Road, stated that she is an engineer and she has done some work in the Town. The Town Code requires a letter of certification by an engineer. Even though the Town Code does not state that you need the extra inspections, no engineer is going to give you a letter without having looked at the project during all the phases. G. McKenna stated that the Town also requires above and beyond what the State Health Department requires for septic systems. Kinsella, C. stated that based on some of the soil conditions in Town there is a good reason for that. He added that right now residents have to pay a fee for the building inspector in addition to paying for an engineer to come out and make inspections. They are having to pay for things twice and are getting held up coordinating the inspections. Kinsella, C. stated that his proposed revision takes out that requirement. Cochran, C. also felt that it was a burden on the homeowner. He understood that sometimes a second set of eyes was better, however he felt that it was a burden on the homeowner. Charlie Baker, Town Engineer, stated that from what he has found is that most municipalities do not require the additional inspection. He agreed that two set of eyes are always better than one. However, he understood the cost and time issues. G. McKenna stated that they are looking at two different things. The engineer is looking to see if everything was done per their plan. He looks to see if everything was done to Code. Susan Celia, Braim Road, stated that she

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had a question regarding the inspections. If an engineer was employed by the contractor and the Code Enforcement Officer was not doing an inspection, there could be a void. She felt that there could be a conflict of interest. She felt that the second set of eyes was an asset to the consumer. Kinsella, C. noted that his proposed change states that if an engineer is used to do the inspection it must be an engineer that has been approved by the Building Inspector. Susan Celia felt that a second set of eyes should be required for structural and septic inspections. Chandler, C. stated that the proposed change would not effect the septic system requirements. Engineer certification would still be required for that. Susan Celia asked if the Building Inspector would still make the inspection as well. Supervisor Rowland stated that a septic system is designed by an engineer and he/she certifies that the system was installed in accordance to the plan. The Building Inspector does not make an inspection. Mrs. Celia asked what would happen if it was not installed according to the plans. Supervisor Rowland stated that that would be the responsibility of the engineer who certified the system. Mr. Celia asked who would be responsible for enforcement. Town Counsel Schachner stated that if it is a failed septic system, the Town Board has powers to enforce against that failure. This would be separate and apart from the engineers' liability. Mrs. Celia asked at what point the Code Enforcement Officer would take action if he was notified of a failure of a septic system. Town Counsel Schachner stated that the Code Enforcement Officer has discretion as to when enforcement action is taken. The Town Board could also act as a Town Board of Health and there is a Town Health Officer who is authorized to inspect failed septic systems as well. There are at least these 3 possible enforcement reviews at the Town level. In addition, the New York State Health Department has that authority as well. Mr. Celia explained on two occasions the engineer certified the septic system for 21 Braim Road. On the third occasion, after the Code Enforcement Officer and the Department of Health were all aware that the system was not constructed in accordance with the approved plans due to on site visits, he then promised to repair the system himself. Subsequent to that, after finding out how expensive it would be, he decertified the system and submitted that paperwork to the Code Enforcement Officer. The Department of Health was asked to look into an enforcement action and has deferred it back to the Town. Mr. Celia stated that the Town needs to respond to the Dept. of Health letter that was issued several months ago which stated that the Town needed to take enforcement action regarding this issue. Supervisor Rowland stated that that would be a separate issue from what is being discussed as far as building inspection requirements and the proposed Code revisions.

Concerns of Lake Desolation Residents – Supervisor Rowland reviewed the procedure for public comments asking anyone wishing to address the Board to come to the front of the room and state their name and address for the record. All concerns must be addressed to the Board and there will be no public debating back and forth in the room. Donna Edgerly, 8 Park Avenue – Ms. Edgerly stated that she was speaking on behalf of many of the residents and that they are looking to have a safer environment for the residents and the visitors of Lake Desolation. Last year a gentleman drowned in the Lake and just recently there was a bike accident. She stated that there is a fence, that is about 3 ½ feet high and is on the shoulder of the road in front of the tavern. This poses a safety issue for pedestrians and traffic. Ms. Edgerly provided the Board with a picture of

