

August 12th, 2010

The regular meeting of the Town Board was held on August 12th, 2010 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 8 residents.

At 7:20 PM the Board met as a Board of Health.

Unsafe Building – 210 No. Greenfield Road – O’Donnell - Supervisor reviewed the report from the Code Enforcement Officer dated 8/11/2010. There has been no change to the property since June 3rd, 2010. There has been no communication, either verbal or written, from the property owner. On motion of Kinsella, C. and seconded by Chandler, C., the Town Clerk was instructed to send a notice to the property owner informing him that if the Town has not heard from him by September 7th, 2010 that the Town would remove the unsafe structure and all expenses incurred will be charged to the property. All Board members voted in favor.

Unsafe Building – 353 Grange Road, Lot 19 – Layman - Supervisor reviewed the report from the Code Enforcement Officer dated 7/21/2010 which indicated that the homeowner was Charlotte Brust and the property/park owner was Donald Layman. Charlotte Brust was present and stated that she does not own the home. She rents the mobile home from the landowner, who she does not believe even owns the home himself. At some point before July 18th, Child Protective Services and the Town of Greenfield came out and inspected the home, but did not condemn the home at that time. They gave her a list of things that needed to be fixed, which she did. About one month later someone else from CPS visited her home along with the Town and at this time they condemned the home, leaving herself and her six year old son homeless. Ms. Brust stated that she put over \$2,000. into repairs, as well as paying the lot rent. Now she is out on the street, with no where to go and the landlord will not give her any money back. She stated that the landlord knew that this home had been condemned 2 years ago and was supposed to be removed from the property. She tried to do as much as she could so that they could live there since they have been in a hotel for the past 5 years. Supervisor Rowland asked if any improvements have been made to the home since. Ms. Brust stated that no further improvements have been made because they made her leave and did not tell her that she could go back in to fix things. Pemrick, C. stated that the home is considered to be uninhabitable and it is the concern of this Board that no one is living there or will be allowed to live there until the Code Enforcement Officer states otherwise. Unfortunately, this Board can not help to get her money back. Pemrick, C. felt very badly about the position that Ms. Brust was in and suggested that she continue to seek help to try and get her money back and continue to work with CPS to find appropriate housing. Kinsella, C. asked if Ms. Brust had anything in writing that she could use against the landowner. She stated that she did. Kinsella, C. suggested that she pursue something in Small Claims Court. Supervisor Rowland stated that he would also try and speak with someone from CPS to see if there was anything else that they could do. On motion of Kinsella, C. and seconded by Cochran, C., an Unsafe Building Hearing was scheduled for 7:25 PM on September 2nd, 2010. All Board members voted in favor.

Unsafe Building – 47 Main Street – Mangona – Supervisor reviewed the report from the Code Enforcement Officer dated 7/16/2010. The building has

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deteriorated to a point where the roof is collapsing. The front porch has collapsed and the pier foundation is failing. On motion of Kinsella, C. and seconded by Cochran, C., an Unsafe Building Hearing was scheduled for 7:20 PM on September 2nd, 2010. All Board members voted in favor.

Unsafe Building – 40 Greene Road – Medvec - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 8/11/2010. Mr. Medvec was looking for an extension until the 1st week in September. He is in the process of having the building removed from the property. Board in agreement to hold until the September meeting.

Unsafe Building – 539 Sand Hill Road – Szmachlo – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 8/11/2010. The building suffered extreme fire damage and constitutes a serious health and safety risk. On motion of Kinsella, C. and seconded by Cochran, C., an Unsafe Building Hearing was scheduled for 7:15 PM on September 2nd, 2010. All Board members voted in favor.

The regular meeting of the Town Board was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Cochran, C. and seconded by Pemrick, C., the minutes of 7/8/2010 were approved as submitted by all members present.

Open Space/Parks and Recreations Fee from Fred Caldwell III for \$500.

Report for the 2009-2010 school year for students enrolled in the Franklin Community Center's after school program, Project Lift, at the Greenfield Elementary School.

Article 7 Notice of Petition filed by Verizon New York, Inc.

Small Claims Petition for Assessment Review filed by Kevin Joyce.

