

December 10, 2015

The regular meeting of the Town Board was held on Thursday, December 10, 2015 with the following members present: Daniel Pemrick, Deputy Supervisor, Daniel Cochran and Walter E. Chandler, Councilmen. Supervisor Lunde was absent. Also present were Town Counsel Mark Schachner, Highway Supt., Walter Barss and approximately 10 residents.

At 7:00 PM, Dave Meager, Adirondack Trust Insurance Agent, presented an overview of the Town's Insurance coverage for 2016.

At 7:25 PM Opening of bids were held for #2 Fuel Oil and 87 grade gasoline for the year 2016. Clerk presented proof of legal publication. The following bids were received:

#2 Fuel Oil

Company	Brand	Price	Albany tank car price	Differential
G.A. Bove & Sons	Citgo	1.6050	1.3550	.025
Mirabito	Citgo	1.5035	1.2540	.2495

87 Octane Gasoline

Company	Brand	Price	Albany tank car price	Differential
G.A. Bove & Sons	Citgo	1.6112	1.3812	.023
Mirabato	Citgo	1.8759	1.3305	.5454

At 7:30 the Town Board met as a Board of Health. Deputy Supervisor, Pemrick and the T. Board reviewed the report from the Code Enforcement Officer regarding the unsafe building at 4119 Route 9N, Tax Map #112.-1-26. Code Enforcement Officer reports that the building is still in a state of disrepair. Pemrick, Dep. Supervisor, reads the statement that the structure is still unsafe and is a safety risk. Chandler, C., states that the owners are working on the site. Pemrick, C. suggests that we send a letter to the owners as to what their intentions are, or have the Code Enforcement Officer go to the property and meet with the owners. Board decides to ask the Code Enforcement Officer to meet with the owners and find out when the building will be removed.

At 7:35 the regular meeting was called to order by Deputy Supervisor Pemrick with the pledge to the flag. On a motion by Dan Cochran, C. and a second by Chandler C., the minutes of 11/12/2015 were approved as submitted by members present.

Letter was received from Regional Emergency Medical Services Organization regarding the public hearing on the Town's muni-con.

Letter was received from Mark Mattus with concerns on Middle Grove Road.

Adam Bollinger, Brookstone Drive, was present to discuss an Eagle Scout project. He would like to enhance the sign in front of the Town Hall. Cochran, C. stated that we would need something that would fit into the character of the Town. After some discussion, Adam will work on signs at the Brookhaven Park. Cochran, C., suggests working with Walt Barss and Duane Wright on the Brookhaven signs.

RESOLUTION #148 AWARD # 2 FUEL OIL and 87 OCTANE GASOLINE

Motion: Chandler, C.

Seconded: Cochran, C.

Resolved that the Town Board hereby awards the bid for #2 fuel oil and 87 octane gasoline to G.A. Bove & Sons at the differential price of .025 for fuel oil and .023 for gasoline.

VOTE: Ayes: Pemrick, Cochran, Chandler

NOES: None

Absent: Lunde

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RESOLUTION # 149 FIRST GARDEN PROPERTY ASSESSMENT AND SETTLEMENT

Motion: Cochran, C.

Seconded: Chandler, C.

WHEREAS, First Garden Park Limited Partnership ("Petitioner"), filed an Article 7 Real Property Assessment Review case against the Town in 2014 and 2015 challenging the 2014 and 2015 assessments on its property located at 370 Daniels Road, more specifically identified by its Tax Map Number: 151.-2-21.1; and

WHEREAS, it appears to be in the best interests of the Town to avoid the significant costs that would result if the litigation continues and goes to trial; and

WHEREAS, the Town Assessor recommends proposed settlement terms which have been negotiated with Petitioner; and

WHEREAS, the Board of the Saratoga Springs City School District has approved the proposed settlement terms; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the proposed settlement of the tax assessment cases filed by First Garden Park Limited Partnership for 2014 and 2015 as follows:

- 1) 2014 assessment to be reduced from \$1,552,600 to \$1,200,000; and
- 2) Refunds shall be paid based on the assessment reduction; and
- 3) Section 727 of the Real Property Tax Law will apply, fixing the assessment at \$1,200,000 for the 2015, 2016 and 2017 Assessment Rolls unless the property is further improved or is destroyed or the assessment is subject to some other exception under Section 727; and
- 4) The 2014 and 2015 assessment challenges shall be discontinued.

