

January 11th, 2018

The regular meeting of the Town Board was held on January 11th, 2018 with the following members present: Daniel Pemrick, Supervisor; Daniel Cochran, MaryAnn Johnson, Rick Capasso and Kevin Veitch, Councilmen. Also present were Walter Barss, Superintendent of Highways and 1 resident. Absent is Town Attorney Mark Schachner.

At 7:00 PM the meeting was called to order by the Supervisor with the Pledge to the Flag. On a motion by Capasso and seconded by Johnson, the minutes from Dec. 14th, Dec. 27th and January 4th were accepted and approved by all Board members present.

DEC Land Acquisition Greene Road- Town Clerk states that she received a letter from DEC looking for a reply from the Town Board if they are in favor of their possible purchase of property on Greene Road. They would like a response from the Town Board if they have any opposition. Supervisor Pemrick states that he called the person on the letter and she stated that we should have not received that letter. Veitch, C. states that he would like a letter from the DEC person stating that. Supervisor Pemrick states that he will call and make sure they do not need anything from the Board.

Dave Evans- Plank Road- Open Development- Mr. Evans states he feels that the Town is following New York State Law 1-205. It is inappropriate because more than 2 landowners are involved. He feels the appropriate Law to be working under is NYS Highway Law 207, which requires all property owners who are affected to be notified. Since he feels that wasn't done, then the Town cannot correct Resolution 104 of 2005 for a clerical correction. There are approximately a dozen land owners involved with the road, not just the 2 that are mentioned. Supervisor Pemrick thanks Mr. Evans for his comments.

Supervisor Pemrick states the first item on the agenda is the Abandonment of Plank Road. Our attorneys have reviewed the information and have provided us with a statement that corrects the mistake that was made in 2005 when abandoning Plank Road. He explains to the TB members that they will need to sign the resolution and will move onto the Order of the Highway Superintendent

RESOLUTION # 30 -2018 Consent of Highway Superintendent Correcting Resolution 104 of 2005

Motion: Cochran, C.

Seconded: Veitch, C.

RESOLVED, that the Town Board hereby adopts Resolution # 30 correcting Resolution 104 of 2005 as follows:

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RESOLUTION NO.:
INTRODUCED BY: Cochran, C.
SECONDED BY: Veitch, C.

**GREENFIELD TOWN BOARD
RESOLUTION NO. 30 OF 2018
AND CONSENT OF HIGHWAY SUPERINTENDENT
CORRECTING RESOLUTION 104 of 2005**

WHEREAS, the Town Board adopted Resolution and Consent 104 of 2005 consenting to the discontinuance of a portion of Plank Road; and

WHEREAS, it has been brought to the Board's attention that Resolution and Consent 104 of 2005, which was executed by all Town Board Members and the Highway Superintendent, contained clerical errors in its description of the discontinued portion of Plank Road; and

WHEREAS, it is clear that the portion of the road discontinued was the portion of the Road to the west of Ridge Road and not the portion of the Road to the east of Ridge Road; and

WHEREAS, the discontinuance was finalized in 2005 by the filing of the Town Board's Consent and the Highway Superintendent's Order in the Town Clerk's Office and the filing of releases from all affected property owners in the Saratoga County Clerk's Office; and

WHEREAS, since the discontinuance in 2005, the portion of Plank Road to the west of Ridge Road has not been worked or maintained by the Town; and

WHEREAS, the Town Board now wishes to correct the description set forth in Town Board Resolution and Consent 104 of 2005; and

WHEREAS, the Town Board does not wish to alter or disturb any other portion of Resolution and Consent 104 of 2005; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby corrects Resolution and Consent 104 of 2005, a copy of which is attached hereto and incorporated herein, by correcting the description of the discontinued portion of Plank Road to the following:

BEGINNING at the point of Plank Road being located 3,200 feet west of the intersection of Plank and Ridge Roads and continuing westward to its termination; and

