

December 11<sup>th</sup>, 2014

The regular meeting of the Town Board was held at the Town Hall on Thursday, December 11<sup>th</sup>, 2014 with the following members present: Paul Lunde, Supervisor; Daniel Pemrick, Daniel Cochran and Walter E. Chandler, Councilman. Thomas Kinsella was absent. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss and 6 residents.

At 7:15 PM, the Board met as the Board of Health.

61 Plank Road - Supervisor Lunde stated that the Highway Department had removed the unsafe building and debris from the site. The Code Enforcement Officer has done an inspection of the property and it is his opinion that the property is now in compliance. Highway Supt. will supply the Town Clerk with a breakdown of expenses to be sent to the County and charged against the next Tax bill.

984 Locust Grove Road - Supervisor Lunde reviewed the report from the Code Enforcement Officer dated 12/10/14 which stated that the property owner was in the process of complying with the building permit requirements and will most likely be issued a building permit in the near future. It was his opinion that Mr. Fisk was complying with the Town of Greenfield requests and the unsafe building hearing could be dismissed. On motion of Cochran, C. and seconded by Pemrick, C. the Board voted to dismiss the unsafe building proceedings.

At 7:20 PM opening of bids was held for a 2012 or Newer Self-Propelled Road Widener as per bid specification #2-2014. Clerk presented proof of legal publication. The following bids were received:

Southworth Milton, Inc.	2014 Weiler W430	\$123,900.00
Monroe Tractor	2012 Midland SPR-6	\$ 69,850.00

At 7:25 PM opening of bids was held for #2 Fuel Oil. Clerk presented proof of legal publication. The following bids were received:

G.A. Bove & Sons, Inc.	Albany Tank Car Price of Day plus .25 Differential
Mirabito Energy Products	Albany Tank Car Price of Day plus .2750 Differential

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 11/13/14 and 11/24/14 were approved as submitted by all Board Members present.

Petition submitted by Town residents proposing that a Loud Music Ordinance be adopted by the Town. Supervisor Lunde stated that the petition would be passed on to the Zoning Review Committee that would begin meeting in January to consider updates to the Code.

Paul Bouchard, Denton Road – Mr. Bouchard stated that his wife unable to make the meeting this evening, however she wanted to reiterate her concerns over the lack of handicapped accessibility, i.e. elevators in the proposed Prestwick Chase PUD application.

Greenfield Town Park Eagle Scout Project – Liam Ferris - Liam provided the Board with pictures of the completed project as well as a Final Cost Sheet. Liam stated that the majority of the equipment and supplies were donated. He added that he received a \$150. from Stewarts which he used for signs for the grills. He also received \$400.00 from the Greenfield Lions Club to pay for a portion of the cost of the grills. He was here this evening to ask if the Town could help to pay for the remaining cost of \$252.64. Supervisor Lunde thanked Liam and stated that he did a very nice job. Cochran, C. stated that there have been several Eagle Scout projects in Town. He has recently been working with J. P. Valentine to repair some of the fencing at the Greenfield Cemetery. He thanked Liam and all the Eagle Scouts.

RESOLUTION # 144 - Donation to Eagle Scout Project at Greenfield Town Park

Motion: Chandler, C.

Seconded: Cochran, C.