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the fence and a vehicle parking in front of the fence. At times, the parking around the tavern is dangerous. There have been occasions when some of the residents have had to have law enforcement come in. She stated that it was not anyone's intention to make it harder for the tavern owner. This was a unique situation where there is a business located in close quarters to residences. The bike traffic on the road is very scary. It has increased tremendously. There is a lot of traffic, including truck traffic, going up and down the mountain. The bikes ride 2 and 3 wide and there is not a safe lane to ride or drive in. The road is narrow and there are many blind corners. Ms. Edgerly stated that the residents' concerns were not personal against Mr. Miller at all. The residents and Mr. Miller recently resolved an issue which worked out great and everyone is really happy. However, the safety issues are a very big concern for the residents. Mark Gauthier, Lake Desolation – Mr. Gauthier stated that the fence was a very big issue for him. The fog up by the lake is very thick and if anyone were to go off the road and hit the fence the 2 x 4's will go right through the windshield. The fence should be back at least 72 inches from the road. It did not have to be taken down, just moved back. Mr. Gauthier stated that the bikes going down the mountain are going faster than cars, 55+ mph. He added that there are rocks and sand from the gravel bank along the road all the time and if they hit one of those rocks they are not only endangering themselves, but the people in cars coming up the hill. Mr. Gauthier stated that he heard that there were discussions regarding putting up No Parking signs. He did not think that that was necessary. They could work with Mr. Miller. He could increase the parking behind his bar for more parking for his people so that they are not parking on the highway. Mr. Gauthier added that another reason to move the fence back was so there was a breakdown lane. If a car overheats coming up the mountain they can not pull over because the fence is so close to the road. They would have to park in the driving lane. Mr. Gauthier asked that the Town Board look into these serious safety issues. Supervisor Rowland noted that until you get up to the bridge, the Town has no control over the road. It is a County road. Mr. Gauthier stated that they would like the Town to apply to the County and let them know about these health and safety issues. Lynn Baker, Grange Road, asked whose responsibility it would be to put in a bike path along side the road. Supervisor Rowland stated that it would be the County. Mrs. Baker asked if the bikers had to follow the same rules as the cars on the road and questioned what the speed limit was on the road. Supervisor Rowland stated that the speed limit was 55 mph. Mrs. Baker questioned whether the speed limit could be lowered. Supervisor Rowland stated that a request would have to be made to the County and they would in turn have to send it to the NYS Dept. of Transportation. Mrs. Baker asked if there was any place for a runoff if a truck were to lose its brakes on the way down the mountain. Supervisor Rowland stated that there was not.

Resolution of Honor – Saratoga County Deceased Veteran – Supervisor Rowland provided the Board with a draft Resolution. He added that Myron Rowland was his Uncle and he was honored at the County as a deceased veteran at their July meeting.

RESOLUTION # 110 – Resolution of Honor – Myron Rowland

Motion: Kinsella, C.

Seconded: Chandler, C.

WHEREAS, the freedom, security and prosperity that the American

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people have enjoyed throughout the history of our nation have been preserved due to the heroism and sacrifice of the men and women who have served in our armed forces, and

WHEREAS, the Town of Greenfield Town Board wishes to honor and memorialize the lives and courageous deeds of members of the armed forces who have served with distinction in the defense of our nation, and

WHEREAS, MYRON J. ROWLAND was a Greenfield resident who proudly served our country and our Town in the armed services of the United States of America; and

WHEREAS, MYRON J. ROWLAND of the Town of Greenfield served in the United States Army Infantry during World War II as a Private First Class in the 151<sup>st</sup> Infantry, attached to the 38<sup>th</sup> Division, as a Rifleman; and

WHEREAS, MYRON J. ROWLAND served for forty-two months overseas in the Pacific Theatre during World War II in Campaigns which included Luzon, New Guinea and South Philippines; and

WHEREAS, MYRON J. ROWLAND was awarded the American Service Medal, the Asiatic-Pacific Service Medal with Bronze Arrowhead, the Good Conduct Medal and the Philippines Liberation Medal with Bronze Star; and

WHEREAS, after his discharge from the Army on November 12, 1945, MYRON J. ROWLAND was employed for 48 years with Ellsworth Ice Cream Company in Saratoga Springs, New York, working in production and plant maintenance; and

WHEREAS, MYRON J. ROWLAND also ran his family's farm raising beef cattle, chicken and pigs until the late 1980's; and

WHEREAS, MYRON J. ROWLAND served his community as a charter member and treasurer of the Greenfield Volunteer Fire Company No. 2, as a member of the Volunteer Fire Police, the State Fire Police Association, the Saratoga County Volunteer Fire Association, the Greenfield Grange #807 for over 50 years, the Saratoga County Pomona Grange and the Greenfield Senior Citizens; and

WHEREAS, MYRON J. ROWLAND risked his life in the defense of the principles of freedom and democracy for which our nation stands; and

WHEREAS, it is fitting that the heroic service and sacrifice of MYRON J. ROWLAND for his nation and community be recognized and remembered and his memory be honored; NOW THEREFORE BE IT

PROCLAIMED on this 11<sup>th</sup> day of August, 2011 the Town Board passes this Resolution of Honor in memory of MYRON J. ROWLAND, in grateful recognition of his service to the Country and Community on behalf of all of the citizens of the Town.

