

July 12<sup>th</sup>, 2018 TB Minutes

The regular meeting of the Town Board was held Thursday July 12<sup>th</sup>, with the following members present: MaryAnn Johnson, Deputy Supervisor; Daniel Cochran, Rick Capasso and Kevin Veitch, Councilpersons. Absent was Supervisor Daniel Pemrick. Also present were Mark Schachner, Town Counsel; Duane Wright, Deputy Superintendent of Highways and approx. 7 residents.

At 7:00 PM the meeting was called to order by the Deputy Supervisor with the Pledge to the Flag.

On a motion by Capasso, C. and seconded by Veitch, C. the minutes from June 14<sup>th</sup> and July 5<sup>th</sup> were approved as submitted by all members present.

**CORRESPONDENCE-** Town Clerk, Louise Okoniewski states the Town has received the Wilton Ambulance Quarterly Report.

OLD BUSINESS- Deputy Supervisor Johnson states we had two items listed Prestwick Chase PUD and Time Warner Franchise agreement. Prestwick Chase PUD language subcommittee is still working with the applicant to get information and on Time Warner we have not received any information from them.

WITT REFORESTATION BOND- Deputy Supervisor Johnson states we have received information from Blue Niels, Saratoga County Co-Operative Extension that the bond can be released. Gerry Mckenna, in his opinion, agrees it can be released. There have not been complaints from the Neighborhood Association. Deputy Supervisor Johnson states that we started looking at this in 2015. The last report was September 2017. Veitch, C asks other than the bond they had to place for the reforestation were there any penalties against Witt Construction? Deputy Supervisor Johnson states she is not aware of any. They had to replant but no penalties that she is aware of. Capasso, C. states they had to replant but there were not any fines.

**RESOLUTION # 99- Release Witt Reforestation Bond-# 76125409**

Motion: Capasso, C

Seconded: Cochran, C

**RESOLVED,** That the Town Board hereby releases the Reforestation Bond # 76125409 for Witt Construction at Old Stone Ridge in the amount of \$69,923.93 as they have met their obligation based upon the report from Saratoga County Cooperative Extension, Gerry Mckenna, Town of Greenfield Code Enforcement Officer and no complaints from the Home Owners Association.

VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor

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PUBLIC HEALTH OFFICER- Deputy Supervisor Johnson states this position has been vacant for some time and we would like to advertise to fill that position. Capasso, C. asks if the person needs to be a Physician or can be an RN. After discussion, it is determined the Town of Greenfield's job description states a physician.

**RESOLUTION # 100- Advertise for Public Health Officer**

Motion: Veitch, C

Seconded: Capasso, C.

**RESOLVED,** the Town Board hereby directs the Town Clerk to advertise for a Public Health Officer in the Pennysaver and Town Website.

VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor

BROOKHAVEN PARK- Deputy Supervisor Johnson states that we are in the process of receiving estimates to extend electric to the new pavilion at the Brookhaven Park. Veitch, C. asks if it is going out to bid. Deputy Supervisor Johnson states that it is under the level amount to put out to bid. We can have written quotes.

JON and KAREN FOSTER- Jon and Karen Foster, 110 Middle Grove Rd. and owners of Adirondack Self Storage Inc. Mr. Foster states that they would like to address some issues and submits to the Town Board ethical violations by the Town's Building Code Officer, Gerard McKenna. The Building Inspector has entered into an LLC Partnership with Mr. Zappone, owner of Grange Road Mobile Home Park. Mr. McKenna created a lot line adjustment to split 6 acres from the Mobile Home Park. The Planning Board signed off on the Lot Line Adjustment, split out 6 acres and they would like to proceed and build a Self-Storage Facility on Grange Rd. in an area that is not allowed. Mr. Foster states that he spoke to Mr. McKenna at Town Hall and Mr. McKenna stated that he would have to sign a no compete clause with Mr. Mosher on Wilton Rd. He asked why would you sign a no compete clause when the storage facility is not approved or built yet. He stated he is going to work for him when he leaves the Town. Mr. Foster feels that is interesting, that the Building Inspector is engaging in an LLC Partnership as our Town Official. That was on May 23<sup>rd</sup> the day after the Board of Assessment Review met. His wife stepped off that Board when another Storage Facility grieved their taxes. Since then he has found out that Mr. Zappone has pulled out from this venture but he has not been notified of that. He does not want to be the only Storage Facility in Town, however the Town paid for a Comprehensive plan that allows storage in certain zones. Mr. Foster states that he is disappointed that Mr. McKenna is doing this while he is working as a Public Official for the Town Of Greenfield. Mr. Foster states that he was in to see Mr. McKenna last fall about a sewage problem that was from an adjacent owner that was running onto his storage property. When he finally made it there, the property was going into county foreclosure. He took pictures but nothing has been done. The new owners said they would take care of it, but nothing has been done. There is another property on Grange Road with an ongoing septic issue and nothing has been done. Deputy Supervisor Johnson asks Mr. Foster if he feels that Mr. McKenna is in breach of the Code of Ethics to submit his concerns in writing. Mr. Foster states they were submitted. Deputy Supervisor Johnson states the Board will follow the Town's Code of Ethics Law, they will look at it and see if it is necessary to convene the Ethics Board. That is a three member Board, one of which is a Town Employee, the other members are people at large from the Community. They will review the information that you submitted. Mark Schachner, Town Counsel states if it gets to them. Deputy

