

August 8<sup>th</sup>, 2013

The regular meeting of the Town Board was held on Thursday, August 8<sup>th</sup>, 2013 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 30 residents.

At 7:20 PM the Opening of Bids was held for a 2012 or Newer Diesel Powered Hydraulic Excavator. Clerk presented proof of legal publication. The following bids were received:

<u>Company</u>	<u>Year &amp; Make</u>	<u>Bid</u>
Milton Cat	No Bid – no used machines under 380 hours	
Nortrax	2012 Hitachi Zaxis 225USLC-3	\$155,826.

Bid was turned over to the Highway Supt. for his review.

The Board met as the Board of Health at 7:25 PM.

24 Medbury Road, (137.-1-12.2) Robert & Judith Belon – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 8/8/2013 which indicated that the mobile home had been somewhat demolished and the electric service had been removed. There are large piles of debris, auto parts, garbage & misc. junk strewn about the property. Town Clerk advised that the contractor who is doing the removal work stopped in the Town Hall and stated that he was scheduled to be on vacation the week of August 5<sup>th</sup> and that he planned on continuing to work on the property as soon as he returned. Kinsella, C. noted that they were still within the 60 day period from the time of the notice.

182 South Greenfield Road, (151.-1-10) Joseph McMillan – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 8/8/2013 which indicated that the mobile home has been removed from the property along with all the junk and debris. The property was now in compliance.

The Board of Health portion of the meeting was closed at 7:28 PM.

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 Pemrick, C. the minutes of 7/11/2013 were approved as submitted by all Board Members present.

Received a check in the amount of \$500.00 for Parks & Recreation/Open Space Fees from Victoria Benton.

Received Notice of Public Hearing from the Town of Greenfield Zoning Board of Appeals for an application for a Temporary Use Variance for property located at 965 NYS Route 9N which borders Town property.

Received Small Claims Assessment Review Petitions from Thomas M. Rock, Florence & A. Wayne Wheeler and Richard & Joan R. Rowland.

Ambulance Service – Supervisor Rowland stated that Joseph Farrell from the NYS Dept. of Health was present this evening to help guide the Town through the process. Mr. Farrell stated that he was here to answer any questions the Town may have regarding

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establishing an ambulance service or maintaining the one that they already have, once the Board decides which way they would like to proceed. Kinsella, C. explained that the Town was looking at doing a Municipal Certificate of Need (Municon) which he understood would be no charge for the application. This would allow the Town to either establish an ambulance service or procure the ambulance service from qualified ambulance services in the area. It was his understanding that the Municon would be good for 2 years during which time the Town would have to put in an application for a permanent Certificate of Need (CON). He believed that if the Town decided to go this way that they would have to apply to the Dept. of Health by November in order to start in January. Mr. Farrell stated that the initial process is relatively simple, however 2 years down the road you will have to go through a full CON hearing. There is a minimum fee of \$7,500. if there are no challenges. Supervisor Rowland asked if any portion of the fee was refundable. Mr. Farrell stated that would be between the Town and the Regional Council. Mr. Farrell stated that if there is a challenge the fee could go up. The expiration of the Municon would be put on hold until the challenge is resolved. Pemrick, C. asked under what circumstances it would be challenged. Mr. Farrell stated that anyone could challenge. If there is an ambulance service that has operating authority they could challenge the need for service. Chandler, C. asked if challenges are common. Mr. Farrell stated that there are not normally challenges to a Municon and added that it has never been successful. Mr. Farrell stated that if the Town gets a Municon, the certificate of operation is in the name of the Town of Greenfield. If the Town contracts with someone to operate the service, the Town is ultimately responsible for everything that goes on. When the Town is issued the operating authority, they are now in the ambulance business. You can contract with whoever you want but they will be operating your ambulance service. He added that if there are going to be any fees involved the Town has to bill for the service. He noted that the Town could contract with someone to do it, however any monies due come to the Town of Greenfield. Supervisor Rowland stated that not only would the Town have to do the billing but they would also have to set the fees, etc. Paul Lunde, Ballou Road, asked if the Town gets their own Municon, who be responsible as far as liability is concerned. Mr. Farrell stated that the Town would be responsible. Mr. Lunde asked if the Town would be responsible for the negligence of someone that the Town contracts with. Town Counsel Mark Schachner stated that the Town would bear nominal responsibility due to the fact that they hold the CON, however that does not mean that if the provider conducts something improperly, negligently, wrongfully, etc. that they are not responsible. The Town would require whoever we contracted with to have insurance. However, if someone does look for liability, they would include the Town. Joan Stunzi, Town Bookkeeper, asked if it was required that the Town have a CON. Mr. Farrell stated that there has to be an operating authority. Presently there is an operating authority in the Town, however if the Town chooses to operate their own service they would have to have one themselves. Mrs. Stunzi asked if the Town were to contract the services out as they are doing now and the service providers hold a CON already, is the Town required to

