

July 11th, 2013

The regular meeting of the Town Board was held on Thursday, July 11th, 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 Schachner, Highway Supt. Walter Barss and 8 residents.

The Board met as the Board of Health at 7:20 PM.

182 South Greenfield Road, Joseph McMillan - Mr. McMillan was present. Supervisor Rowland reviewed the Code Enforcement Officer's report dated July 11th, 2013. Mr. McMillan stated that he had the tree removed. They worked on cleaning up all the miscellaneous debris out of the woods and around the yard and have that all piled up. He spoke with 3 or 4 people to give him a price on removing the structure. Mr. McMillan hoped to have the remainder of the property cleaned up before the next meeting.

473 Middle Grove Road, John & Karen Kellner – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated July 11th, 2013 which indicated that the structure in question, an old foundation, had been removed. No further action was required.

24 Medbury Road, Robert & Judith Belon - Supervisor Rowland reviewed the report from the Code Enforcement Officer dated June 6th, 2013 which indicated that the building was in a state of disrepair. The roof is sagging and has partially collapsed. The floor has collapsed on one end. The entire interior has been stripped down to the exterior skin of the mobile home. The Electrical service pole has rotted and is being supported by a rope tied to a tree. The service wires are exposed on the ground. It was the opinion of the Code Enforcement Officer that the structure is unsafe and constitutes a serious health and safety risk in its present condition.

RESOLUTION # 92 - Schedule Unsafe Building Hearing – 24
Medbury Road

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, that a Notice of Unsafe Building be sent to Robert & Judith Belon for property located at 24 Medbury Road, Tax Map # 137.-1-12.2 and that a hearing be scheduled before the Board of Health to be held on Thursday, August 8th, 2013 at 7:25 PM.

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

Noes: None

The Board of Health was adjourned at 7:26 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 Kinsella, C., the minutes of 6/13/2013 & 6/26/2013 were approved as submitted by all Board members present.

Received a copy of the proposed amendments to the Town of Milton Comprehensive Plan for review and comments.

Ambulance Service - Kinsella, C. spent some time researching a Municipal Certificate of Need (Municon) versus a Certificate of Need (Con). He also spoke with an individual from the Dept. of Health regarding the two processes. There is

July 11th, 2013 continued

no charge to file for a Municon. After two years, that Municon has to turn into a permanent Con at which time there is a \$7,500. charge. The main difference with the Municon is that the Town is responsible for the ambulance service. We have to provide an ambulance to the Town, whether we choice to have our own ambulance or contract for one. With a Con the ambulance service holds that certificate and they are authorized to provide service inside the boundaries as defined in the Con. Kinsella, C. added that when you apply for a Con you have to prove a public need. There has to be a public hearing and anyone that has a Con in that area can come to the hearing and dispute the need. The regional board that grants the Con takes everything into consideration and makes a determination. It is unlikely that a Board would deny a Municon to any municipality and when the municipality went to turn it into a Con it was unlikely that they would deny that. As far as a Con, it is up to this regional board as to whether or not they would choose to grant it or not. Kinsella, C. stated that it was the opinion of the gentlemen that he spoke with that if the Town were to get 3 bidders to expand their Con to include an area of the Town that the State would deny them. It is not their practice to split up a municipality like that with a Con. Chandler, C. stated that the REMO Board is made up with people who are running the ambulance services. Supervisor Rowland clarified that if the municipality applies for a Municon that the State would turn it into a Con in 2 years. In essence they would grant the ability to the Town to split up the Town but they would not grant the ability for the Town to be split up on the basis of a contract. Kinsella, C. stated that the Town has the Con once you get through the 2 year process. How the Town chooses to provide ambulance service is up to the Town He asked if the Town would have to go back through the approval process if they decided in 5 years that they wanted to change and use different ambulance providers and was told that once the Town had their Con they could do whatever they wanted and did not have to go back for approval. Supervisor Rowland stated that if the Town receives this Con then we are obligated to provide service. If someone else were to hold the Con we would not be responsible. Kinsella, C. noted that Empire had the Con and could have just started providing service without any interaction from the Town but yet they would not start until they had a contract signed by the Town and some exchange of funds. Supervisor Rowland stated that at the same time, the Town could have said that you have the Con go ahead and serve the Town but we are not paying anything. He added that when Empire was looking to get the Con, REMO did ask if the Town was going to contract with them and he had to send a letter stating as such. Community Emergency still carries a certificate of need for part of our Town. He believed that since the Corinth Emergency Squad dissolved, that Con dissolved with the ambulance service. Kinsella, C. believed that the Town should provide ambulance service to the resident's no matter what. Supervisor Rowland explained that there are ambulance services that are struggling to exist. If some where down the line somebody decides that there should be a County EMS service and all ambulance service would go through them, including billing, etc. and the Town has to pay a fee to them, where does that leave the Town. He referred to a statement made by Kinsella, C. which read, "the municipality, not the contracted service provider, is responsible for EMS service and overall compliance with applicable laws and regulations." Supervisor Rowland stated that then was accepting responsibility for an