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RESOLVED, That the Town Board hereby agrees to pay \$252.64 to cover the cost of the remaining expenses for the Eagle Scout project completed by Liam Ferris at Greenfield Town Park.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Prestwick Chase PUD - Town Counsel Schachner provided the Board with a copy of the proposed Local Law which integrated the amendment with the original legislation to make it a stand alone document. He provided the applicants' attorney with a copy as well. He added that it still needed a little further review since there was still some redundancy that needed to be worked out. Supervisor Lunde believed that there were 3 items that needed to be discussed: the right-of-way for utilities; limit of time and/or number of extensions and concerns regarding the traffic study. As far as a traffic study, the Town has the capability of conducting its own traffic count. They can obtain all kinds of information from the readings, such as number of cars, type, speed, etc. Supervisor Lunde suggested that when weather permits, if the applicant would allow them, the Town install the counters at the entrance to the facility for one week. The information obtained could be provided to the Planning Board to use during the approval process for the different phases. Town Counsel Schachner believed that there was also an issue regarding whether or not the proposed roadway through to Daniels Road was going to be for emergency access only or a through road. Supervisor Lunde stated that he spoke with the individual Planning Board members and all but one indicated that they would not be in favor of having that road being a through road. They made this decision basically due to the public outcry. Pemrick, C. felt that it was a difficult spot in the road. There were similar concerns regarding site distance with the entrance to County Squire Estates, just West of the proposed roadway. He asked if it might be possible that any data that might be acquired as a result of this study might make the Planning Board take another look at that. Town Counsel Schachner noted that as currently proposed, the access road is scheduled to be constructed in Phase 3. Supervisor Lunde stated that far as the issue of handicapped accessibility, it was his understanding that once they start to actually review the building plans, in order to meet the Building Code, they will find that elevators will be required. He added that if the Town Board chooses to adopt the proposed Local Law to amend the Prestwick Chase PUD, it would only be allowing the project to move forward and go back to the Planning Board for Site Plan Review. Town Counsel Schachner did not feel that the proposed Local Law was in final form as far as taking action this evening. Cochran, C. asked where the right-of-way stood. Town Counsel Schachner stated that he would not suggest adopting the Local Law with contingencies. He would build it right into the Local Law and require that the applicant grant the Town the necessary easement for future infrastructure. Supervisor Lunde asked if the traffic study had to be in the law as well. Town Counsel Schachner suggested that a provision be added whereby the Town will conduct a traffic count and provide the data to the Planning Board for review of all phases. The applicants engineer, Luigi Palleschi, was in agreement as long as there was not a cost associated with it and it did not delay the approval process. Pemrick, C. felt that the current proposal was open ended as far as project completion was concerned. He felt that there should be a reasonable length of time and not left as open ended. Mr. Palleschi stated that the applicant's attorney, Mr. Pentowski, was concerned that the Town would be bound up with some sort of limitation and suggested that Town Counsel speak with him about it. Town Counsel Schachner did not agree and stated that it was policy and not law. He felt that the applicant's counsel should address the Board with that issue. Pemrick, C. stated that he was looking at the total project. They are proposing to do this in phases and there are some controls between the phases. However, at completion, when they are working on Phase 3, what is the limit that they have to complete the project and can they ask for any extensions of time and for how long. Mr. Palleschi believed that that was covered in Section 12 Item K. Town Counsel Schachner did not see a limit to the number of times an extension can be applied for or to

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the length of time of the extension. Pemrick, C. added that at the end of Section K is the sentence, "Failure to timely submit such application may result in the issuance of a Stop-Work Order by the Town". Town Counsel Schachner stated that even if there was a statement added that there would be no extensions under any circumstances, the Town Board is the legislative body and they could come back anytime and ask for an amendment to the PUD, just as they are doing now. Pemrick, C. asked if Town Counsel felt that the Town was adequately protected by the current proposal. Town Counsel advised that there was no circumstance under which the Board would be obligated to grant an extension. Chandler, C. felt that the Town needs the freedom to grant an extension. If there is a project that is half built, it is not going to do the Town any good. They may have to grant an extension so that the project can be completed. Pemrick, C. agreed and added if Item K would give the Board the authority to grant an extension with a time limitation, then he would be okay with it. Town Counsel Schachner suggested that an additional sentence be added to Section 12 – K which states "that in granting any such extension, the Town Board may impose any reasonable condition that it deems appropriate on the duration of an extension" or something similar. Chandler, C. suggested that they be careful in the wording of the limitation of emergency vehicles only for the proposed road. There may be times when a special delivery may have to come through that access rather than through the main entrance. He suggested that perhaps vehicles that are specially permitted by the State be allowed to use that in special situations. Town Counsel Schachner to propose a revision to Section 10 – E. Town Counsel to make revisions to proposed legislation for the Board for the January 8<sup>th</sup>, 2015 meeting.

2015 Brookhaven Budget - Supervisor Lunde stated that some minor changes have been made to the proposed budget that was provided to the Board, due to some equipment needs. The Committee was very comfortable with the figures as budgeted.

RESOLUTION # 145 - Adopt 2015 Brookhaven Budget

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby adopts the 2015 Brookhaven Budget as proposed.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Road Widener - Highway Supt. Walter Barss stated that he reviewed the two bids that were opened earlier for the 2012 or new Road Widener. He would suggest that the Board accept the bid from Monroe Tractor. This will be paid for out of his 2015 Equipment Budget.