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Johnson States if gets to them they will give an opinion to the Town Board. Capasso, C. states if there are issues we will have the Ethics Board look at it. Mr. Foster asks how long does it take for the Town to notify them that this application was dropped. Deputy Johnson states we do not have a policy that we notify when something has been withdrawn. Mark Schachner, Town Counsel states no policy no obligation. Tonya Yasenchak, Planning Board Chair, states the Planning Board was not out of the review process. The project was at the ZBA for a Use Variance. They sent it to the Planning Board for SEQRA as Lead Agency. The night it was on the PB agenda, they had not received plans for that so they tabled, because they cannot do SEQRA unless they have plans. Obviously, that comes from that office. There was something on the PB Agenda to review but did not have plans. Later that week the PB received notice that the project had been pulled. So as far as the PB is concerned they are not reviewing SEQRA or that project. Deputy Johnson states that officially the Town will not send notice to the property owners that an application was pulled it won't be on the Agenda after that. Mr. Foster states because he has Legal Counsel he would have been notified. Mark Schachner, Town Counsel asks Tonya Yasenchak, if she said that the Planning Board received something in writing that the application has been withdrawn. Tonya states yes. Mark Schachner Town Counsel states he has not seen that, but if that is true, that means there is something in writing, submitted by or on behalf of an applicant that the application has been withdrawn. If it is true, that is a public document which you can have a copy of. He wants Mr. Foster to understand the attorney types don't have special privileges, just because you have an attorney it doesn't entitle you to a special notice when something is not going to happen. It is not required by law and he does not know of any municipality that does it. Mr. Foster thanks the Board for their time.

**RESOLUTION # 101- Transfer of Funds**

Motion: Cochran, C.

Seconded: Capasso, C.

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

\$ 200.00	From: A8020.2	To: A8020.110
\$ 2,050.53	From: CR 7110.2	To: CR7110.4
\$ 2,348.58	From: CR7180.44	To: CR7180.4
\$ 80.23	From: A7510.2	To: A7510.4
\$ 190.18	From: A8020.2	To: A8020.4

VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor

**BUDGET AMENDMENT -** Deputy Supervisor Johnson states that we have two Budget Amendments from our Bookkeeper. We have received an anonymous donation in the amount of \$2,436.00. These funds are to be used for new playground equipment for Middle Grove Park.

**RESOLUTION # 102 –Amend the Parks Budget**

Motion: Cochran, C.

Seconded: Veitch, C.

**RESOLVED**, that the Supervisor be authorized to make the following Budget Amendment:

\$ 2,436.00	From: A7140.4	To: A0599
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VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor



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**RESOLUTION # 106- Parks Bills**

Motion: Cochran, C  
Seconded: Veitch, C.

**RESOLVED**, that the Parks Bills from # 145-178 in the amount of \$20,658.40 be paid.

VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor

**RESOLUTION # 107- UDAG Bill**

Motion: Capasso, C  
Seconded: Veitch, C.

**RESOLVED**, That the second installment for Project Lift in the amount of \$5750.00 be paid.

VOTE: Ayes: Johnson, Cochran, Capasso and Veitch.

Noes: None

Absent: Pemrick, Supervisor

Kevin Veitch, Councilman asks about the property at 67 Lincoln Mountain Road. Deputy Supervisor Johnson states they contacted the Town and will be removing the structure, they still have time. They will be on the agenda for next month.

On a motion by Cochran, C and seconded by Capasso, C the meeting was adjourned at 7:29PM.

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Town Clerk

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