BE IT FURTHER, RESOLVED, that unless otherwise ordered by the Court, refunds based upon the reduction of the 2014 assessment shall be paid without interest provided they are paid within sixty (60) days after Petitioner serves a copy of the filed Court Order approving the settlement, with Notice of Entry, on the Town and on the Saratoga County Treasurer, together with the necessary Demand for Payment; and

BE IT FURTHER RESOLVED, that unless otherwise ordered by the Court, the 2016 Town/County tax bill shall reflect and be calculated based upon the reduced assessed value, however, if there is insufficient time to adjust the assessed value prior to the finalization of the 2016 tax bill, the bill shall be issued and paid based upon the current 2015 assessed value and the Town shall pay the applicable refund to Petitioner to reflect the reduced assessed value within 60 days of receipt of payment in full from Petitioner; and

BE IT FURTHER, RESOLVED, that approval of this Settlement Agreement is contingent upon Town Counsel's review and approval of the Stipulation of Settlement and Order; and

BE IT FURTHER, RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor, Town Clerk and/or Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

VOTE: Ayes: Pemrick, Cochran, Chandler

Noes: None

Absent: Lunde

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Emergency Services Contracts- The Town has reviewed contracts for Emergency Services from Jessup's Landing (Town of Corinth) and Wilton Emergency Squad. No information from the Supervisor regarding Ballston Spa. Discussion between Board members that contracts need to be signed by the 31st. Pemrick, C. asks if we should approve the two contracts that we have. Chandler, C. states that we should go with those two contracts. They will cover the other area if necessary.

RESOLUTION # 150 AWARD EMERGENCY SERVICES CONTRACTS

Motion: Cochran, C.

Seconded: Chandler, C.

Resolved, The Town Board hereby approves the Emergency Services Agreements for 2016:

Wilton Emergency Squad \$58,000.

Town of Corinth (Jessup's Landing) \$50,000.

VOTE: AYES: Pemrick, Cochran, Chandler

NOES: None

Absent: Lunde

Junkyard License Renewal - Town has received Junkyard Renewal Application from M & J Construction Route 9N, Tax Map # 112.-1-26. Mr. McKenna has inspected the property and has no problems.

RESOLUTION # 151 GRANT JUNKYARD LICENSE RENEWAL

Motion: Chandler, C.

Seconded: Cochran, C.

Resolved, The Town Board hereby grants a Junkyard License renewal to M&J Construction, Route 9N for the year 2016.

VOTE: AYES: Pemrick, Chandler, Cochran

NOES: None

Absent: Lunde

BOARD OPENINGS- Deputy Supervisor Pemrick states that we have Board Openings for Town Board in January and Zoning Board. No applications have been received for Zoning Board of Appeals. Dep. Supervisor Pemrick states that when candidates were previously interviewed they made a decision to place one of the candidates on the Zoning Board should a position become vacant. Pemrick confirms with the Board that is still a possibility. All agree. Chandler C., states that was after interviews with all applicants at that time. There are six applicants for the Town Board. Pemrick, C., would like to set up interviews before the end of the year. All agree to interview candidates Wednesday, December 16, 2015 @ 6:30 PM. MaryAnn Johnson, Town Clerk will call the candidates and set up interviews.

REPORT ON CLINTON STREET- Highway Supt. W. Barss, states that they have paved a two foot shoulder on the road. The yellow line and white lines have been painted. Signs have been put up suggesting a lower speed limit, the curves have curve signs. Two portable radar signs have been ordered. They will show the speed and take data. Lack of snow has enabled the Highway to have funds to purchase these signs. The signs can be moved to other areas. Highway Supt. Barss has been working with Skidmore to send messages throughout the college that they are working with the Town of Greenfield. Skidmore will speak with the State Police and see if they will do a radar patrol which they will pay for. Deputy Supervisor Pemrick thanks Highway Supt.

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Bars for working with Skidmore and trying to find a solution to the situation.

ACCEPT BOND OLD STONE RIDGE PLANTINGS- M. Schachner, Counsel, states that the bond he reviewed needs to be revised to refer to Planning Board's approval and the conditions of the Planning Board approval. Pemrick, Dep. Supervisor, suggests moving forward with approval. Town Counsel Schachner, suggested approving the bond contingent upon his review and approval. Pemrick asks John Witt if he understands that the approval of the bond is contingent upon Town Attorney approval. He states yes. John Witt states that the trees will be inspected in the Spring. He realizes that the Planning Board approval is contingent upon requests they have made. Schachner, Counsel, questions Witt on the Planning Boards item to correct erosion and control measures. J. Witt says that the SWPP is in place. They are inspecting the trees and checking erosion control as they need to as they build a house. Chandler, C. states that the erosion control is for the Planning Board and we are here for replanting of the trees. Pemrick, C., concurs that the bond we have in front of us is just for the reforestation that we have been dealing with.

RESOLUTION # 152- ACCEPT BOND OLD STONE RIDGE PLANTINGS

Motion: Cochran, C.

Seconded: Chandler, C.

Resolved the Town Board hereby accepts the bond in the amount of \$69,923.93 for the reforestation and plantings of Old Stone Ridge, contingent upon Town Attorney's revision and approval.

VOTE: AYES: Cochran, Chandler, Pemrick

NOES: None

ABSENT: Lunde

RESOLUTION # 153 REAPPOINT UDAG MEMBER

Motion: Chandler, C.

Seconded: Cochran, C.

Resolved the Town Board hereby accepts the reappointment of Ronald Deutsch for a five year term as a member of the UDAG committee with said term to expire 12/31/2020.