RESOLUTION # 146 - Award Bid for Road Widener

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby awards the bid for the 2012 or Newer Self Propelled Road Widener to Monroe Tractor at the cost of \$69,850.00

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 147 - Award Bid for #2 Fuel Oil

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby awards the bid for #2 Fuel Oil for the Year 2015 to G. A. Bove & Sons, Inc. at the differential price of \$0.25.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

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Highway Supt. Barss stated that Bove is now delivering the On-Road Diesel Fuel as well. He just found out that the State contract had expired. He is using the County Bid which is good until February. The County will rebid or the Town can decide to bid ourselves.

Time Warner Cable Franchise – Supervisor Lunde stated that he spoke with Time Warner. He voiced the concern of the Town Board regarding length of the agreement, the franchise fee and build out. They agreed to change the length back to 10 years and to change the wording regarding future construction back to the original contract that required 20 dwellings per mile. Supervisor Lunde added that he was told that they do not come out to the community and extend lines. They wait for someone from the community to come to them and ask to be connected. Supervisor Lunde stated that the Board would have to hold a public hearing. Supervisor Lunde is to obtain an updated document from Time Warner Cable prior to the publishing of the public hearing notice.

RESOLUTION # 148 - Schedule Public Hearing on Time Warner Cable Franchise Agreement

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby schedules a Public Hearing to be held on Thursday, January 8<sup>th</sup>, 2015 at 7:25 PM regarding a Cable Television Franchise Agreement between the Town and Time Warner Cable.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 149 - Re-Appointment UDAG Committee Member

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby re-appoints Robert Roeckle to the UDAG Revolving Loan Fund Committee, with said term to expire 12/3/2019.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 150 - Approve 2015 Junk Yard License Renewals

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the following Junkyard License renewals for the Year 2015 as per the Town Code – Chapter 65, Junkyards:

#1 – 2015 - M & J Construction Company

#2 – 2015 - Gaba Brothers Auto Parts

#3 – 2015 - Casey Cornell – Cornell's Used Auto Parts, LLC

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 151 - Approve Petty Cash for Town Tax Collector

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby establishes a Petty Cash Fund in the amount of \$200.00 for the Town Tax Collector.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

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RESOLUTION # 152 - Set Town Board Meeting Dates

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the End of the Year meeting be scheduled for Monday, December 29<sup>th</sup>, 2014 at 7 PM and that the Organizational Meeting for 2015 shall be Thursday, January 8<sup>th</sup>, 2015 at 7:00 PM.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

UDAG Loan – Saratoga Courage - Supervisor Lunde stated that the UDAG Committee met on December 4<sup>th</sup>, 2014 to discuss a request made by Saratoga Courage to extend the “interest only” payments on its outstanding loan for six months. It is the recommendation of the Committee that the Town Board approve this request.

RESOLUTION # 153 - Amend UDAG Loan Agreement for Saratoga Courage

Motion: Chandler, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby accepts the recommendation of the UDAG Revolving Loan Fund Committee and amends the loan to Saratoga Courage by extending the interest only payments for an additional 6 months.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Appropriation of Skidmore Funds - Supervisor Lunde stated that the Board had discussed at the Agenda Meeting the idea of putting \$100,000 in the General Fund and \$100,000 in the Highway Fund. The commitment was to not use the money for re-occurring expenses. For accounting purposes, the money needs to be transferred to the funds before the end of the year. The Board can decide what to do with it at a later time. Town Budget Officer submitted a letter to the Board suggesting that the money be split between the three funds: \$100,000 to Highway Fund, \$75,000 to General Fund and \$25,000 to Park Fund. Chandler, C. was not in favor of putting any money in the Park Fund. He felt that if the Board was going to start giving taxpayer funds to Brookhaven the Board would have to amend the Resolution when the golf course was accepted and there would have to be another public hearing. Supervisor Lunde stated that he was not proposing to see the money split three ways. He would like to see the money go the General and Highway Funds. Highway Supt. Barss stated that the Park is used more for public use than just for golf. This time of year the Park is open for cross country skiing and snowshoeing at no cost. Chandler, C. suggested that the \$25,000 could be put toward the Park usage, but not used to support the golf course side. Supervisor Lunde stated money could be put in the General Fund Park budget and the money would be used for that Park, not golf. That was something that the Board could decide to do next year when they divide up the money in the General Fund.