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hold one as well. Mr. Farrell stated that as long as whoever you are contracting with has operating authority in the Town then the Town would not be required to have one. Mrs. Stunzi clarified that if the Town contracted with two or three services that had a CON, then the Town would not need one. Mr. Farrell stated that each of those services would have to apply for operating authority independently for the Town which he did not believe was feasible due to the limited number of calls per year. Mr. Lunde stated that when the Town service provider is not available the County takes over and sends somebody else, so in essence we have more than one provider. Mr. Farrell stated that would be mutual aid, however there is only one provider with operating authority. Supervisor Rowland stated that Community Emergency holds a certificate of need for a portion of the Town. Mohawk Ambulance has a CON for the entire County. Empire Ambulance has one for the entire Town. Chandler, C. stated that dispatching through mutual aid takes a minimum of 10 minutes longer. Mrs. Stunzi commented that it was stated that if the Town held their own CON they would have more control because they could contract with whoever we wanted. Presently, we contract with agencies that have their own CON. Mr. Farrell stated that you would have a certain amount of control through the contract. However, what happens when the contract is over. With a Municon you have more control. However, the down side is that it becomes your own ambulance service and if service providers decide that they do not want to contract with you any longer than you have to provide your own service or relinquish your CON. Chandler, C. asked if the Town could contract with an ambulance service right now that does not have a CON. Mr. Farrell stated that you could not. Chandler, C. asked if they could contract with that service if the Town had its own CON. Mr. Farrell stated you could contract with anyone you wanted if you had your own CON. Chandler, C. stated that he was told that if an ambulance service did not have operating authority in the Town, even if the Town had a Municon they could not contract with that service. Mr. Farrell stated that what you are contracting with that service to do is to operate the Town ambulance service. The ambulance would have to say Town of Greenfield on it. When they file their paperwork, they have to fill it out as the Town of Greenfield. The Town does the billing and pays the service the contract fee. Kevin Veitch, Wilsey Road asked if the ambulance service that we contract with now does their own billing. Supervisor Rowland stated that was correct and they receive an agreed upon payment from the Town per the contract. Mr. Veitch asked if the Town gets the CON and does the billing, if the Town would get the insurance. Supervisor Rowland stated that what was being suggested was that the Town would contract with a billing company or ambulance service to do the billing on behalf of the Town. Mr. Veitch asked if that would change the dollar amount on the contract since the Town would be setting the fees, etc. Chandler, C. did not think that the Town would be setting prices and they would allow the ambulance service. Town Counsel Schachner stated that the Town would have to set or approve the fees. Supervisor Rowland stated that one of the concerns would be that each service that they contracted with charge the same fee for the same service. Mr. Veitch asked if the plan was to break the Town into districts.

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He added that if District A gets 20 calls per year and District B has 220, then there is going to be competition over who gets the districts. There may be the potential that a service may not want to contract with the Town because of the low volume of calls. This could be a real problem. Pemrick, C. stated that you have 2 years to exam the data and get an idea of the impact on the Town before an official declaration for or against the permanent CON. Chandler, C. stated that he was not testing the waters. They have been researching this for 3 years with the ambulance services that are already coming to the Town through mutual aid. Mr. Veitch noted that they are not operating for the Town. They are operating for the County under mutual aid. Chandler, C. stated that he was trying to get them to be able to respond to a call at least 10 minutes faster and pay them for their service to the Town. Mr. Veitch stated that he was not arguing over the quality of the service. However, basically we are hiring the groups that are called for mutual aid. Mrs. Stunzi noted that during the time of the temporary Municon, the Town would immediately start to be responsible for billing etc. and there would be all kinds of additional costs. Kinsella, C. stated that the plan was to contract for the billing and all the additional costs would be included in the billing. The intent is to put out a Request for Proposal (RFP) and when they get the proposals back they would know what the cost to the Town was going to be. Bob Hyndman, Denton Road stated that he heard at one of the meetings that the 3 areas that would be coming into Town were Wilton, Milton & Corinth. They would be adding to an already existing area and not creating additional ambulance services. He was concerned that if we get a CON for the entire Town in two years that they would no longer continue the agreement with the 3 existing services. Kinsella, C. stated that they would continue that agreement as long as they were willing to continue to renew the contract. Cochran, C. stated that the committee has researched this for a while through committee meetings, public hearings, etc. obtaining input. Mr. Farrell believed that he heard that the Town was looking to contract with 3 separate services. He stated that each service that you decide to contract with has to operate your ambulance. There will be 3 separate groups operating one ambulance service. He believed that would be a nightmare to begin with. If you divide the Town up into thirds when you only have 300 calls per year it is not viable. Mr. Farrell stated that he has 45 years in the ambulance business and he felt that having 3 separate agencies operating the one ambulance service would be a disaster. He felt that there should be one agency running the whole Town. Mr. Farrell was not even sure if the State would even allow 3 separate contracts to run one ambulance service. He questioned who would be in charge and who would make a decision on all the calls. Kinsella, C. stated that they would each be assigned a zone as laid out in the 911 district. Mr. Farrell stated that the services would not be coming into the Town as Wilton, Corinth, etc. They would be coming in operating the Town ambulance service. Mary Vetter stated that the Town is considering contracting with 3 services such as Wilton. She asked what would happen if there is a large accident in Wilton and there was a call in Greenfield, where does the priority lay. Nash Alexander, Wilton Emergency, stated that is currently handled through the mutual aid system at the County. The Town would not be