BE IT FURTHER


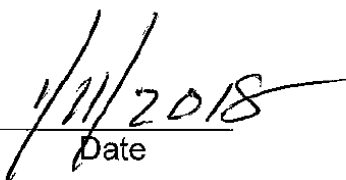

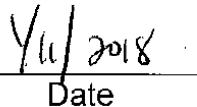
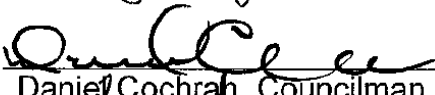
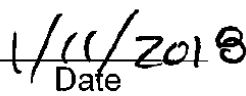
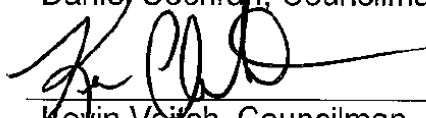
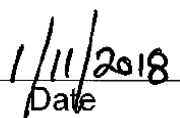
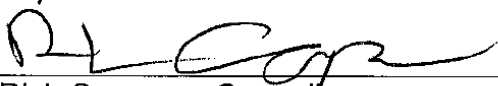
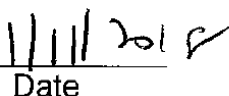
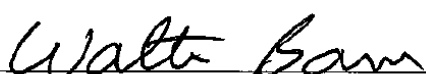
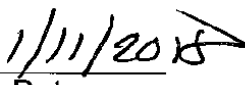
RESOLVED, that the Town Board hereby directs the Town Highway Superintendent to file this Resolution together with his Order correcting the description with the Town Clerk; and

BE IT FURTHER

RESOLVED, that the Town Board authorizes and directs the Town Supervisor, Town Highway Superintendent, Town Clerk and Town Counsel to take any and all actions necessary to effectuate this Resolution.

Duly adopted this 11th day of January, 2018, by the following vote:

AYES :
NOES :
ABSENT :

 Daniel Pemrick, Supervisor	 Date
 MaryAnn Johnson, Councilwoman	 Date
 Daniel Cochran, Councilman	 Date
 Kevin Veitch, Councilman	 Date
 Rick Capasso, Councilman	 Date
 Walter Barss, Highway Superintendent	 Date

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_VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch
NOES: None

RESOLUTION # 31- Correction Order of Town of Greenfield Highway Superintendent Discontinuing a Portion of Plank Road

Motion: Cochran, C.

Seconded: Capasso, C.

January 11, 2018 continued

RESOLVED, That the Town Board hereby adopts Resolution # 31 correcting the original Order of the Town of Greenfield Highway Superintendent discontinuing a portion of Plank Road as follows:

**CORRECTION ORDER OF TOWN OF GREENFIELD HIGHWAY SUPERINTENDENT
DISCONTINUING A PORTION OF PLANK ROAD**

WHEREAS, the Town of Greenfield Highway Superintendent issued an Order dated October 17, 2005 discontinuing a portion of Plank Road; and

WHEREAS, it has been brought to the current Highway Superintendent's attention that the Order contained a clerical error in its description of the discontinued portion of Plank Road; and

WHEREAS, it is clear that the portion of the road discontinued was the portion of the Road to the west of Ridge Road and not the portion of the Road to the east of Ridge Road; and

WHEREAS, the discontinuance was finalized in 2005 by the filing of the Town Board's Consent and the Highway Superintendent's Order in the Town Clerk's Office and the filing of releases from all affected property owners in the Saratoga County Clerk's Office; and

WHEREAS, since the discontinuance in 2005, the portion of Plank Road to the west of Ridge Road has not been worked or maintained by the Town; and

WHEREAS, I now wish to correct the description set forth in the Highway Superintendent's Order dated October 17, 2005; and

NOW, THEREFORE, I hereby correct the description of the discontinued portion of Plank Road set forth in the Order of the Town of Greenfield Highway Superintendent dated October 17, 2005, a copy of which is attached hereto and incorporated herein, to the following:

BEGINNING at the point of Plank Road being located 3,200 feet west of the intersection of Plank and Ridge Roads and continuing westward to its termination.

I do not alter or amend the original Order in any other way.