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

Noes: None

RESOLUTION # 111 – Community Center Use Requests

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the following organizations be authorized to use the Community Center for their regular meetings:

Mulleville Snowmobile Club – 2<sup>nd</sup> Tuesday of each month from 7:00 to 9:00 PM  
September to April

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Girl Scout Troop #3618 – Mary Yuhasz, Leader – Every other Wednesday from 6:00 to 7:30 PM , September to June

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

Noes: None

2012 Insurance – Supervisor Rowland stated that he met with Dave Meager, the Town Insurance Agent with Adirondack Trust Insurance, regarding our insurance which we purchase through NYMIR (New York Municipal Insurance Reciprocal). NYMIR has done a complete inspection of all of our buildings. They have reduced the overall cost of replacement for the buildings. Mr. Meager wanted to remind the Board that the Town does have an Umbrella policy for \$6 Million which would cover the cost to replace any of the buildings even though the values have been lowered slightly. Mr. Meager believed that the Town should see about an 8% reduction in our premiums this coming year. He also stated that since the Town changed to NYMIR, the Town has saved a considerable amount of money over the past two years.

RESOLUTION # 112 – Sales Tax Distribution

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby requests that the Town's share of the 2011 sales tax revenues be returned to the Town by a cash distribution.

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

Noes: None

Dog Enumeration - Town Clerk advised that they are continuing to work on the Townwide Dog Enumeration. The enumeration has been completed in a little less than half of the Town. We continue to run at about 50% licensed and 50% unlicensed. By the time the enumeration is complete, we will probably have doubled the number of licensed dogs in Town.

Celia Property, Braim Road – Kinsella, C. stated that the Celia's brought up a situation during the discussion regarding Town Code regulations that he would like to take a look into. Supervisor Rowland asked that the Code Enforcement Officer put together a report with a timeline of the events that have occurred. Pemrick, C. would like to see the report with a history of the situation which the Board can review and make a decision on. If necessary they can ask for a legal interpretation from Town Counsel. Chandler, C. felt that the Board needed the information so that they can determine if it was even within their jurisdiction to act. Supervisor Rowland asked the Code Enforcement Officer to submit his report within the next week.

Monthly reports were submitted by Brookhaven Park, Town Justices (June & July), Highway Supt., Building Department, Town Clerk, Dog Control Officer ( May & June), UDAG Revolving Loan Fund and Town Supervisor.

RESOLUTION # 113 – General Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 412 to # 474 in the amount of \$45,880.54 be paid, subject to audit.

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

Noes: None

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RESOLUTION # 114 – Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 130 to # 151 in the amount of \$199,908.68 be paid, subject to audit.

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

Noes: None

RESOLUTION # 115 – Park Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Park Bills # 123 to # 151 in the amount of \$48,678.22 be paid, subject to audit.

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

Noes: None

RESOLUTION # 116 – UDAG Bill

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That UDAG Bill #12 in the amount of \$239.43 be paid, subject to audit.

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

Noes: None

On motion of Kinsella, C. and seconded by Cochran, C., the Board adjourned to Executive Session at 8:27 PM to discuss a personnel matter. Clerk was not present for session and no minutes were filed. On motion of Chandler, C. and seconded by Cochran, C., the Board returned to regular session at 9:02 PM.

Old Voting Machines – Highway Supt. Barss asked if a decision had been made as to what is going to be done with the old voting machines. Supervisor Rowland stated that he would like to see one of the machines and supplies for it, be donated to the Historical Society to be kept at Odd Fellows Hall. The remainder of the machines can be disposed of.

RESOLUTION # 117 – Declare Old Voting Machines as Surplus

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby declares all the Lever Voting Machines owned by the Town as surplus, and

FURTHER RESOLVED, That one machine with supplies shall be donated to the Town of Greenfield Historical Society and the remainder of the machines shall be disposed of.

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

Noes: None

On motion of Pemrick, C. and seconded by Chandler, C., the meeting was adjourned at 9:04 PM.

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Town Clerk