July 11th, 2013 continued

ambulance service that we would not control other than financially through contract. Kinsella, C. agreed the Town was responsible and since we are responsible to make sure that the ambulance that we contract with is compliant with New State laws that would open the door for the Town to be able to inspect their ambulances, review their books, review their training records, etc. He felt that it would strengthen the Towns' ability to control the contract. Pemrick, C. felt that the Town could always go to a Municon at some point and added that for him this was still a learning process. He would like to see who is out there and interested and then in a year or two apply for the Municon. Kinsella, C. stated that he knew that the three ambulance services that have been talked about are interested and he was sure that Empire was interested as well. Kinsella, C. added that that could be an option, however in his opinion someone applying for a Con for a portion of the Town may not get that Con. The Municon will receive approval from the State. Chandler, C. stated that the ambulance service has to go before a Board of other ambulance services for approval. They may hold them up from getting a Con because they may want to provide for that part of Town. Cochran, C. felt that the Municon would give the Town control of its own destiny and suggested that the Town go ahead with it. Chandler, C. stated that then the Board could get the ambulance corps that they want. Kinsella, C. noted that down the road if the Board wanted to make a change and go to 2 districts rather than 3 they could do so. Chandler, C. added that if one of the three ambulance services failed the other two could step in and cover the entire Town because we only need one to cover the Town. Supervisor Rowland did not think that was true. He explained that if one was to go out of business, the other two can not go into the zone unless it was mutual aid. Kinsella, C. believed that if the Town held the Con for the Town and if one went out of business, they would just have to adjust the contracts with the 2 services and make the necessary changes to the EMS system. Pemrick, C. asked what surrounding communities had a Municon. Kinsella, C. was not sure but believed that Corinth was the only one. Cochran, C. did not feel that that mattered at all. The Town needs to be able to control our own destiny and get our own Municon. Chandler, C. stated that he spoke with Lee Burns from the State Health Dept and she felt that the best solution for the Town was what was being proposed. Supervisor Rowland stated that he heard exactly the opposite from another member of the State Health Dept. Cochran, C. stated that back in the 1990's the Town did something similar and it worked well for quite a few years. He felt that right now the best solution was to get our own Municon, solicit with the ambulance services out there right now and try to make this work for at least the next few years. At that point, we can review the process and see if any adjustments need to be made. Chandler, C. felt that these were practical real options that the Town had and that we can not afford to start our own service or to provide housing in the Town. Pemrick, C. agreed from a practical viewpoint, however from an informational viewpoint, the more data and information that we can gather from people the more we have to compare. We will be able to compare prices, services, response times, etc. which will make us more educated regarding this situation. He believed that this was something that the Town was going to have to continue to figure out how to pay for for years to come and the more information they have the better. Chandler, C. stated that the Town has to provide a service now. Pemrick, C. agreed and asked if these three