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without an ambulance. Another service will come. Paul Lunde asked if the Town was split up into several zones, each ambulance that comes into Town would have to have the Town name on it. Mr. Farrell stated that if the Town had a Municon then the Town of Greenfield name would have to be on every ambulance operating for the Town. Duane Wright, So. Greenfield Road asked if the Town decides on 3 different ambulance services to provide service for 3 different areas, what happens if 1 of the areas does not have any calls and they decide at the end of the contract that they are not going to come back. Would the Town then have to purchase an ambulance and provide our own service. Mr. Farrell suggested that the Town have one contracted ambulance service to make it worth it for that ambulance to service the Town. There are not enough calls for anyone to function if you split it up into three areas. Supervisor Rowland asked if the Town goes through the Municon process and then obtains the CON and contracts with three services what happens if they all leave. Can the Town relinquish the CON and go back to a contracted single service if we can find somebody. Mr. Farrell stated you could however it could be a problem finding someone. You have to be very careful of the decisions that you are making before you pass the resolution. Nash Alexander stated that if the current ambulance service was no longer going to be able to service the Town, the Town would have a problem. However, if you hold a Municon then the Town can make a change to another service. Chandler, C. asked how Mr. Nash felt as an ambulance operator who comes in as mutual aid, if the Town were to contract with him for one portion of the Town would that subject him to any financial distress. Mr. Nash stated that being a non-profit he would build a contract that will make it a complete zero proposition for them. They are going to cover their costs. Chandler, C. stated that Mr. Nash submitted a cost estimate to the ambulance committee which included all the costs such as billing, etc. and asked if they could bank on that number, approximately give or take. Supervisor Rowland stated that would be the RFP process. Chandler, C. stated that Mohawk holds a CON for the entire County and Empire holds a CON for the Town. The Town does not have any other choices even though there are other ambulances. If the Town held their own Municon they would have more options. He felt that this was the best way to go because to purchase our own ambulance and run our own service would cost too much money for only 300 calls. Mr. Lunde asked how many calls out of the 300 were calls to Prestwick Chase. Supervisor Rowland stated that there were 125 last year. He added that according to the Sheriff's Dept. the Town has an average of 325 to 350 calls per year. That includes transports, assists, etc. Mrs. Stunzi stated that Mr. McNearly has proposed to build his own building and operate his own service which would take away a large number of calls. Cochran, C. did not feel he would run his own service and he did not believe that he could contract with anyone. Mr. Farrell stated that he could contract with someone who has an operating authority. Mr. McNearly asked what it would do to the Towns' plans if someone who already has a Con wanted to house an ambulance in the community. Pemrick, C. asked if the State was collecting any data on the costs of ambulance service and are there concerns for the future. Mr. Farrell stated that one of

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the biggest fears is the significant number of smaller agencies going down. He covers 17 counties with 359 agencies. There are probably 100 of those agencies who are not viable any longer. Most are operated strictly by volunteers and volunteerism is going away. Consolidation is something that the State has been pushing to try and get the smaller agencies to merge. With 300 calls per year, he felt that the Town was in that category of being at risk. Everything rotates around money and whether the agency is commercial, non for profit or municipality they have to be able to at least fund the service. Bernice McLellan, Middle Grove Road stated that some of the reimbursement would come from the State for Medicare, some from insurance companies and other people will get billed directly for payment for which they cannot pay. She asked how the Town was going to make sure that the services that contract with us get paid. She felt that if the Town wants an ambulance service than they are going to have to be willing to come up with the money to make sure that whoever they contract with gets reimbursed. Supervisor Rowland stated that was a very viable concern and has been a concern of this Board. When the committee explored the options available, the one that was the least offensive financially was the option that we are currently under. The option of running our own ambulance is extraordinarily expensive. Mrs. McLellan suggested that the Town look for donations to help fund the service. Chandler, C. stated that Mr. McNeary had offered a building to house an ambulance, however the cost of the ambulance, etc. was not feasible with 300 calls. Supervisor Rowland stated that the concept that the Town has approached was to contract with 3 services for a fee and then let them keep any fees collected for ambulance charges that they receive through billing. The Town has a ball park idea of costs, however until we go through the RFP process and get formal declarations that were arrived at independently, we will not know what the costs are. Supervisor Rowland stated that if the Town were to operate our own ambulance we would still be in jeopardy of not being able to sustain the service. Non-profit ambulance squads are on the edge. Kinsella, C. stated that volunteer squads are. Non-profit can have all their employees as paid. Mr. Farrell stated that part of the problem with that is when you have some paid and some volunteer employees, the volunteer's will leave and it will ultimately become a full paid service. Kinsella, C. noted that Mr. Farrell stated that he did not think that the State would approve 3 services, however earlier he said that it was not the State that approved. It was the regional board. Mr. Farrell stated that the regional council would have to submit it to the State for approval. Most of the time the State goes along with their decision, however he did not think that they would approve 3 separate agencies. Stan Weeks, Ashlor Drive did not feel that the Town could send out this RFP if the Town did not have a CON. If you do that, it looks like only Empire and Mohawk could service this Town unless the Town had a CON. Mr. McNeary asked what the breakeven point was. Mr. Farrell stated that historically it is about 600 calls. Mr. Lunde asked if any other the services that have been mentioned could apply for a CON for the Town. Mr. Farrell stated that they could apply however the odds are low and it would be very expensive. Kinsella, C. stated that the award was based on need and the regional council could say that you only have 300 calls