Dated: January 11th , 2018

TOWN OF GREENFIELD

By:

Walter Barss, Highway Superintendent

VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

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EVANS REQUEST OPEN DEVELOPMENT PLANK ROAD- Supervisor Pemrick states that when we received this request we sent it to the Planning Board for their review and recommendations. In that time we received questions from Mrs. Pompa about ownership of the Right-of-way that Mr. Evans was claiming. We have learned that is an issue that they (Pompa/Evans) will have to work out. We have a copy of the report from the Planning Board and their very thorough response and Resolution making recommendations to the Town Board regarding the application of David Evans for Open Development. Supervisor Pemrick reads the Planning Board's recommendations.

RESOLUTION # 32 – Approve Open Development Application of David Evans – Plank Road

Motion: Veitch, C.

Seconded: Johnson, C.

RESOLVED, That the Town Board approves the Open Development Application of David Evans contingent upon him following all recommendations and sections from the Planning Board and hereby refers the Open Development application to the Zoning Board of Appeals for their review and recommendations. The Planning Board's recommendations are as follows:

GREENFIELD PLANNING BOARD

REPORT ON APPLICATION

AND

RESOLUTION MAKING RECOMMENDATIONS TO THE TOWN BOARD REGARDING THE APPLICATION OF G. DAVID EVANS FOR AN OPEN DEVELOPMENT PERMIT

WHEREAS, G. David Evans ("Applicant") submitted an application to the Greenfield Town Board in accordance with NYS Town Law Section 280-a for an Open Development Permit ("Application") to enable development of Applicant's property, located off of Plank Road and identified as Tax Map Number __123.-2-21____ ("Property"), which lacks frontage on any Town, County or State road or highway and which is accessed solely through private property owned by others, and

WHEREAS, the Town Board referred the Application to the Planning Board for its report and recommendations, and

WHEREAS, the Town's Fire Department has advised that: 1) the steel deck bridge on the private road which provides access to the Property is inadequate to carry fire trucks due to deficiencies in guide rails, angle of approach, weight certification and in other respects, and 2) that the condition of the private driveway providing access to the Property is itself deficient and inadequate for access by fire trucks and emergency response vehicles, but which may be fixed to be satisfactory for the fire department.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board makes the following findings, which shall constitute its “report” under NYS Town Law Section 280-a:
 - A. The Town’s Fire Department has inspected the private driveway providing access to the Property and determined that its condition does not allow safe access to the Property by the Town’s fire trucks and other emergency response vehicles. However, the Fire Department has noted that the driveway may be fixed to be satisfactory. The Applicant has also provided a letter from a licensed Professional Engineer stating that the driveway can be made accessible to meet the NYS and Town requirements for emergency vehicle access.
 - B. The Town’s Fire Department has inspected the steel deck bridge on the private access driveway which provides access to the property and determined that the bridge is inadequate to carry fire trucks due to deficiencies in guide rails, angle of approach, weight certification and in other respects.
 - C. The Applicant has provided language that there is access to the Property.
2. The Planning Board hereby recommends that the Town Board approve the Applicant’s request for an Open Development for the Property contingent upon:
 - A. That the driveway and the steel deck shall be designed and certified by a licensed engineer to hold a 50,000 lb., 30-foot long vehicle. In addition, the driveway shall have facilities for turning around available within 100’ of any structure and shall comply with the Town of Greenfield driveway specifications. Driveways in excess of 500’ in length shall be marked at 500’ intervals as provided by the Town of Greenfield Fire Department.
 - B. That the Applicant provide certification for the driveway and steel deck bridge as previously stated, and in accordance with Note #3 of the Town of Greenfield Driveway standards, and to any existing house or houses or proposed locations for houses on the property to the satisfaction of the Town’s Fire Department and Town Engineer.
 - C. That said improvements are to be completed prior to the issuance of a building permit

The resolution was duly adopted by the following roll call vote:

Tuesday, September 26, 2017

AYES: Duffney, Bokus, Gyamarthy, Roeckle, Siragusa, Weeks, Yasenchak

NOES: None

ABSENT: None

Town Board Vote- January 11, 2018

Vote: Ayes: Pemrick, Johnson, Capasso, Veitch

Noes: Cochran

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Supervisor Pemrick states that the motion has carried and thanks Mr. Evans. Mr. Evans asks if he will be receiving anything in the mail. Supervisor Pemrick states yes.