July 11th, 2013 continued

services knew that they would be providing service for the Town next year. Supervisor Rowland stated that they think they are because they have been told they are. Chandler, C. asked who told them that. Supervisor Rowland stated that he has seen two sets of minutes that have stated that the Town was hiring these three groups. Chandler, C. asked who said it. Supervisor Rowland stated that it was in the EMS Council minutes and the Fire Commissioner meeting minutes. Kinsella, C. felt that the Board was running out of time and would like to see the Town begin the process for the Municon. The Municon paperwork, signed contracts, etc. all have to be in to the State by November in order for them to be able to give us the Municon by January 1st. He would like to see a motion this evening to go forward with the Municon and then take the next step and put out RFP's so that we can have everything back and put the package together by November. He would work with Town Counsel to put together the proposed law and have available to the public. The legislation is an attachment that has to go along with the Municon application. Pemrick, C. asked if that was the only legislation that this Board would be required to pass in order to apply for a Municon. Kinsella, C. stated that was the only legislation. Then they would have to develop an RFP and award contracts. Town Counsel Schachner added that the contracts would be subject to public hearing.

RESOLUTION # 93 – Schedule Public Hearing – Proposed Local Law
to Establish Municipal Certificate of Need

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That Town Board hereby schedules a public hearing to be held on August 8th, 2013 at 7:30 PM regarding Proposed Local Law to Establish a Certificate of Need for the Town of Greenfield for ambulance service.

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

Noes: None

RFP for Ambulance Service – Supervisor Rowland stated that he had seen an outline of proposed zones. He had a conversation with the Saratoga County Emergency Services Coordinator and he requested that they would like to see the concept of the proposed zones and be able to look and see if they will be compatible with the County 911 computer system. He suggested that before the zones are finalized County Emergency Services needs to review and provide input. Supervisor Rowland stated that he would like to see a requirement added to the RFP which requires submission of a formal audit of books to the Town at the time of the RFP. New York State already requires that they have an audit so this should not be a problem. He would also like to see a phrase included in the RFP which states that their bids have been arrived at independently without consultation with any other group. Supervisor Rowland questioned the statement regarding radio communication with Saratoga County. Kinsella, C. stated that the intent was that every ambulance that responds to a call in the Town of Greenfield must have a radio that communicates directly with the Saratoga County Emergency radio system and not through a relay person. Supervisor Rowland stated that having gone through the process of getting the radio's for Empire, he felt that we need to direct in the RFP that Saratoga County will have to grant them permission to use the Saratoga County Frequency Systems. That was a question and it comes a

July 11th, 2013 continued

question to limit somebody from not being able to bid on this. Kinsella, C. felt that was outside of the RFP. Radio communication must be provided to the Town and if there is an issue with the County and how they use the system that would be outside the RFP. Supervisor Rowland felt that they should be willing to apply to the County for use. Kinsella, C. felt that that was implied and that if you are going to put in a proposal and comply with the RFP, then the entity would have to go to the County to get radio's and use of the system. If the County says "no", then they would have to decide whether they were going to try to interact with the County to get that right or they are not going to be able to meet the requirements of the proposal. Chandler, C. stated that was how the County held up the contract the first time. Pemrick, C. suggested that possibly it be worded that use of the County radio system preferred. Kinsella, C. stated that one of the issues that he was trying to address and that he heard from the First Responders was the lack of ability to communicate between the ambulance service and the responders. Chandler, C. felt that they have to hold to the requirement that they have a County radio. Supervisor Rowland felt that using the term intermediary excludes you from some of the activities that are happening. He was not sure whether Greenfield was fully covered or not, however he knew that there were still blank spots in the radio system. Supervisor Rowland added that he would also like to see the formal audit submitted to the Town on an annual basis. He asked that the request for employee compensation be changed to read "individual employee compensation and overhead cost". Supervisor Rowland asked that Town Counsel review the wording of the RFP to make sure everything was compliant. Kinsella, C. stated if the Board wanted he could call the gentlemen he spoke with at the Health Department and see if he can come and speak with the Board.