New York State Retirement Standard Work Day – Supervisor Rowland advised that there was still one more individual who needed to turn in their work day calendar. Item to be placed on next months agenda.

Surplus Paver – Highway Supt. Barss stated that the Town had advertised for bids and had no response or offers of any kind. The Town of Corinth would like to purchase the paver from the Town of Greenfield for \$5,000. Highway Supt. Barss asked the Board to consider approving an intermunicipal agreement allowing for the sale between Towns. Pemrick, C. asked if that was a fair price. Highway Supt. Barss felt that was a good amount.

RESOLUTION # 112 – Intermunicipal Agreement for Used Paver

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves an Intermunicipal Agreement to sell the Surplus 1986 Barber-Greene Track Paver to the Town of Corinth for the sum of \$5,000.

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

Noes: None

Hazardous Waste Collection – Supervisor Rowland reminded everyone that the Hazardous Waste Collection Day was scheduled for August 21st. Anyone who

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had pre-registered should be sure to drop their waste off at their scheduled time. Supervisor Rowland was also looking for volunteers to help out the day of the collection.

Lake Desolation - Al Hillmeyer stated that the condition of the property that was the site of an unsafe building across from his house is unacceptable. The property is not being maintained and is taking away from the value of his homes. Pemrick, C. felt that the key statement was “maintaining the property”. He added that this was no longer an unsafe building. The property may be poorly maintained, but that is not an issue that this Board can deal with under the current laws. This would be a Zoning issue that would be under the jurisdiction of the Code Enforcement Officer. Pemrick, C. noted that people have different standards as to how they choose to present themselves and their property. Mr. Hillmeyer asked the Board what would be acceptable to them. Kinsella, C. stated that the Code Enforcement Officer determines whether a building is safe or unsafe. If he determines that a structure is unsafe, than the Board will take action. Pemrick, C. stated that individually the Board can not assess personally every situation that someone brings before the Board. There has to be a standard within the Town so that the law is applied equally to everyone in the Town. The Code Enforcement Officer interprets what is acceptable. In this case, there is nothing that this Board can do. There is no longer a structure on the property. Supervisor Rowland agreed and stated that the Code Enforcement Officer has to make a determination as to whether the property is in violation of any other Town Codes. This in no longer a matter in front of this Board.

RESOLUTION # 113 – Resolution of Honor for Mary DeMarco

Motion: Cochran, C.

Seconded: Pemrick, C.

WHEREAS, **Mary DeMarco**, has decided to retire as Town Historian for the Town of Greenfield, and

WHEREAS, **Mary DeMarco**, held the position of Town Historian for the last 20 years, and

WHEREAS, **Mary DeMarco**, during her tenure as Town Historian has provided invaluable service, advice and information to individuals researching their family histories, and

WHEREAS, **Mary DeMarco**, created a series of history lessons entitled ”History Alive” that is used by local elementary students as part of their lessons on local history, and

WHEREAS, the Town Board wishes to express its thanks and deep appreciation to **Mary DeMarco** for her years of dedicated service to the Town and its residents and wishes her many years of enjoyable retirement, NOW THEREFORE,

BE IT RESOLVED, by this Town Board on behalf of the residents of the Town of Greenfield, that this resolution be spread upon the minutes of this meeting, and

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to said **Mary DeMarco**.

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

Noes: None

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RESOLUTION # 114 – Schedule Date for Fall Cleanup

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to advertise for the Fall Cleanup to be held starting September 25th, 2010 and running to October 3rd, 2010, and FURTHER RESOLVED, that there will be a limit of 4 Tires accepted per household.

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

Noes: None

Equalization Rate - Supervisor Rowland advised that he received notification from NYS Office of Real Property Services that the equalization rate for the Town of Greenfield will be 100%.

Summer Recreation Program - Supervisor Rowland stated that the Recreation Director provided the Board with a written report regarding the program. There was an average of 80 participants per day, with a total of 152 campers. They went on several field trips including Kawing Crow, Bowling, Animal Land, Tree Pad, Lake George Steamboat and the Saratoga County Fair. They also had some special events come to the program such as Birds of Prey and Hip Hop Dancing.

