

January 12th, 2012

The regular meeting of the Town Board was held on Thursday, January 12th, 2012 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick and Walter E. Chandler, Councilman. Thomas Kinsella and Daniel Cochran were absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and approximately 8 residents.

The meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Pemrick, C. and seconded by Chandler, C., the minutes of 12/8/2011, 12/15/2011, 12/29/2011 and 1/5/2012 were approved as submitted by all Board members present.

Letter from Mary Farrell of Wilton Road expressing her concern regarding the speed limit on the section of road east of Locust Grove Road.

Letter from Witt Construction asking that the Town plow the road in the Old Stone Ridge subdivision. Due to the slow real estate market, they are not at the point where they can turn the road over to the Town.

Notice from the Association of Towns regarding the 2012 Training School and Annual Meeting to be held in New York City from February 19th-22nd.

2012 Towable Wood Chipper – Highway Supt. Barss stated that he reviewed the bids received and would recommend that the Board accept the bid from Wm. Biers Inc. with trade in. It meets all of the bid specifications.

RESOLUTION # 29 – Award Bid for 2012 Towable Wood Chipper

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby awards the bid for the 2012 Towable Wood Chipper to Wm. Biers, Inc. for the Net Bid Price of \$19,695.30, including trade in.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Timber Agreement - Supervisor Rowland stated that he received a contract back from F & W Forestry. The Town has also received the certificate of insurance from the logger and his subcontractor. Supervisor Rowland added that he is waiting on Worker's Comp. information. The bid amount is reasonable and within the range that the Town thought that it would be. Al Janik, King Road, asked what that amount was. Supervisor Rowland stated that the Town would net approximately \$14,000.

Washco Septic System – Gerard McKenna, Town Code Enforcement Officer was present. He provided the Board members with the latest review letter from the Town Engineer dated 1/12/12. Board members also had a copy of the Code Enforcement Officers report dated 12/21/11 and a copy of an email from the NYS Dept. of Health. Mr. McKenna stated that the system has already been installed without a permit. Based on the suggestions from the State Health Department and the latest review letter from the Town Engineer, he would like to see revised PE stamped plans addressing the information requested in the Town Engineer's letter of 12/8/11 and the current one of 1/12/12. The current letter requests that a 100% expansion area be shown on the plans. Mr. McKenna added that as far as certification was concerned, he had received

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information that the system had been tested and operated. There is no water on site and it could not have really been tested. He would like photographic evidence that the system was tested and of the fill that was brought in. Supervisor Rowland asked if that would meet all the requirements. Mr. McKenna stated that it would be enough to issue the permit and solve the violation of installing the system without a permit. Pemrick, C. asked if this procedure has been used before in the Town. Mr. McKenna stated that this is only the 3rd system of this style that has been installed in the Town. It is a very complex system. Supervisor Rowland noted that the NYS Dept. of Health used to review these alternative systems, however they no longer do so. Pemrick, C. clarified that the reason that this was brought before the Board was because the Code Enforcement Officer was looking for guidance from the Board. Mr. McKenna stated that if it wasn't for the fact that it was installed without a building permit, the Town Engineer and himself would have been able to take care of this matter. Pemrick, C. felt that this matter leaves the Code Enforcement Officer in a difficult situation in terms of doing his job with future systems. Mr. McKenna did not feel that this would have an impact on any future systems. He felt that with the current system, if the steps that he outlined were taken care of, they could solve the problem. They need to make sure that the system has been tested and certified by the applicant's engineer. Susan Celia, Braim Road, asked if there was a structure on the property or if the septic system was being built prior to there being a structure on the property. Mr. Washco stated that the system was being installed prior to construction. Supervisor Rowland stated that the septic system was designed and engineered by a qualified engineer. It was built, but has not been tested to the Town's knowledge or satisfaction. The Code Enforcement Officer and Town Engineer have reviewed the process and believe that all parties involved have come up with a procedure to test the system and make sure that it is workable. Pemrick, C. felt that at this point the Code Enforcement Officer and Town Engineer have put together a plan on handling this situation and asked that Mr. McKenna let the Board know when the permit has been issued. Mr. McKenna stated that once the items discussed have been taken care of the permit can be issued.

RESOLUTION # 30 – Advertise for Opening – Environmental Committee

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be instructed to advertise for an opening on the Environmental Committee and that anyone interested should submit a letter of interest by February 9th, 2012.