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and there is already a CON for the Town so there is no need for another one. Mary Vetter stated that what she is hearing is that there would not be a challenge if the Town were to apply for their own CON, however if someone else were to apply it would most likely be challenged. Mr. Farrell stated that when the Town applies for a Municon there is no challenge. When they go for their permanent CON 2 years down the road there could be a challenge. Mary Vetter asked why they would challenge if the need was the same. Mr. Farrell stated that if the current service says that they are able to provide coverage and do not feel that there is an additional need then they can challenge. Mr. Veitch what happens if the Town does not have any service. Supervisor Rowland stated we would have to rely on mutual aid which is not a good situation. Supervisor Rowland stated that there was a proposed resolution in front of the Board and asked how the Board wished to proceed. Kinsella, C. stated that he would like to go ahead and send out the RFP's to see if they have serious consideration from the 3 services. This resolution does not have to be passed until November when they get ready to send the application into the State. Anyone proposing can bid on 1, 2 or all 3 zones. He would like to see what comes back first before making a determination as to whether to apply for a Municon or not. Kinsella, C. provided the Board with a draft RFP. He stated that he met with Paul Lent, Rick Castle from the Sheriff's Dept., Mike McAvoy, Ed Tremblay and the 911 Encoder. They have reviewed the information in the RFP and it matches what they need to do with the 911 system. Pemrick, C. asked if they expressed any concern over the 3 zones. Kinsella, C. stated that they did not. The proposed zones closely follow the existing fire districts. Supervisor Rowland stated that the Board will have to take time to review the RFP. Kinsella, C. stated that he did not wait until Sept. to send this out and suggested that a special meeting be scheduled next week to discuss further. Supervisor Rowland would also like Town Counsel to have the opportunity to review as well. A special meeting was scheduled for Wednesday, August 14<sup>th</sup> at 7:00 PM.

Water District – Supervisor Rowland stated that at the agenda meeting the Board received the Final Map, Plan and Report for the proposed water district from Stewarts and Saratoga Polo. The Board has had a chance to review it this past week. Jim Norton, Vice President of Stewart's was present. Kinsella, C. stated that he looked through the proposal and had several questions. In reading the report, it appears that if the water usage goes over 60,000 gallons per day that a storage tank will be required. Mr. Norton stated that 60,000 gallons was what the proposed use would be now between Stewart's and Polo. Kinsella, C. stated that the report strongly implied that if the usage goes above 60,000 a tank would be required. If the Town were to take this district from them and expand it to other houses along the line or Prestwick Chase, the water usage would go over 65,000 gallons and the Town will have to bear the cost of the tank. He felt that this was too close to the margin where a tank is needed and storage capacity is not part of this system. Kinsella, C. questioned the liability with respect to chlorine. The Town is going to be providing half of the water for Stewart's and if the chlorine

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system fails at 2AM and no one gets there and they are sent bad water, what would that do to their operation. Would that mean that the Town would be liable for the loss of product. Mr. Norton stated that half of the water would come from the wells. If there is a catastrophic event on the County water line they would turn that off and just use the wells. They also have a 70,000 gallon storage tank that they could operate from for a few days. In addition, everything that they do is pasteurized and will kill all of the bacteria. Mr. Norton stated that they would be removing the chlorine from the water in order to be able to use it for their product. Kinsella, C. questioned the return costs for the cost analysis and what the basis was for the \$7,500. per year for an operator. Does the Town have to decide whether they have to hire a part-time person or are they going to assign somebody in the Highway Dept. or somewhere else to become qualified to operate the system. He thought that \$7,500. a year seemed low. He also questioned what the basis was for the chlorination system costs of \$3,750. Mr. Norton stated that it would be an estimate of what they would need based upon the 60,000 gallons per day. It was the cost of the chlorine to operate that chlorination point. Kinsella, C. questioned where they came up with the cost of \$3,000 per year for the annual report. Mr. Norton believed that it was a report that was required annually for the State and that was the standard fee for an engineer to complete the report. Kinsella, C. stated that there was a listed cost for \$500. for generator fuel, however he did not see anywhere in the plan where there was a generator. He asked if the Town would have to purchase a backup generator. Mr. Norton stated if there was a power failure a generator would be required which he felt that Stewart's could provide. Kinsella, C. stated that besides the fuel use there would be annual maintenance contracts on a generator as well as diesel oil storage tank inspection requirements by DEC. Kinsella, C. felt that the proposed \$5,000. per year put into equipment reserves seemed like a low amount. Mr. Norton stated that these were just estimates on their part. The Town has to review the proposal and make a determination of what the operating costs will be. Kinsella, C. stated that when the Town gets done with their debate and additional costs are added, at some point they are going to reach a threshold where it is no longer going to be viable to make the change to the Town and Stewart's may keep buying water from Saratoga. Supervisor Rowland stated that this report has been presented by Chazen, which is Stewart's and Polo's engineering firm. Once the Board accepts the Plan it will have to be formally looked at by the Town engineering firm and Town Counsel. Town Counsel suggested that the Board hold off on formal acceptance until after the Town Engineer has reviewed it. The Board would just be accepting the plan for Town engineering review at this time. Wendy Stein, Larkspur Court, asked if the water district was going to provide benefits to anybody other than Stewart's and Polo. Supervisor Rowland stated that anybody along that line would be able to tap into it. Mrs. Stein asked how long of a contract this would be. Supervisor Rowland explained that Stewart's and Polo will pay to construct the line and then turn it over to the Town. The Town would then own the waterline. We would operate as a water district in this area and