Supervisor Rowland announced that this Summer's Learn to Golf Program was also very successful.

Town Historian's Office - Supervisor Rowland stated that they were in the process of moving the Town Historian's Office into one of the vacant offices at the lower level of the Town Hall. The new Town Historian is very excited about getting going and has some good ideas.

Community Center Use Requests – Town Clerk stated that she had received 4 requests for use of the Community Center from organizations who have used the room for their meetings in the past. One of the groups, Troop 3254, would also like to ask for permission to use the Community Center for a haunted house in October. Supervisor Rowland noted that the group is looking to charge admission for the haunted house. Chandler, C. asked who the proceeds would be going to and asked if that was a problem that they were going to be charging admission. Town Counsel stated that it would be a problem if the proceeds were not going to the Girl Scouts. Supervisor Rowland stated that typically the Board has not allowed use of the building for a for-profit event. Kinsella, C. suggested that if the Board choose to allow this event, perhaps the group could solicit donations rather than charge an admission. Pemrick, C. asked if this would interfere with any other activities. Town Clerk advised that the meals on wheels program and senior exercise programs are held in the building during the day. Town Clerk to contact the troop leader to obtain information regarding the admission fee to be collected and see if they could try and coordinate with the other users.

RESOLUTION # 115 – Approve Community Center Use Requests

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves use of the Community Center for the following organizations to hold their regular meetings:

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Mulleyville Snowmobile Club – 2nd Tuesday of month from 7:30 to 9:30 PM,
September to April

Girl Scout Troop 3263, Melissa Nicolaysen, Leader – Saturdays from 11:30 AM
to 2:30 PM, September to May.

Girl Scout Troop 3105, Jennifer Ginley, Leader – 1st & 3rd Thursday from 6:30 to
8 PM, September to June.

Girl Scout Troop 3254, Melissa Nicolaysen, Leader – Tuesdays from 3 to 5 PM,
September to May

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

Noes: None

Albert Janik, King Road - Mr. Janik stated that at the May, 2010 meeting the Board authorized the purchase of a mower for the Parks Department to be paid for out of the contingency fund or unappropriated fund balance. He believed that that changed and the purchase was made out of UDAG Funds. Supervisor Rowland agreed that the funds came out of UDAG. Mr. Janik asked at what point the Board had a discussion and made a motion to change the funding for payment. Pemrick, C. stated that the Supervisor, after speaking with UDAG Counsel, determined that it would be appropriate to make the purchase from UDAG Funds and the bill was submitted for approval and payment at the June meeting. Mr. Janik stated that the motion to pay the UDAG bills was for a specific dollar amount and that there was no discussion by the Board about paying for the mower. Mr. Janik did not believe that it was appropriate to pay for the mower out of those funds. There are restrictions and limitations as to what you can use the money for. They purchased a piece of equipment to provide a service that was presently being done by the Parks Dept. and it was not a new service or new Town Park. Pemrick, C. stated that he specifically remembered the mower being mentioned when the dollar amount was approved. In addition, the Supervisor spoke with UDAG Counsel regarding the appropriateness of this purchase and determined what the requirements were that the Town had to meet when expending funds. Mr. Janik felt that the motion made on May 13th should have indicated that the mower would be paid for out of UDAG funds and a discussion should have been held at that point as to the appropriateness of using that fund. Mr. Janik stated that in prior conversations with federal representatives of the UDAG Fund, you can not use UDAG money to buy replacement equipment. Pemrick, C. stated that he was on the Town Board with Mr. Janik when previous discussions were held and remembers that it was very unclear and perhaps somewhat subjective in terms of how many of the rules could be interpreted. In terms of procedure, perhaps the Board should have made some sort of statement indicating that these funds were available under certain conditions, etc. Mr. Janik stated that some discussion must have been held between the time the authorization of purchase was made and the expenditure of funds was made. He felt that the discussion should have been made in public. He would have liked to have voiced his opinion regarding the expenditure. Al Hillmeyer, Lake Desolation, asked what kind of machine was purchased and suggested that they could have purchased a mower for much less at Lowe's. Supervisor Rowland explained that it was a Toro 72" Zero Radius mower which was purchased under municipal contract price.