VOTE: AYES: Chandler, Cochran, Pemrick

NOES: None

ABSENT: Lunde

RESOLUTION #154 SCHEDULE END OF YEAR & ORGANIZATIONAL MEETINGS

Motion: Chandler, C.,

Seconded: Cochran, C.,

Resolved, the Town Board hereby schedules the End of the Year meeting for December 28 at 7 PM and the Organizational Meeting for January 7th at 7:30 PM.

VOTE: AYES: Pemrick, Chandler, Cochran

NOES: None

ABSENT: Lunde

RESOLUTION # 155 – Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

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

\$3,090.89	From: DA5142.400	to	A5130.400
\$2,500.00	From: A1650.400	to	A1620.100

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\$1,000.00	From: A1650.400	to	A1630.100
\$ 5,435.00	From: A8015.400	to	A8015.100
\$ 548.18	From: CR7110.47	to	CR7110.48
\$ 675.41	From: CR7180.43	to	CR7180.41
\$ 122.22	From: CR7110.44	to	CR7110.41
\$ 57.37	From: CR7180.43	to	CR7180.4
\$2,000.00	From: CR7110.2	to	CR7110.4
\$ 630.31	From: CR7180.2	to	CR7180.42
\$3,327.10	From: CR7110.42	to	CR7110.1
\$2,314.65	From: CR7110.44	to	CR7110.1
\$ 810.94	From: CR1990.4	to	CR7180.2
\$16,509.82	From: A1440.4	to	A9060.800
\$2,991.35	From: A6410.4	to	A5132.400
\$1,220.55	From: A7310.400	to	A5182.400
\$2,901.68	From: A1010.100	to	A4540.400
\$ 221.08	From: CR1990.400	to	CR1375.400
\$1,638.88	From: DA9030.8	to	DA5130.4

VOTE: Ayes: Pemrick, Chandler, Cochran

Noes: None

Absent: Lunde

GREENFIELD ESTATES CONVEYANCE– Highway Superintendent, Barss, explains they are looking to deed property for the Town for a turn-around. Town Clerk has not received any signed documents. Town Counsel explains that we need property conveyance documents. Board will table until the January meeting and receipt of the signed documents.

BROOKHAVEN BUDGET– Deputy Supervisor Pemrick says that we have the 2016 budget for Brookhaven to adopt. Joan Stunzi, Financial Officer, explains that the revenue estimation has been lowered, more in line with actual revenue. Some reductions have been made in the salary lines. No new equipment. It's a more realistic budget. Chandler, C., asks if we'll be OK if we scale back. Pemrick says that the committee is making a more conscience effort to operate with what the revenues are. Chandler, C. likes the fact that more money is appropriated for advertising. Pemrick, C., explains that we would like to get the park area going. Chandler, C., concurs.

RESOLUTION # 156 ADOPT 2016 BROOKHAVEN BUDGET

Motion: Cochran, C.

Seconded: Chandler, C.

Resolved, the Town Board hereby adopts the Brookhaven Budget for 2016 as presented.

VOTE: AYES: Pemrick, Cochran, Chandler

NOES: None

ABSENT: Lunde

HIGHWAY SEASONAL RATES – Highway Supt. Barss would like to discuss a pay rate scale for some part time employees. This would be for Highway only. To be discussed at the end of the year meeting.

HUNTING ON TOWN PROPERTY –Nathan Duffney states that he was asked about

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hunting on Town Property. Chandler, C., says that in our policy there are not any firearms allowed on Town property. Pemrick, C., says that we need to check and make sure that we have signs to that effect in the parks. Cochran, C., will straightened out in the Town's new Code language as far as hunting and having firearms on Town's property.

COMMITTEE REPORTS- Ty Stacey, Parks Review Committee says that they will be adding two new members to the committee. He will have a report in January 2016.

Monthly Reports were submitted by Dog Control (Sept. & Oct.), Town Supervisor, Town Clerk, Highway Supt., Town Justices and Revolving Loan Fund.

RESOLUTION # 157 – Highway Bills

Motion: Chandler

Seconded: Cochran

Resolved, That the Highway Bills #238 -#252 in the amount of \$27,291.98 be paid, subject to audit.

VOTE: AYES: Pemrick, Chandler, Cochran,

NOES: None

ABSENT: Lunde

RESOLUTION #158 – Park Bills

Motion: Chandler

Seconded: Cochran

Resolved, That Park Bills #275-#292 in the amount of \$6421.28 be paid, subject to audit.

VOTE: AYES: Pemrick, Cochran, Chandler

NOES: None

ABSENT: Lunde

RESOLUTION #156 – General Bills

Motion: Chandler

Seconded: Cochran

Resolved, That the General Bills #642 -# 701 in the amount of \$25,216.49 be paid, subject to audit.

VOTE: AYES: Pemrick, Cochran, Chandler

NOES: None

ABSENT: Lunde

On a motion by Chandler, C., and seconded by D. Cochran, C., the meeting was adjourned at 8:40 PM.

Deputy Town Clerk