VOTE: Ayes: Rowland, Pemrick Chandler

Noes: None

Absent: Kinsella, Cochran

Court Audit - Supervisor Rowland stated that Pemrick, C. and himself conducted an audit of the Court books. The monthly reporting process over the past year had been changed and they felt that it was much easier to complete the audit. They used the format provided by the State to conduct the audit and it was an extremely efficient process. One of the Town Justices was also present for the audit. The records for both Justices were easily balanced. Supervisor Rowland stated that the Court is in the process of taking care of some very old outstanding fines, etc., some of which are 10 or 15 years

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old. The State Comptrollers Office did an audit of the Court this past year as well and suggestions made by them have been implemented as well. Pemrick, C. was in agreement. He stated that everyone involved with Court has put in a lot of time and effort.

RESOLUTION # 31 – Accept Court Audit

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby accepts the audit of Court Records conducted by Town Supervisor Rowland and Deputy Town Supervisor Pemrick dated 2/3/2012, and

FURTHER RESOLVED that a copy of the completed audit be sent to the NYS Office of Court Administration.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Request for Speed Reduction – Wilton Road - Supervisor Rowland stated that the Board would have to apply to the County Highway Department who will in turn apply to the State. The Town would have to suggest a starting and ending point for the speed reduction. Mary Farrell, 141 Wilton Road, had submitted the letter of request and was present at the meeting. Ms. Farrell felt that an appropriate speed might be 45 mph. She compared the road to Daniels Road, which is posted at 45 mph. She felt that Wilton Road is more highly traveled by large trucks, etc. Ms. Farrell stated that she did see on the DOT website that if there is more than 2% truck travel that is a cause for consideration. She was not sure what the percentage of truck travel was, however she was very concerned regarding the number of trucks and the rate of speed at which they travel. She also expressed concern regarding the horse farm that was in that area and the fact that on many occasions the horses are running loose, both day and night. D. Wright, Highway Clerk, believed that there had been recent traffic counts conducted on this road. Unless a strong case is made that additional traffic counts be conducted, they will probably look into site distance, accident history, etc. Susan Celia, Braim Road, stated that just because the speed limit is 45 mph does not mean that the cars are traveling at that speed. She lives just off of Daniels Road and there have been 3 accidents by Braim Road in the past month. Enforcement of the speed limit is the issue. Mrs. Celia would like to see a wider shoulder and walking area along Daniels Road. Supervisor Rowland stated that he has requested additional speed enforcement to the State Police and Saratoga County Sheriff's Department in the past and will continue to do so.

RESOLUTION # 32 – Request Speed Limit Reduction – Wilton Road

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby requests a speed limit reduction on County Road #36 (Wilton Road) from 55 mph to 45 mph from the intersection of Locust Grove Road to Braim Road.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

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RESOLUTION # 33 – Greenfield Fire District 65th Anniversary

Submitted by: Daniel Pemrick

Seconded by: Walter E. Chandler

WHEREAS the firefighters of our community have served the citizens of Greenfield with distinction and honor; and

WHEREAS the volunteer firefighter risks his safety each time he/she answers the call; and

WHEREAS it takes sacrifice and dedication to the community as a whole; and

WHEREAS not only does the Greenfield Fire District serve by fighting fires, answering medical emergencies, responding to accident scenes; and

WHEREAS the men and women of Greenfield Fire District also are involved in community activities of great benefit to their neighbors,

NOW THEREFORE BE IT RESOLVED that the Greenfield Town Board commends the many men and women who have and continue to serve the Town with distinction and dedication for 65 years, and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this meeting of the Town Board, and that a copy be presented to the Greenfield Fire District.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Replacement of Town Vehicle - Supervisor Rowland stated that the Building Department and Assessor's Department have been using an old pickup truck to do their inspections and field work throughout the Town. The truck is coming up for inspection soon so he had the Highway Department take a look at it. They found that it is in need of expressive repairs in order to remain operational and pass inspection. Supervisor Rowland stated that he looked into the possibility of leasing a vehicle but found that it was not a good option and that it would add several thousand dollars to the cost of the vehicle. He was able to find a vehicle to purchase on State contract for \$21,000. By providing this vehicle, it eliminates the use of personal vehicles. It is clearly marked so that the residents know that they are on official business and it also significantly reduced the amount of money that the Town was having to reimburse for mileage costs for the use of the personal vehicles. Although this purchase was not budgeted for, money can be taken from the Assessors Contractual, Code Enforcement Contractual, Town Hall Contractual and Contingency accounts to cover the cost. There would be additional money in the contingency account that may have to be used to replace some of the money used from these accounts for this unbudgeted expense. Chandler, C. felt that the Supervisor had done a good job of looking at all the options and agreed that the best option would be to purchase the vehicle from State Contract.