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Albert Janik stated that at some point Mike McNally retired. He did not see any public announcement regarding that. He also did not see any publication where the Town was looking to fill the position for Maintenance Worker. Mr. Janik asked how the Board decided to put Channon Emigh into the position. He also questioned why the rate of pay for Channon was set for \$16.73 per hour when the rate of pay for Mr. McNally was \$18.60 per hour. Supervisor Rowland stated that longevity was one of the reasons for the difference. Mr. Janik stated that Mr. McNally's rate of pay was set at the same rate as the Highway Dept. and he did not believe that the Town had longevity pay. He stated that the Town did have a policy when someone was hired that they were provisional and paid at a reduced rate and asked if that was what happened in Channon's case. Supervisor Rowland stated that the rate of pay came from a median from what was Mike's pay and what was Channon's pay and she was promoted from within. Mr. Janik asked if the job description had been changed. Supervisor Rowland stated that the job description was updated and was reviewed with the County. Mr. Janik questioned when all this took place. Pemrick, C. stated there were two different job descriptions, one for the Maintenance Worker position and one for the part-time seasonal employee. The Board discussed them and used them when hiring the new seasonal employee.

Mr. Janik felt that the Board is doing a lot in Executive Session and there has been a meeting of the minds without a meeting being held. He felt that the Board should be more open and a lot of the stuff that has been discussed in Executive Session should be discussed at an open meeting. In particular the recent UDAG Loan. The particulars regarding personal financial issues should be in executive session. The general discussion regarding the appropriateness of the loan should have been discussed in an open meeting. There was never anything discussed in public regarding the purpose, the benefit to the Town, etc. Supervisor Rowland stated that the loan did not go through. The customer withdrew the loan application. Mr. Janik stated that that information should have been passed along to the public. Pemrick, C. reassured Mr. Janik that there was no intentional backyard dealing going on. The Board has nothing to hide.

RESOLUTION # 116 – Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

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

\$ 115.40	From A9060.8	to	A9055.8
444.14	From DA5130.4	to	DA5130.2
2,531.33	From A9060.8	to	A1310.4

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

Noes: None

Monthly reports were submitted by Town Justices, Town Clerk, Highway Supt., UDAG Revolving Loan Fund, Dog Control Officer and Supervisor.

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RESOLUTION # 117 – Highway Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 134 to # 155 in the amount of \$45,852.90 be paid, subject to audit.

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

Noes: None

RESOLUTION # 118 – General Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That General Bills # 424 to # 499 in the amount of \$39,609.16 be paid, subject to audit.

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

Noes: None

On motion of Kinsella, C. and seconded by Pemrick, C., the Board adjourned to Executive Session at 8:20 PM to discuss litigation. Clerk was not present for session and no minutes were filed. On motion of Cochran, C. and seconded by Chandler, C., the Board returned to regular session at 8:35 PM. Supervisor Rowland advised that no decision was made in executive session where ongoing litigation was discussed.

Highway Supt. Barss stated that they had a brief discussion at the Agenda Meeting regarding possibly putting a binder coat of pavement on Denton Road and binder on portions of Coy Road. He said they would have to use left over salt money to complete the 2 projects. They do not know the exact amount at this time. He thought that they would be okay with salt since they left themselves with a good reserve. The City of Saratoga of Saratoga has agreed to help out with the South end of Locust Grove Road. He will provide the Board with an update at the next meeting, once they have completed the work that they are planning on doing on Coy Road. Supervisor Rowland stated that the Town had a survey done by the Town Engineer. It is ambiguous, at best, as to who actually owns Denton Road. In interpreting the findings by the Town Engineer, the greater majority of the road could be in the Town of Greenfield. The road is in dire need of repair and the City of Saratoga Springs has not responded in a positive manner to get the repairs done. Kinsella, C. noted that the Town also claims the length of Denton Road for CHIPS funding. Highway Supt. Barss stated that they recently conducted a traffic count on lower Locust Grove Road and there were 4,000 cars per day on average and approximately 1,600 cars per day on Denton Road.

On motion of Chandler, C. and seconded by Pemrick, C., the meeting was adjourned at 8.42 PM.

Town Clerk