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purchase water from the County to resell to any users connected to the line. Mrs. Stein asked if the Saratoga County Water Authority had unlimited use to draw forever from the Hudson River or do they have to have permission to draw on a regular basis from the State. Town Counsel Schachner stated that the County has permits from the State to draw from the Hudson. Stan Weeks asked why there was a need to chlorinate a water supply that has already been chlorinated by the County. Supervisor Rowland explained that it was supplemental chlorination. When the chlorination level falls to a certain point you have to boost it. The more water that is used the less supplemental chlorination should be necessary. Supervisor Rowland noted that residents along the way will be able to connect to the pipe as well. Mr. Norton added that Stewart's is going to put in a tap at each location, at their cost, so that residents can hook into the system now or in the future. Supervisor Rowland stated that there will also be fire hydrants along the pipe which should benefit the area both in fire protection and fire insurance costs. Jamie Jayko, Denton Road, asked if a resident is in the district but chooses not to hook into it, will there be a tax levied to them. Supervisor Rowland stated that the Town Board would have to determine that, however at this time that is not something that they are looking to do. He anticipates that the costs will be paid by the users only. Mr. McNearly thought it was great that they were providing a hook up at each property, however he wanted to know if there was going to be a hook up fee if somebody wanted to hook in at a later date. Supervisor Rowland stated that the Town Board would have to determine that. Town Counsel Schachner noted that after looking quickly at the report, it states that the annual user costs to the user within the district would be their apportioned share of the operation and maintenance rate. Theresa Ellsworth, Braim Road, asked if eventually the Town would be responsible for the maintenance of the system. She is not in the district, however would there be an impact on her taxes because this will come out of the general fund. Supervisor Rowland stated that the money would not come out of the General Fund. Everything would be funded through the Water District. Cochran, C. stated that the system has to stand on its own and pay for itself through the fees collected. Chandler, C. asked what would happen if a few years from now it is determined that the operation costs were much higher. Supervisor Rowland stated that the Board would have to increase the rates of the district. The users will pay for the services that are generated proportionately. Mr. Norton stated that part of the rates that are outlined in the Map, Plan & Report are for a reserve fund to be built up for any repairs and maintenance in the future. Wendy Stein noted that there are potentially 2 large users and very few, if any, small users. What happens if the large users pull out and the district does not use the amount of water that has been contracted for. Supervisor Rowland stated that the Town would go back to the water authority and decrease their supply. The County Water Authority is very considerate of their users and they have had situations where large users have stopped using for periods of time and there were no penalties involved. Stewart's and Polo are paying for and then donating the system to the Town as a water district. They need to do that so that they can purchase the water from the County. This will benefit the Town. John Jayko asked

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if there was going to be a chlorine smell, etc. Supervisor Rowland stated that it would be a very small tank and the system would probably fit in a desk. Cochran, C. asked what size line was being proposed. Mr. Norton stated that it was an 8" line. They made sure that the line would be large enough for future growth. Kevin Veitch stated that the City of Saratoga Springs started out with a small water system. Geyser Crest was all wells. As the water district slowly grew it slowly grew funds. The money was used out of that fund to expand the district, not taxpayers' money. They have chlorination systems as well, which is very common. Supervisor Rowland stated that as this point the Town Engineer and Town Counsel will review the Map, Plan & Report.

Excavator - Highway Supt. Barss stated that he reviewed the bid that was submitted and would recommend that the Board accept the bid. They have rented this machine for the past few months and 100% of the rental costs have been put toward the purchase price. Kinsella, C. asked where this will be paid from. Highway Supt. Barss stated that it would come from a variety of different places. The plan to use approximately \$40,000. from the new equipment fund. There was money in the budget to put \$50,000. in the Equipment Reserve that they will use rather than make the transfer and they would use approximately \$35,000. from the paving account. Kinsella, C. asked how much was in the equipment reserve fund. Highway Supt. Barss stated that there was \$170,000. currently in that fund.

RESOLUTION # 104 – Award Bid for Excavator

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby awards the bid for the 2012 or Newer Diesel Powered Hydraulic Excavator to Nortrax for the bid amount of \$155,826.

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

Noes: None

Eagle Scout Project – Supervisor Rowland stated that Conner Ferris has completed his Eagle Project at Brigham Road Park. He built a pavilion at the Park. He was going to build a picnic table out of the wood that was used for the forms, however somebody took the wood. Supervisor Rowland stated that he would like to get a picnic table or two up there out of the Park & Recreation money. Conner provided the Town a very complete outline and plan of the project. He secured the funding and recruited the manpower to complete the project. Supervisor Rowland added the this park has been the site of a number of Eagle Scout projects over the years. They have installed benches, flowers boxes, signage, etc.

RESOLUTION # 105 - Resolution of Appreciation – Conner Ferris

Motion: Chandler, C.

Seconded: Pemrick, C.

