

June 11th, 2015

The regular meeting of the Town Board was held on Thursday, June 11th, 2015 with the following members present: Paul Lunde, Supervisor; Daniel Pemrick, Daniel Cochran and Walter E. Chandler, Councilmen. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 25 residents.

The Board convened as a Board of Health at 7:15 PM.

Unsafe Building – 4119 Route 9N - Supervisor Lunde reviewed the report from the Code Enforcement Officer dated 6/8/15. To date no work has begun, however the property owner has stated that he was in the process of getting together all the necessary paperwork for the renovation of another building on the property and the work will be completed on both at the same time.

Unsafe Building – 23 Frasier Road – Supervisor Lunde reviewed the report from the Code Enforcement Officer dated 6/8/15. To date no work has been done. A neighbor of the property has stated that they were in the process of purchasing the property. Code Enforcement Officer suggested that the property owner send a letter to the Town Board to that effect.

Unsafe Building – 61 Plank Road - Supervisor Lunde reviewed the report from the Code Enforcement Officer dated 6/8/15. To date there has been no communication with the Town. Supervisor Lunde stated that he has seen some items removed from the property, however no other work has been done to the property.

Unsafe Building – 491 Allen Road - Supervisor Lunde reviewed the report from the Code Enforcement Officer dated 6/8/15. A letter has been received from the property owner outlining her intentions to remove the barn. However, as of this time no work has been done on the property.

Supervisor Lunde explained that each of the property owners still had time to bring the property into compliance. The Board will review at the next meeting to determine if further action by the Town will be required.

Chandler, C. arrived at this time.

Application for Septic Variance – 500 Allen Road (Tax Map # 124.-2-38) - Supervisor Lunde stated that the property owner, Jon Sezmansco, submitted an application for a variance of Chapter 54 of the Town Code. Several variances are required in order to install a replacement septic system. The application includes a list of all the proposed variances that will be required. The Town Engineer, Charlie Baker, has reviewed the application and plans. Mr. Baker has suggested that water tests be conducted now for the well on this property, the neighbors well and the adjacent stream. If any contamination is found it should be corrected now prior to the issuance of any waivers. He would also suggest yearly monitoring and pumping of the septic tank on a regular basis. Mr. Sezmansco stated that the well has been inactive for 6 to 8 months and asked if he should shock the well before testing. Pemrick, C. suggested that he would run the water through for awhile. Supervisor Lunde provided Mr. Sezmansco with a copy of the letter from the Town Engineer. Pemrick, C. suggested that if he had any questions he should contact the Code Enforcement Officer. He added that if the Board decides to grant the variance it would probably be contingent upon continued water testing.

RESOLUTION # 81 - Schedule Public Hearing – Septic Variance – 500 Allen Road

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby accepts the application for Septic Variance submitted by Jon Sezmansco for 500 Allen Road (Tax Map # 124.-2-38) and schedules a public hearing to be held on Thursday, July 9th, 2015 at 7:15 PM.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

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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 Pemrick, C. and seconded by Cochran, C., the minutes of 5/14/2015 were approved as submitted by all Board Members present.

Letter from Michelle Granger submitting her resignation from the Zoning Board of Appeals effective immediately due to personal reasons.

Notice of Public Hearing to be held on June 15th, 2015 at 5 PM at the Regional Emergency Medical Services Office – Town of Providence Ambulance Service transition from a Municipal Declaration to a permanent Operating Certificate.

Letter from G. David Evans – Questions and concerns regarding driveway approvals.

Letter from Cohen Law Group announcing that Charter Communications has entered into an agreement to acquire Time Warner Cable.

Dottie Pepper Junior Golf Scholarships - Kevin Canale, PGA Golf Professional at Brookhaven Golf Course, was present to present the scholarships. Kevin explained that Dottie was a Saratoga native and Hall of Fame Golfer from the LPGA Tour. She now lives back in Saratoga and is a broadcaster for the Golf Channel & ESPN. For the past few years Dottie has donated money to purchase a Junior Golf Membership for 1 female and 1 male golfer. This year there were 5 applicants. Kevin added that Brookhaven Golf Course and the Town also allow Juniors to play for free during the week and after 1 on weekends when they are accompanied by an adult or older sibling. There will be a Learn to Golf program, which will run August 3rd thru the 7th this year, sponsored by the Town Recreation Dept. Kevin presented this year's scholarships to: Luna Lee McDermott and Zachary Cunniff. Kevin explained that since there were 5 applicants this year and they are trying to promote Junior Golf, the Town has donated 3 more Junior memberships to the 3 non-winners of the Dottie Pepper Scholarship. Junior Golf Memberships will be given to: Chris Karadenes, Owen Tetreault & John Mihalek.