RESOLUTION # 34 – Approve Purchase of Town Hall Vehicle from State Contract

Motion: Chandler, C.

Seconded: Pemrick, C.

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RESOLVED, That the Supervisor be authorized to purchase a vehicle off of State Contract to be used by Town Hall employees, and

FURTHER RESOLVED, That funding for the purchase of the vehicle will come from the following accounts:

A1355.4 Assessors Contractual	\$ 4,000.00
A16204. Town Hall Constructural	6,500.00
A1990.4 Contingency	6,500.00
A8015.4 Code Enforcement	<u>4,000.00</u>
	\$21,000.00

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Update to Town Code - Supervisor Rowland stated that the last time the Board made revisions to the Town Code there was a question regarding the 4 foot separation requirement for high ground water septic systems. This language was deleted from one part of the Code, however it was not in another part of the Code. In order to make the Code consistent, the Board would have to adopt a Local Law to amend the Code by removing the language. This would require a public hearing to be scheduled. Susan Celia, Braim Road, asked how long the separation requirement had been in place. Town Counsel stated that the requirement was first adopted in 1989. Mrs. Celia asked if the reason for the requirement would have been related to poor soil conditions, high water table, rock, etc. Town Counsel felt that at the time the Town Board felt that the State regulations were not adequately protective in certain situations. Those State regulations have been changed and the current Town Board did not feel that the additional requirements were still necessary. Town Counsel explained that when the requirement was repealed this past Fall, a similar requirement in one of the appendices was not and this has created inconsistencies in the Code.

RESOLUTION # 35 – Schedule Public Hearing Proposed Local Law
#1-2012 – Amend Town Code

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby schedules a public hearing to be held on February 2nd, 2012 at 7:25 PM to amend the Town Code by deleting provisions which may conflict with certain NY State requirements.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

Al Janik, King Road – Mr. Janik expressed concern regarding the handling of the Brookhaven Park Budget by the Town Board. At the time the Board was discussing the Town budget, he asked why the golf course budget was not included. He was told that since there was no taxpayer money involved in that budget that it did not have to be included in the regular Town budget. He stated that he did some research regarding that and found that at least two of the larger municipalities in the area that have municipal public courses, Bethlehem & Albany, both include their golf courses in their regular budget. He was glad to see that the Brookhaven budget was on the next agenda for discussion, however no discussion was held due to that fact that some adjustments

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needed to be made to the budget. Mr. Janik stated that his whole point was that the budget was already late. He did not understand why the Board had to act on this budget at an unscheduled meeting and did not provide any opportunity for comment. He felt that the Board should have waited until a regularly scheduled monthly meeting to act on this matter. Supervisor Rowland stated that the Board wanted to pass the budget and have it in place for the first of the year. Pemrick, C. stated that the Town Bookkeeper did a great deal of research as to determine if or how the Brookhaven budget was to be included in with the regular Town budget. He added that there are no major differences from the previous year and the Board has nothing to hide. They simply wanted to complete the process and have a budget in place.

Mr. Janik also questioned why the Board felt there was an urgency to discuss the Junkyard License renewals at the special End of the Year meeting. Why could they not wait until this regular meeting to review the renewals. Supervisor Rowland stated that all the Junkyard Licenses expire on 12/31. The End of the Year meeting was a scheduled meeting and the licenses needed to be processed. Mr. Janik felt that the Board should be acting on ordinary Town business at the regular monthly meetings and that too many items were being handled at special meetings, such as the transfer of money from the Rec Fund to cover the replacement of the roof for the maintenance shed at the Park.

Monthly reports were submitted by the Town Justices (November & December), Dog Control Officer (November & December), Town Clerk, Building Inspector, UDAG Revolving Loan Fund (November & December) and the Town Supervisor.

Annual reports were submitted by the Highway Department, Town Justices and the Town Clerk.

RESOLUTION # 36 – Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 1 to # 15 in the amount of \$156,839.59 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

RESOLUTION # 37 – General Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That General Bills # 1 to # 45 in the amount of \$68,933.95 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

RESOLUTION # 38 – Park Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 1 to # 10 in the amount of \$5,918.75 be paid, subject to audit.

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VOTE: Ayes: Rowland, Pemrick, Chandler

Noes: None

Absent: Kinsella, Cochran

On motion of Pemrick, C. and seconded by Chandler, C., the meeting was adjourned at 8:28 PM.

Town Clerk