RESOLUTION # 154 – Appropriation of Skidmore Funds

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby agrees to distribute the money received from Skidmore as follows: \$100,000 to the Highway Fund and \$100,000 to the General Fund.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

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RESOLUTION # 155 - Transfer of Funds

Motion: Pemrick, C.

Seconded: Chandler, C.

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

\$ 6,261.55	From	A1990.4	to	A5132.4
2,186.00	From	A1420.4	to	A7140.4
363.49	From	A6410.4	to	A6772.4
1,763.52	From	A1910.4	to	A5182.4
4,336.61	From	A7550.4	to	A7140.1
1,299.94	From	A8015.2	to	A8010.1
649.45	From	A8015.2	to	A8020.1
34,044.52	From	DA5110.1	to	DA5142.1
11,835.00	From	DA9961.9	to	DA5142.1
1,419.14	From	DA9070.8	to	DA5130.4
923.86	From	DA9040.8	to	DA5130.4
197.99	From	DA5140.45	to	DA5130.4
328.80	From	DA9055.8	to	DA5140.4
192.43	From	DA9030.8	to	DA5140.4
5,657.46	From	CR7180.2	to	CR7110.4
1,285.67	From	CR7110.1	to	CR7180.4
885.11	From	CR7110.1	to	CR7110.48
7.72	From	CR7110.1	to	CR7110.41
237.68	From	CR7180.1	to	CR7180.44
651.85	From	CR7110.1	to	CR7180.42
229.97	From	CR7110.1	to	CR7110.43
372.73	From	CR7110.1	to	CR1375.4
65.12	From	CR7110.1	to	CR1990.4

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Highway Equipment - Highway Supt. Barss stated that he would like to declare the 1962 Road Widener as surplus. In addition, he has money in his 2015 budget to replace the 11 year old Bobcat Skid Steer. He can purchase a new one off of State Contract, however he would like to see how much he can sell this one on the website for first.

RESOLUTION # 156 - Declare Highway Equipment as Surplus

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the following equipment be declared as surplus:

1962 Road Widener

2003 Bobcat Skid Steer

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 157 - Nutrition Site Agreement

Motion: Cochran, C.

Seconded: Pemrick, C.

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RESOLVED, That the Town Supervisor be authorized to execute the Nutrition Site Agreement with Saratoga County Office of the Aging to use the Community Center as the Meals Site.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Monthly reports were submitted by the Town Supervisor, Highway Supt., Town Clerk, Town Justices, Building Inspector (Sept & Oct) and the UDAG Revolving Loan Fund.

RESOLUTION # 158 - Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 240 to # 260 in the amount of \$117,449.72 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Prestwick Chase - Highway Supt. Barss suggested that the Board may want to consider using the entrance off of Daniels Road as part of the delivery during construction so that all the heavy trucks are not coming in off of Denton Road. Town Counsel Schachner noted that there were going to be a series of construction phases and the roadway is being proposed to be built in the third phase. Butch Duffney, Planning Board member, stated that when they originally talked about the project he brought this subject up. He suggested that the road be made a construction entrance and then eventually turn into the emergency entrance. Denton Road was just recently reconstructed and paved. Supervisor Lunde asked why the Planning Board did not make this as part of their recommendation. Pemrick, C. asked what the traffic counts were for those two roads. Highway Supt. Barss stated that Daniels Road was the busiest road in Town. Pemrick, C. suggested that it might be a safety issue with the large vehicles slowing down and making the turn due to the fact that Daniels Road is so busy and the vehicles are traveling probably too fast. The site distance in that area is questionable. Highway Supt. Barss asked if there was anything in the PUD legislation that talked about preserving the condition of Denton Road. Chandler, C. felt that was going too far and that the tax revenue from a building like what is proposed will far outweigh the damage on the highway over time. He added that he was paying big money every year for the Town to build a road that he can haul on. Highway Supt. Barss stated that he was just trying to protect the Town and that as a Town Board member he should be interested in protecting the Town infrastructure as well.

RESOLUTION # 159 - Park Bills

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That Park Bills # 264 to # 282 in the amount of \$11,783.89 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 160 - General Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 634 to # 693 in the amount of \$35,204.31 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

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On motion of Pemrick, C. and seconded by Cochran, C., the meeting was adjourned at 8:40 PM.

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Town Clerk