WHEREAS, it is the intent and desire of the Town of Greenfield to recognize achievements and accomplishments of its residents, particularly its youth, and

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WHEREAS, it is also the intent of the Town to express gratitude to individuals who contribute to the improvement of Town facilities and the general quality of life within the Town of Greenfield, and

WHEREAS, **CONNER FERRIS** planned, designed, supervised and constructed a pavilion at the Brigham Road Park as a portion of the requirements for achieving Eagle Scout Rank in the Boy Scouts of America and showed perseverance and dedication in completing this project, and

WHEREAS, **CONNER FERRIS** has now completed the requirements for Eagle Scout Rank,

BE IT RESOLVED, by this Town Board that the Town of Greenfield expresses its congratulations to **CONNER FERRIS** on achieving that milestone and its sincere thanks to him for his interest in improving the quality of life in the Town of Greenfield, and

BE IT FURTHER RESOLVED, that there be spread upon the minutes of this meeting our congratulations on his accomplishment, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to said **CONNER FERRIS**.

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

Noes: None

Letter of Credit – Greenfield Manor - Highway Supt. Barss stated that he sent the letter to the developer as discussed at the last meeting. The Letter of Credit has been in place for 11 years and has not been completed. He notified the developer that the Town Board would not be extending the Letter of Credit when it expires this Fall. They are moving ahead to complete the road and paperwork. The Town should finally be taking over that road this Fall.

Code Compliance Inspection - Supervisor Rowland stated that he would like to wait until the next meeting to discuss this matter. He received some information from the Code Enforcement Officer which he would like to provide to the Board for their review.

Saratoga Springs Fire Dept. Application for Certificate of Need - Supervisor Rowland stated that the City of Saratoga applied for a Municipal Certificate of Need a year or so ago and now are at the stage to apply for a permanent Certificate of Need. They have notified the Town of their intention to submit an application and are respectfully requesting the support of the Town as part of the application process. Cochran, C. asked if this would do anything for the Town. Supervisor Rowland stated that it would not. It would give them the ability to apply for their Certificate of Need with our support.

RESOLUTION # 106 – Support of City of Saratoga Springs Application for  
Certificate of Need

Motion: Cochran, C.

Seconded: Pemrick, C.

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RESOLVED, That the Town Board hereby supports the City of Saratoga Springs Application of Certificate of Need to operate their Paramedic Level Ambulance Service.

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

Noes: None

Town Court Grant - Supervisor Rowland stated that the Town Justices would like to apply for a judicial grant. They would like to purchase a hand held scanner to detect metal devices and security cameras to monitor the stair entrance, entrance to the courtroom, bench and payment window. In addition, they would like to get new flooring and an air purifier due to some moisture issues with the basement.

RESOLUTION # 107 - Authorize Application for Funds from the Justice Court Assistance Program

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby authorizes Town Justices Deborah Hopkins and Michael Ginley to file an application for funding from the New York State Office of Court Administration Justice Court Assistance Program.

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

Noes: None

Skidmore Solar Project – Supervisor Rowland stated that the Board received a request from some residents & their attorney to enact a moratorium on solar farms. There is a proposal that came before the Town Board which has been forwarded to the Planning Board for review. Once they complete their review process, they will provide the Town Board with a recommendation for the Town Board to act on. The request that the Town Board has received is to declare a moratorium, which will require a public hearing, which would put a hold on any project until further study was conducted regarding solar farms. Cochran, C. stated that the Planning Board does a very thorough job of reviewing projects. They will look at the view shed, environmental concerns, etc. Bernice McLellan stated that it was her understanding that the proposed project would be on Denton Road near the ball field where the lighting was proposed previously. Supervisor Rowland stated that the proposal is for it to be located behind the Skidmore ball field on the eastern end of the property which is adjacent to the Polo facility. He stated that the moratorium would be Town wide. Fred McNeary, Daniels Road, agreed that the Planning Board does do a very thorough job reviewing projects. However, the way the Zoning Law is written right now, there are no parameters as to where and when commercial solar can be applied. He felt that you have to meet more requirements at this point to have a horse in your back yard or to put up a shed then you do for this solar project. They would just like to see some basic parameters put in place before all this is approved. New owners will be able to know what could possibly be built next to them. He would like to see a standardized set of regulations for everyone to follow. Bob Hyndman did some quick research on other Boards going with