Mark Schachner, Town Attorney arrives at 7:30PM.

BOARD OF HEALTH- UNSAFE BUILDINGS-

188 Bockes Road- Tax Map # 137.-2-22- Supervisor Pemrick states that we have not heard from the residents at 188 Bockes Road Town Clerk says that she sent a Certified letter in November and has not received that back or any notification. They live in California. The Supervisor asks the Town Clerk to notify them again, giving a date to comply or the building will be taken down., and we will address this at our February meeting.

151 Bockes Road- Tax Map # 138.-1-83- Supervisor Pemrick states that the Code Enforcement Officer has given us a report of an unsafe building that has had a fire. Town Clerk Will send notification that the building needs to be removed or the Town will remove it and add the cost to the tax bill.

RESOLUTION # 33- Notify owners at 151 Bockes Rd. of Unsafe Building

Motion: Capasso, C.

Seconded: Veitch, C.

RESOLVED, that the Town Board directs the Town Clerk to send a letter to 151 Bockes Road, Tax Map # 138.-1-83,of an Unsafe Building on the property.

VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

SPEED REDUCTION MIDDLE GROVE ROAD- Supervisor Pemrick asks Superintendent of Highways, Walter Barss, what the process is for a speed reduction. We need to fill out a Speed reduction form? Mr. Barss says yes, we have done many of them in the past. Johnson, C. states that we need to have a specific starting and ending point on the form. Supervisor Pemrick states that the speed limit was changed some years ago from Moss Creek through Middle Grove, and it is 40 MPH. Johnson, C. suggests that we request starting from the 9N intersection of Middle Grove Road to Moss Creek. Capasso, C. asks about the whole road. Supervisor Pemrick states that we can ask that the whole road has a speed reduction.

RESOLUTION # 34- Request to Saratoga County a Speed Reduction on Middle Grove Road

Motion: Capasso, C.

Seconded: Veitch, C.

RESOLVED, that the Town Board hereby applies and requests that Saratoga County lower the speed limit on Middle Grove Road, starting from the Route 9N intersection with Middle Grove Road.

VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

PLANNING BOARD VACANCY- Supervisor Pemrick states that we had one application for the Planning Board vacancy. The Town Board sets the date for Wednesday, January 17th, 2018 at 6PM. Veitch, C states that he will inform the applicant, Karla Conway. Supervisor Pemrick thanks Thomas Siragusa for staying on until his vacancy is filled.

January 11, 2018 continued

DISCUSSION HEATING DELIVERIES IN THE TOWN OF GREENFIELD- Councilman Capasso states there were quite a few people in Greenfield that did not receive their fuel oil or propane deliveries during the extensive cold weather. There is legislation in the State Assembly to allow residents of any Town that lease propane tanks to receive propane products from any Company in a time a crisis such as the extended below zero temperatures that we had during the months of December and January. He would like the Town Board to support the efforts of the State Assembly.

RESOLUTION # 40- Support Bill Number A8940A- Allowing Homeowners to Choose Any Supplier in a Time of Emergency

Submitted: Capasso, C

Seconded: Cochran, C.

WHEREAS, It is the purpose of the Town Of Greenfield to support legislation in the State Assembly regarding the delivery of propane in cases of emergency and times of urgent need, and

WHEREAS, It has come to the attention of this Town Board that several residents of the Town of Greenfield were not able to receive adequate delivery of their fuel in a timely manner in extreme cold, and

WHEREAS, It is the intent of this Town Board to recognize Bill Number A8940A currently proposed in the State Assembly and State Senate to ensure that residents may procure propane fuel during inclement weather and emergency situations, and

WHEREAS, Homeowners leasing propane tanks may have licensed propane distributors fill, refill or deliver propane from a licensed liquefied petroleum gas provider and supplier to a tank that has all required inspections and certifications complete according to State Law.

VOTE: AYES: Pemrick, Cochran, Johnson, Capasso, Veitch

Noes: None

On A motion by Capasso, C and Seconded by Cochran, C the meeting was adjourned at 8:08 PM.

Town Clerk

DRAFT