Albert Janik, King Road – Mr. Janik stated that he was opposed to the Town Board granting a junkyard license to 7337 Middle Grove LLC. A junkyard license runs with the applicant and not with the land. This is a new application and not a continuation of a prior non-conforming use. He felt that the Board should ignore prior uses and focus on the issue of the impact that the commercial use of this property will have on the residential area. He believed that junkyard operations belonged in an industrial zone, not in a residential zone. Mr. Janik suggested that the Board review the language in Chapter 65 of the Town Code under Intent. Mr. Janik added that he did not believe that the application was complete since it did not provide all the necessary information as set forth in Section 65-4 of the Town Code. If the Board decides to move forward with the application, he would ask that a SEQRA determination be done, a public hearing held and a site plan review be conducted.

Bill McLellan, 168 Middle Grove Road - Mr. McLellan stated that he has lived right across the street from the property. He has lived there for 25 years and in that time he did not believe that Bill Gaba (previous owner) brought in or out more than 20 vehicles. It has not been used actively. There is already a tremendous amount of truck traffic on Middle Grove Road. He did not believe that the nature of the facility fit into this residential zone.

George Jolly, 47 King Road - Dr. Jolly stated that he moved to Greenfield approximately 20 years ago. He lives directly across the wetlands from the auto graveyard, which has been there under Gaba's ownership during that time. During the past 2 or 3 months when the new owners were building, they have begun to experience rather intrusive noise coming across the wetlands. There is already heavy traffic on Middle Grove Road and this would only make it worse. Dr. Jolly added that he was also very concerned as a physician and a homeowner of what effect this project would have on the water table. He stated that he and his wife were opposed to the project and hoped that the Board would deny reinstating the permit that has existed in the past. Dr. Jolly also hoped that the Board would

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feel that it was incumbent upon the current owners to remove all the vehicles from the property. They are continuing to leach out chemicals into the groundwaters.

Mark Strauss, Corner of King Road & Middle Grove Road – Mr. Strauss was also very much opposed to a junkyard where it is. His property is adjacent to the property and he shares the same concerns as were just stated. He hoped that the Board would deny the request.

Mary Boldish, 151 Middle Grove Road - Ms. Boldish stated that her property borders the property in question and that she has lived there for 8 years. She believed that the only reason that they were applying for the permit is so that they do not have to clean up and remove all of the old cars and contamination that has been there for years. Ms. Boldish felt that DEC and the EPA should come in and check the site due to the amount of wetlands. She believed that the surrounding wells and wetlands should be tested. Ms. Boldish hoped that this was not just a done deal and felt that this should be brought up to the community. She did not feel that many people in the Town even knew about this. She also wanted to see what the plans were for the property and that they would be submitted in writing not just verbal.

David Hodgson, 33 King Road - Mr. Hodgson stated that his property also borders this property and he was also opposed. He shared all the same concerns that have been raised.

Chris Reville – Mr. Reville stated that he lived across the street from the property and that he has lived there since 1997. He has done a lot of improvements to his property. At first he thought, just let the people do what they want to do. However, after listening to dump trucks banging all day he decided to speak. He did not believe that this type of business belonged in a residential area. There was an old automobile storage area on the property, however it was not an active yard.

Ralph Crocker, Corner of Middle Grove Road and So. Greenfield Road - Mr. Crocker stated that he was opposed to the application for environmental reasons. He suggested that an Environmental Study should be completed.

Bruce Poritzky, 141 Middle Grove Road - Mr. Poritzky stated that his property also abuts the old junkyard. He was also opposed to reopening it or granting any kind of approval to go further. Mr. Poritzky asked if the new owner would be required to remove the old cars on the property regardless. There has not been any activity at this property for the 15 years that he has lived there. Mr. Poritzky stated that he is raising a family there and that he was concerned that if there was new activity there it could add to the issues. He did have his well tested 15 years ago when he first built and it was clear. However, new activity could be an issue.

Theresa Loeber, King Road - Mrs. Loeber stated that she was also opposed to the application. Her family lives across the swamp from the junkyard. She believed that it would reduce the property values in the area as well.

Carolyn Seligman, King Road - Ms. Seligman stated that she has lived there for 20 years. She felt that the basic point was that this was a residential area. It was zoned residential and there is no reason why it should not remain a residential area. She was especially concerned about the environmental issues.

Chris Reville asked what the process was and would the applicant be able to continue to come back and apply over and over again. Town Counsel Schachner stated that the applicant would be allowed to reapply.

Robert Smero, 25 Grange Road - Mr. Smero stated that he has had a junkyard behind his property for years. There is a lot of noise all day long. He did not think they should be in a residential area. He has always believed that if you buy a piece of property you should be able to do what you want with it, however that is not the world we live in. He is opposed to the granting of a junkyard license in a residential area.