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moratoriums on solar, both locally and nationally, and provided the Board with a copy of 4 articles. One regarding a moratorium in the Town of Ballston; article from The Saratogian regarding possible moratoriums in Clifton Park & Amsterdam and an article from California. He added that there are big solar developments going on around Boston. There is one currently proposed that is half again larger than the Skidmore proposal and would generate approx. 3 Kilowatts on 50 acres. Mr. Hyndman noted that Skidmore College was tax exempt and the Town does not receive any tax revenue on this parcel. He understood that there has been some discussion regarding some sort of compensation to the community to offset the impact. Mr. Hyndman felt that the Town needed sensible development and that a moratorium was needed in order to provide the Planning Board with the right tools to make a decision. Andy Gilchrist, law partner of Dan Tuczinski, was present to represent some property owners in Town. He felt that this was an important time for the Board. He stated that the Town Code does not address solar at all, whether it be a home or commercial installation. He did not believe that a PUD was the right vehicle to be used to review a proposal like this. They are normally used for residential or commercial projects where there are mixed uses, cluster development, etc. The Town Code has a section which regulates wind power and solar should have this as well. The Town needs the regulatory tools to be able to review a solar proposal. If the Town continues to review the proposals under the PUD, they will be able to go anywhere. He stated that even the EPA is looking at where these types of large scale solar facilities should be allowed. Thomas Mina, Denton Road, stated that on August 5<sup>th</sup> the EPA stated that you should encourage development on potentially contaminated land, land fill sites and mine sites. Mr. Gilchrist stated that many times moratoriums are viewed negatively and stopping development. He felt that it was an appropriate planning tool to give a little time to review and appropriately regulate. Mr. Gilchrist added that he has also heard about fees. An appropriate regulation for solar could include a consideration of fees as well, which is the appropriate vehicle to use and not a PILOT agreement that Towns cannot enter into. He asked the Board to consider enacting the moratorium. Cochran, C. stated that the SEQRA review does look at everything, i.e. environmental concerns, viewshed, impacts, etc. Supervisor Rowland stated that the Planning Board is in the process of reviewing this project. The Town Board received this proposal and forwarded it to the Planning Board for their review and requested that they act as Lead Agency. They are the one's that are going through the review process with the understanding of what the vision of this Town is. He does not want to short circuit that process. He added that when the proposal was first submitted to the Town Board he indicated to the college that he felt that their time frame was very energetic. Supervisor Rowland stated that he believed in the process. This project still has to come back to the Town Board and the Town Board will have to react to it. It does not mean that we cannot adopt regulations regarding solar just as we did with wind power. This project has been reviewed by the Town Environmental Committee, the Town Historian and County Planning. The Town Planning Board is still in the process of reviewing it. Chandler, C. stated

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that no matter what the Planning Board recommendation is, the Town Board still has to approve it. Supervisor Rowland noted that there have been many changes to what was originally brought before the Town Board. As any entity brings a question, whether it be a member of the Planning Board or a community resident, adjustments have been made. Mary Vetter asked if what he was suggesting was that they let Skidmore go through the whole Planning Board process and spend "x" amount of dollars and then potentially stop the whole project when it comes to this Board. Town Counsel Schachner stated that any applicant proceeds through the process of any application at their own risk. Cochran, C. stated the applicant had a previous application before the Planning Board for lighting at the ball field. SEQRA was completed. There was a lot of discussion and debate and the application was denied. Bill McLellan stated that there are many different entities working on this. Skidmore does not know what the ballgame is. He felt that the Town needed to take the time to write up the laws first so everyone would know what to expect. Daniel McIntyre asked what happened to personal property rights. We pay taxes on our property and should be able to use our property. Pemrick, C. stated that a moratorium was an extreme action that infringes on a persons' property rights. He believed that in order for the Town to consider a moratorium there has to be hard evidence to support it. As other Board members have stated, this Town has a skilled Planning Board that has been reviewing this application for the past 2 or 3 months. They are very thorough and conscientious in what they do. If they had an overwhelming concern or danger or threat to the Town, he was very confident that they would have notified the Town Board about some other action that was necessary. Kinsella, C. stated that even if the Zoning existed, the applicant could still come to the Town Board with a PUD and define what they want to do in that PUD. A PUD stands on its own and defines the use of the property. Chandler, C. felt that it was too late to impose a moratorium and did not feel that it was right for the Town Board to stop an application in the middle of the review process. Mr. Gilchrist stated that the vision of the Town was the Town Board's responsibility and not the Planning Board's. It was not the Planning Board's role to set precedent for the Town. It was not at all unusual once an application is submitted to enact a moratorium. By allowing this type of application to go through the PUD process, the Town Board is saying to this community that they will allow this type of facility to be constructed anywhere in Town. SEQRA is being used as a regulatory tool. Cochran, C. stated that the Town Board has the right to reject any applicant for a PUD. Pemrick, C. stated that Planning & Zoning evolves over a period of time. He does not accept the fear that Mr. Gilchrist was trying to inject into his conversation about setting precedent and that we are stuck with it forever. The Town will learn from the situation and if it is necessary for this Town to evolve and change its Zoning and Planning we will do so. We have been through it before and are capable of doing it again. Supervisor Rowland stated that the conversations are indicating that this is a done deal and it's been settled. No one has approved anything. The Planning Board is in the review process to give a recommendation only. It will then come back to the Town Board for a decision. He