Brookhaven Open House – Pemrick, C. stated that the open house was scheduled for July 14th from 1 to 5 PM. Stewarts has donated all the necessary supplies for Make Your Own Sundaes and Pemrick, C. asked for the help of Board members to serve the ice cream. The Home School Association has offered the use of their tent, which will be set up on Saturday morning if anyone has some time to help. There will be vendors from the Farmer's Market; representatives of the Food Pantry, Fire Trucks from the Porter Corners Fire Dept; live broadcast from Froggy 107.1. Many nice raffle prizes. The Town Bucket Truck will be on hand for the 50/50 golf ball drop. There will be a Bounce Around for the kids; putting contest, golf cart tours of the course and free golf on the back nine for Town residents.

Greenfield Manor Letter of Credit - Highway Supt. Barss stated that he spoke to the Board earlier about the status of the road at Greenfield Manor and the request to have the developer complete the road or take the bond. He spoke with the Town Engineer again and has a list of the items necessary to complete the road. He would like to move forward. The bond is scheduled to expire the end of September.

RESOLUTION # 94 - Greenfield Manor Subdivision Request to
Complete Road

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Highway Supt. to notify the developer that the Greenfield Manor Subdivision road must be completed

July 13th, 2013 continued

prior to the expiration of their road bond, September 30th, 2013, or the Town will call the bond.

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

Noes: None

RESOLUTION # 95 – Establish Youth Committee Petty Cash

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be given an additional sum of \$200. for use by the Youth Committee for the Summer Recreation and Fall Soccer Programs.

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

Noes: None

Greenfield Estates Easement - Supervisor Rowland explained that a drainage easement in Greenfield Estates is being moved to a different location. The Planning Board has approved the subdivision amendment. Town Counsel has reviewed and approved proposed easement language. The developer is looking for approval of the Town Board to be able to file the necessary paperwork at the County. Highway Supt. Barss stated that this would take the drainage from down the middle of someone's property to along the property line.

RESOLUTION # 96 - Authorize Relocation of Easement in
Greenfield Estates Subdivision

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the relocation of the drainage easement located in Greenfield Estates Subdivision.

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

Noes: None

RESOLUTION # 97 – Transfer of Funds

Motion: Cochran, C.

Seconded: Chandler, C.

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

\$1,635.99 From CR1990.4 to CR7180.43

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

Noes: None

Skidmore College PUD - Chandler, C. asked if the proposal were approved would the Town have to rezone that. Kinsella, C. explained that the PUD is a rezoning of the property. Chandler, C. added that some of the questions at the Planning Board meeting were whether that would be tax free property, zoned industrial, etc. Town Counsel Schachner also stated that the PUD was a rezoning of the property, however it would not change the taxable status of a property. Supervisor Rowland stated that there are many questions that have arisen such as benefit to the Town, whether it is an industrial use, etc. He explained that part of the confusion is that Skidmore actually has two different projects going on. Town Counsel Schachner added that the proposed PUD

July 11th, 2013 continued

discusses and encompasses a hold range of uses other than the solar array. Many of the uses are already in existence but there are not a lot of parameters about them. Kinsella, C. felt that the Town should consider a Payment In Lieu of Taxes agreement with Skidmore because of the change in use of the land. Chandler, C. stated that they are planning on selling electricity back to National Grid.

Monthly reports were submitted by the Highway Supt., Town Clerk, UDAG Revolving Loan Fund, Dog Control Officer (Apr. & May) and the Town Supervisor. Kinsella, C. stated that he noticed when he looked through the Supervisor's report that the rate of spending in the general fund is significantly higher than last year at this time and he questioned what was causing that.

RESOLUTION # 98 – Highway Bills

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That Highway Bills # 138 to # 164 in the amount of \$140,075.68 be paid, subject to audit.