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Application for Junkyard License – 7337 LLC – 183 Middle Grove Road - Town Clerk advised that a letter in opposition was also received from Lori Squadere and Todd LaRoche. Supervisor Lunde stated that the application did not include all the necessary information and asked the applicant if they had any further information to provide the Board. The Board would need detailed information regarding the scope of operation, i.e. hours, nature of junk processed, number of employees, etc. Mr. Ballestero stated that they called and asked if that was needed and were told that it was not necessary. Town Clerk advised that she spoke with the applicant and also sent them a letter dated May 21st, 2015 informing them of this meeting and asking for the submittal of a detailed explanation of the scope of the operations. Mr. Ballestero stated that they could submit that information. They did not think that was necessary and that they could just come and answer any questions the Board had. Supervisor Lunde stated that in looking at the property and the wetlands and listening to some of the concerns of the public, he felt that they were valid concerns. Mrs. Ballestero stated that it would not be open to the public. Pemrick, C. asked Mr. Ballestero if he could give the Board an over of what he intended to do with this property. Mr. Ballestero stated that it was their intention to get rid of the cars as soon as the price of metal comes back up. He works in scrap metal. They do not intend to sell car parts out of the property. He would probably not ever bring another car onto the property. Cochran, C. asked if that meant no more cars or probably no more cars. Mr. Ballestero stated that he deals in iron. He added that he may have purchased a car or two in the past 3 years. He does not plan to buy cars on a regular basis. He does plan to clean up the 20 acres. There will probably be a quarter acre of iron on the property. There will not be trucks driving in and out all the time. It will not look any different than it does right now other than a driveway that will go up to the back. Cochran, C. noted that he was applying for a junkyard license. Mr. Ballestero stated that he was told that he needed to get a junkyard license. There are 700 cars on the property which he intends to clean up. They are in the recycling business and not in the automobile business. As far as contamination, he can have the ground tested. He is not there to contaminate anything more than what is already there. They would like to clean up the property. The master plan would be to subdivide the property down the road into a couple lots. Mr. Ballestero stated that he would be bringing metal onto the property for recycling purposes. 99% of that will not be cars. Supervisor Lunde felt that the applicant, Code Enforcement Officer and perhaps himself needed to sit down and have a discussion about what is required. Supervisor Lunde felt that the Board needed to table this matter until they received the information from the applicant as to the scope of the operation etc. Chandler, C. stated that he would be glad to sit down and discuss this as well. Pemrick, C. explained to the applicant that they had to decide what they wanted to be. Once the information is provided to the Town, the Town can then determine what will be needed as far as zoning. Supervisor Lunde stated that once the Town gets a better idea of what is going to happen on the property it may be determined that a junkyard license is not needed. Mr. Ballestero stated that he did not want to get shut down because there were 700 cars on the property. Chandler, C. noted that Mr. Ballestero is working forward to clean up the property and he felt that the Town should support that.

RESOLUTION # 82 - Resolution of Honor – John “JP” Valentine

Motion: Cochran, C.

Seconded: Pemrick, C.

WHEREAS, it is the intent and desire of the Town of Greenfield to recognize achievements and accomplishments of its residents, particularly its youth, and

WHEREAS, **JOHN “JP” VALENTINE** planned and constructed improvements to the wrought iron fence and vault at the Greenfield Cemetery, and

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WHEREAS, **JOHN "JP" VALENTINE** has completed all the requirements for achieving the rank of Eagle Scout in the Boy Scouts of American and has shown great perseverance and dedication in achieving this goal,

BE IT RESOLVED by this Town Board at their meeting held on June 11th, 2015 that there be spread upon the minutes of this meeting our congratulations to **JOHN "JP" VALENTINE** on achieving the rank of Eagle Scout, and

BE IF FURTHER RESOLVED, that a copy of this Resolution be presented to said **JOHN "JP" VALENTINE**.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Update on Code Revisions - Cochran, C. stated that he has received a lot of information from the committee members. At this point, he is going to incorporate all the proposed changes into the Code and the committee will meet again probably in July or August to review. Once all the information is put together they will present the changes to the Board later in the Fall.

Spring Clean Up - Highway Supt. Barss stated that the rest of the electronics have been picked up at no cost to the Town. This was a savings of approximately \$15,000. They are starting to charge for that now.

Brigham Road Park Development - Highway Supt. Barss stated that is on hold at this time. They are still working out all the details. This is going to be another Eagle Scout project. George Habig stated that he uses that park quite often and that the Highway Supt. and his crew do a good keeping it very nice. He understands that they are going to put in an additional trail and he would like to see this trail a little bit narrower to keep more with the surrounding environment. The pavilion that was built was a big improvement. He suggested that a similar one be built down at the Caboose. It would be very nice to have for Caboose Day and for all the people who stop there. Supervisor Lunde stated that the Parks & Recreation Dept. also does a lot of the work at the Park.