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added that to answer Mr. McIntyre's question, yes you have rights as a property owner however those rights don't infringe upon your neighbors rights. Through the review process of the Boards the concept is to make sure that everything works together. He stated that this was a fluid process and that the process was not complete. It is going to take more time to make a decision and the decision is not going to be made tomorrow, like some people have intimated. Mr. McLellan stated that it was his understanding that Skidmore had received a grant and that this has to be completed by November or they will lose this grant. Fred McNeary stated that being a property owner and having purchased property in the past, it would be nice for the Town to have zoning in place so that anyone coming into Town looking to purchase property would know what could be developed on surrounding properties, such as a solar farm, wind farm, etc. Cochran, C. stated that he was surprised that when the windmill regulations were established that the Town had not looked into solar. Kinsella, C. added that there was no reason why we cannot start the process now. Mr. Mina understood that from where the Board is sitting that it just looks like an effort to sabotage the plan. Speaking from a long range prospective, he would like the Town Board to consider setting some legislation on solar once this project is done. Supervisor Rowland stated that he believed the Board was going to start the process right now. Mrs. McLellan stated that it was very obvious that the Board had strong opinions against the moratorium. She agreed that they were entitled to their opinion, however as a Board they needed to do what was right for the majority of the people who live in Greenfield. Chandler, C. stated that there have been legitimate concerns raised. He believed that the application process needed to be allowed to move forward. Pemrick, C. stated that at this time he was not in support of a moratorium. However, he has no problem with beginning the process to establish zoning regulations regarding solar facilities. He was sure that there would be a knowledgeable group of people who would be willing to serve on a committee to draft the regulations. Cochran, C. agreed. Kinsella, C. agreed and stated he would like to go ahead and advertise for individuals interested in serving on a committee. Supervisor Rowland stated that the last time a review committee was established it was made up of 2 representatives from the Planning Board, 2 representatives from the Zoning Board and representatives from the community.

RESOLUTION # 108 – Advertise for Volunteers for Zoning Review Committee

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Clerk be directed to advertise for volunteers to serve on a Zoning Review Committee to look into developing regulations regarding solar power and that anyone interested in serving on the committee should apply by September 12<sup>th</sup>, 2013.

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

Noes: None

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Assessor - Town Supervisor advised that the Town Assessor's term of office is up at the end of September. The terms of all of the Assessor's in the State expire at the same time. The term is a 6 year term. The Town will have to accept applications and conduct interviews.

RESOLUTION # 109 - Advertise for Opening – Town Assessor

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to advertise for opening for the position of Town Assessor and that all applications must be submitted by September 5<sup>th</sup>, 2013.

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

Noes: None

4 Roberts Drive - Supervisor Rowland stated that the Board had received an inquiry regarding property owned by the Town at 4 Roberts Drive. Michael Rayburn is looking to acquire the property from the Town. Town Clerk advised that she had not had a chance to go through the old minutes, however the property was conveyed to the Town when the subdivision roads were conveyed to the Town back in the 1970's. There was a modification to the lot in the 1990's when NYS Dept. of Transportation was looking into adding a turn lane from Route 9N onto Middle Grove Road. Highway Supt. Barss stated that the property is quite wet. There is a Town culvert in the area. Town Clerk will research the minutes for the next meeting.

Town Wide Garage Sale - Butch Duffney, President of the GCBA, asked the Town if they would be willing to support the Garage Sale by providing portable toilets as they have in the past. They normally have 4 or 5 located in a couple different areas in Town.

Bradley's Septic usually donates 1. The event is scheduled for Sept. 7 & 8.

RESOLUTION # 110 – Authorization for Portable Toilets

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby agrees to provide portable toilets for the Town Wide Garage Sale to be held on Sept. 7 & 8.

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

Noes: None

Fall Clean Up Week - Highway Supt. Barss stated that he would like to schedule it beginning September 21<sup>st</sup> and run through September 29<sup>th</sup>. No tires will be accepted. Mr. McLellan asked if the Town has ever scheduled to pickup hazardous waste. Supervisor Rowland stated that the Town has had hazardous waste days in conjunction with several other Towns. There may possibly be another one scheduled for next Spring. Highway Supt. Barss noted that they can accept electronics.



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RESOLUTION # 111 – Schedule Fall Clean Up Week

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to advertise that the Fall Clean Up Week is scheduled from September 21<sup>st</sup> to September 29<sup>th</sup> and that No Tires will be accepted.

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

Noes: None

Tower Removal Bond - Town Clerk advised that she had received communication regarding the replacement of an existing Bond that the Town was holding for cell tower removal. Town Counsel advised that he had not had a chance to review the information, however the Board could approve contingent upon his review and approval.

RESOLUTION # 112 – Replacement Tower Removal Bond

Motion: Cochran, C.

Seconded; Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the replacement of the Tower Removal Bond submitted by SBA Communications contingent upon the review and approval of Town Counsel.

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

Noes: None

RESOLUTION # 113 – Transfer of Funds

Motion: Pemrick, C.

Seconded: Cochran, C.

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

\$ 8.43	From	DA5120.4	to	DA5140.4
7,844.59	From	CD8662.2	to	CD8662.4
26.09	From	CR7110.43	to	CR7110.4

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

Noes: None

Monthly reports were submitted by the UDAG Revolving Loan Fund, Town Clerk, Highway Supt., Town Justices (June & July) and Town Supervisor.

RESOLUTION # 114 – General Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 382 to # 442 in the amount of \$28,916.81 be paid, subject to audit.

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

Noes: None

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RESOLUTION # 115 – Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 165 to # 194 in the amount of \$260,807.82 be paid, subject to audit.

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

Noes: None

RESOLUTION # 116 – Parks Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Parks Bills # 168 to # 199 in the amount of \$33,649.60 be paid, subject to audit.

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

Noes: None

RESOLUTION # 117 – UDAG Bill

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bill # 32 in the amount of \$130.00 be paid, subject to audit.

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

Noes: None

On motion of Pemrick, C. and seconded by Cochran, C., the meeting was adjourned at 10:20 PM

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Town Clerk