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

Noes: None

RESOLUTION # 99 - General Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That General Bills # 318 to # 381 in the amount of \$27,398.41 be paid, subject to audit.

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

Noes: None

RESOLUTION # 100 - Park Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Park Bills # 138 to #167 in the amount of \$18,927.64 be paid, subject to audit.

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

Noes: None

RESOLUTION # 101 - UDAG Bills

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That UDAG Bills # 29 to #31 in the amount of \$15,114.74 be paid, subject to audit.

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

Noes: None

On motion of Cochran, C. and seconded by Chandler, C., the Board adjourned to Executive Session at 8:30 PM to discuss a possible contract. Clerk was not present for session. No minutes were filed. On motion of Pemrick, C. and seconded by Chandler, C., the Board returned to regular session at 8:42 PM. Supervisor advised that no decisions were made.

July 11th, 2013 continued

Surplus Equipment - Highway Supt. Barss provided the Board with a list of equipment from Brookhaven to be considered as surplus and sold at auction.

RESOLUTION # 102 - Declare Equipment as Surplus

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the following equipment be declared as surplus and be posted on the on-line auction site for sale:

Steiner 430 Max 4 Wheel Tractor – Model #75

Steiner Front End Loader

Toro Greensmaster 3000

Smoker

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

Noes: None

Excavator - Highway Supt. Barss stated that they have been able to do things with this piece of equipment that they have not been able to do in the past. He stated that he spoke with the Town Bookkeeper and by moving a little money around they would be able to purchase the excavator. The remaining lease purchase price is roughly \$160,000. He has \$48,367. left in the new equipment budget line. If the Board chooses, funds from the sale of the furnace and demolition of Unsafe Buildings could also be used which would total just over \$75,000. In this year's budget, \$50,000. is scheduled to be transferred into equipment reserve. He asked the Board to consider using that money toward the purchase of the excavator rather than putting into reserve account. The remaining balance to purchase would be approximately \$34,600. Highway Supt. Barss stated that CHIPS Funding for 2013 was budgeted at \$165,000. We actually received \$210,500., an increase in funding of \$45,500. He suggested that the remaining balance needed to purchase the excavator could be taken from the paving budget since this piece of equipment is a big part of the road building process. Highway Supt. Barss stated that another option would be to purchase over a 3 year period which would require approximately \$54,000. to be budgeted each year for 3 years. Cochran, C. asked approximately how long he would be able to keep this piece of equipment. Highway Supt. Barss believed that it should last at least 15 years. Pemrick, C. asked what the impact would be from moving around the funds. Highway Supt. Barss stated that it would take a little from the actual paving budget, however he felt that he would recoup some of that back due to the fact that the roads should last a little longer. Supervisor Rowland asked how many months he has rented the machine. Highway Supt. stated that they are in the third month at \$5,169. per month. Supervisor Rowland asked if they were going to apply any of the rental towards purchase. Highway Supt. Barss stated that would apply 100% towards purchase. Kinsella, C. asked how many hours they have put on it. Highway Supt. Barss stated approximately 225 to 250 hours. Cochran, C. and Chandler, C. were okay to go ahead with the purchase. Kinsella, C. asked if this was on State contract or would we have to go to bid? Duane Wright, Deputy Highway Supt. stated that they had received 4 bids when they talked about renting and/or leasing. Highway Supt. Barss stated that they may not have been official bids and just budgetary quotes.

July 11th, 2013 continued

Town Counsel Schachner felt that it would have to be purchased under State Contract or bid.

RESOLUTION # 103 – Set Opening of Bids for Purchase of
Excavator

Motion: Pemrick, C.

Seconded : Cochran, C.

RESOLVED, That the Town Clerk be directed to Advertise for Bids for an Excavator with said bid opening to be held on Thursday, August 8th, 2013 at 7:20 PM.

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

Noes: None

On motion of Chandler, C. and seconded by Pemrick, C., the meeting was adjourned at 9:00 PM.

Town Clerk