Tax Cap Budget Plan – Supervisor Lunde stated that the original plan that he submitted was kicked back. He needed to go back in and provide more explanation on some of the items. There were a couple areas that the Budget Officer and the Town Supervisor had to sign and he did not use their exact language so he went back in and changed it to their exact verbiage. Hopefully the Plan will be accepted.

RESOLUTION # 83 - Re-Appointment of Planning Board Member

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby re-appoints Stanley Weeks as member of the Planning Board with said term to expire 6/20/2015.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Common Core - Phil Gargan, Locust Grove Road – Mr. Gargan stated that Common Core was a federally funded program that was being pushed on the individual states. He stated that it was completely illegal according to the Constitution. The States are taking the money from the Federal Government and passing this Common Core program. Mr. Gargan stated that in February he left a letter for the Town Board to review along with a Resolution to adopt. He has not received a response back. Mr. Gargan asked if any of the Board members were interested in this and questioned whether they would take any action regarding this matter. Board members asked what Mr. Gargan was looking for them to do. Mr. Gargan stated that he would like the resolution passed that the Town Clerk must still have. Supervisor Lunde stated that the Board members had all received copies and he has seen it at the

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County Board of Supervisors. Supervisor Lunde asked Board members if anyone would like to make the motion to adopt the proposed Resolution. Board members were not interested. Supervisor Lunde stated that these are issues that deal with the Federal government and the State and it is not really Town business. He added that he has seen the proposed Resolution from at least 10 other people and he was not saying that it was not important, however he did not feel that it was Town business. Mr. Gargan stated that you have to start somewhere and that he was not asking the Board to do anything illegal. If the Legislators do not hear from the people, they are not going to do anything about it. Mr. Gargan stated that he did not get paid to do this and that the Board members were paid to work for the Town. He has grandchildren and he was very concerned about this Country. People just sit back and take what they get.

Budget Amendment/Transfers - Joan Stunzi explained that last month the Board approved the budget amendment and transfer funds to finance the purchase of the new truck to replace the Peterbilt. When they looked over the information again, they realized that some of the money that they were going to use from the sale of scrap had already been used. Joan stated that they would have to cash out a CD for \$100,000. The transfer from the road work account to the equipment account would change from \$7,859.73 to \$2,296.02. Supervisor Lunde explained the CD that was being cashed out was there for the equipment reserve account so it was there for that purpose. Chandler, C. asked if that would pull the full amount from the Equipment Reserve. Highway Supt. Barss stated that it would leave about \$70,000 in that account.

RESOLUTION # 84 - Revised Budget Amendment & Transfers

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the budget amendment and transfer approved as per Resolution #73 be revised as follows:

Budget Amendment:	\$ 130,985.62	From	DA0599	to	DA5130.2
Budget Transfer	2,296.02	From	DA5110.4	to	DA5130.2

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Robert Smero, 25 Grange Road - Mr. Smero stated that he is all for private property rights. Neighbors used to be able to get along and work things out. He was here this evening to complain about his neighbor and the noise, etc. He has called the State Police and Sheriff's Department at least 25 times over the past 20 years. They say that they cannot do anything because the Town does not have a noise ordinance. Mr. Smero requested that the Town Board do something about putting together a noise ordinance. Supervisor Lunde stated that the issue was being addressed as part of the Code Revisions. He added that he specifically went to the Saratoga County Sheriff's Department to get their input so that the ordinance would be enforceable. Cochran, C. suggested that Mr. Smero provide him with his email and he will send him a copy of the proposed noise ordinance within the next month or so when they get it together. Mr. Smero also complained about the garbage being picked up at 4 or 5 in the morning at Stewarts. He also suggested that NYSDOT should put up a sign not to use "Jake Brakes" in the area where the speed reduces from 55 to 40 mph. They are too loud for a residential area.

Zoning Board of Appeals - Town Clerk was directed to put an advertisement in The Pennysaver and post on the website that there was an opening on the Zoning Board of Appeals.

Monthly reports were submitted by the UDAG Revolving Loan Fund, Highway Supt., Town Clerk, Town Justices and Town Supervisor.

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RESOLUTION # 85 - Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 99 to #120 in the amount of \$330,980.09 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

RESOLUTION # 86 - Park Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Park Bills # 90 to # 125 in the amount of \$32,962.01 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

Supervisor Lunde stated that the Highway Department paved a small section at the golf course and the bill to pay for that is included in the Park Bills.

RESOLUTION # 87 – General Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 293 to # 348 in the amount of \$21,638.75 be paid, subject to audit.

VOTE: Ayes: Lunde, Pemrick, Cochran, Chandler

Noes: None

On motion of Cochran, C. and seconded by Pemrick, C., the meeting was adjourned at 8:35 PM.

Town Clerk