

Town of Greenfield

FOUNDED 1793



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June 8th, 2017

The regular meeting of the Town Board was held on June 8th, 2017 with the following members present: Daniel Pemrick, Supervisor, Daniel Cochran, Walter E. Chandler, MaryAnn Johnson and Rick Capasso, Councilmen. Also present were Highway Superintendent Walter Barss, Mark Schachner, Town Counsel, Deputy Highway Supt. Duane Wright and 9 residents.

The Board convened as a Board of Health at 7:20 PM.

Unsafe Building – 7 Lake Desolation Rd. Supervisor Pemrick opens a Public Hearing at 7:20 PM and asks if there is someone here for the property. Jack Baugh states that he has a foreclosure on Martin and Lisa Hika who own the property. He expects the foreclosure to be granted soon. At that time he has a contractor who will look at the garage in question and the house. He would like to renovate the house and get it on the market. Right now he does not have the legal authority to go in and do anything to the property. Supervisor Pemrick thanks Mr. Baugh for coming in and discussing this. He asks the Board members if they feel comfortable tabling this for 30 days. The Board agrees. Supervisor Pemrick asks Mr. Baugh if he could give us an update in that time. Jack Baugh states that he lives in the Albany area and if it would be possible to communicate with someone here. Johnson, C. suggests he contacts the Town Clerk with any information. Supervisor Pemrick asks that he keeps us up to date and as long as we move forward we will be patient.

Unsafe Building – 92 Ballou Rd. Supervisor Pemrick asks if there is someone representing Ballou Road. Matthew Kingsley is present and states he is the owner. The Supervisor states that the Town has concerns with the property on Ballou Rd., and asks Mr. Kingsley what his intentions are. Mr. Kingsley states that he is in the process of taking the house down. He just received a release from the insurance company, and has spoken to a couple of contractors to take the house down and is waiting on a price. Supervisor Pemrick says that he is happy that progress is being made and will table this for 30 days. He will be on the July agenda, he advises that Mr. Kingsley keeps the Board informed. Mr. Kingsley states his new address is 24 Stark Road, Corinth, NY 12822. The Board thanks Mr. Kingsley and reminds him to keep the Board aware of his progress.

There being no public comments pro or con, the Supervisor closes the Public Hearing at 7:26 PM.

Supervisor Pemrick states that we have a Septic application for Jameson from last year that needed modification on the plans. The new plans were reviewed by the Town engineer and there were some concerns so he did not approve the new plans. The Supervisor states that he called their Engineer and the homeowner is aware of this, but this will be coming to the Board at some point.

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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 a motion by Capasso, C. and seconded by Chandler, C. the minutes of 5/4/2017 and 5/11/2017 were approved as submitted by all Board members present.

Town Clerk states that the Town received 3 thank you cards. One from the Town of Greenfield Historical Society thanking the Town for their support and hopes to see the Board members at the Farmer's Market, visit the exhibit at the Saratoga County Fair or participate in Caboose Day. She also received a thank you card from Adam Bollinger thanking the Town for his Eagle Scout project and the Supervisor for attending his Eagle Scout ceremony. Also a big thank you from the American Diabetes Society for the rest stop locations provided for the Tour De Cour. Everything was perfect and they will see us next year.

Report- Brookhaven Park and Golf Course- Duane Wright states that the big word was rain! The weather for May was cold and rainy, not good for golf. The Golf Course was rated by the Schenectady Gazette readers as the second best course in the Capital District. Members report that the course is in great condition, thanks to Adam and his staff. The new watering system is complete on holes #4, 5, 6 & 10 and work around the greens will begin in the fall. Work around the Pavilion Park area was stopped because of the rain and it is wet. Once we get some drier weather we can do some grating and trail work.

Report- Recreation Director- Rebecca Sewell says that she states that T-Ball ended tonight and there were 22 kids from ages 4-7 years and 2 high school coaches who were amazing. T-ball ended tonight with Pinatas which the kids enjoyed hitting and getting the candy. T-Ball was a success, last year 3 people signed up, this year we had 22 sign up. She feels that Facebook helped to get the word out and people responded to that. We had 64 kids sign up for Spring Soccer, last year we had 31. We have doubled the numbers and have great coaches. She began in February as Rec Director and started a Facebook page. It took a week to get it up and going for the Town of Greenfield and now we have 5571 people following the Facebook page. In the last month we are up 28% with people following the page. She has boosted the Brookhaven page along with the Golf Pro, Kevin Canale to let people know that the Course is open and about the Memorial day specials. She has the October 5K trail run posted and over 1200 people have viewed that. That race will coincide with the Town's Octoberfest. The race is the only race in the Saratoga District that includes trails. She will be having fall Soccer, a week long Golf Clinic sign up will start June 19th. The big thing now is her Summer Camp. She had orientation for the Directors and Counselors last night. There is a lot to do for the camp, including dealing with the Health Dept. She thanks the Town Clerks office for all their help. The Camp Director is the Division St. School head gym teacher and we have over 60 kids coming from Division St. because of him. The Town Board thanks Rebecca for all her hard work (applause).

Report – Code Revision Committee- Dan Cochran thanks all the Code Language volunteers for their time. The group will meet Wednesday and prioritize items for discussion. They have a list of items that are the hot topics. If anyone would like a list he will provide that. Noise language will be a topic they will work on. They will meet 2 times a month at first and then monthly. Nathan Duffney asks for a copy of the meeting times. Cochran, C. says that he will provide that and invites anyone who would like to be involved in the Committee to come to one of the meetings.

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Junkyard License – 7337 Middlegrove Rd. LLC – Supervisor Pemrick states the Board has a report from Gerry McKenna along with pictures. It is his opinion that they have complied with Chapter 65, Junkyard regulations.

RESOLUTION # 87- Approve Junkyard license for 7337 Middlegrove, LLC

Motion: Cochran, C.

Seconded: Capasso, C.

Resolved. That the Town Board hereby approves Junkyard License for Middlegrove LLC, for a period of 6 months, to expire December 31st, 2017, with the following conditions:

No new cars will be brought onto the property

The license must be reviewed/renewed every 6 months

A minimum of 225 cars must be removed per year

Hours of operation 7AM to 7PM Mon to Sat

Junkyard is not open to the public

License renewal fee of \$100 per year

License authorized for the limited purpose for removal of junk cars only

Copy of all DEC Inspections provided to the Town

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

Open Development- Lake Desolation – Fitzgerald- Elizabeth Melville is representing Ryan Fitzgerald and has the authorization request form from the homeowners and broker. Supervisor Pemrick asks what the plans are. E. Melville explains that Mr. Fitzgerald would like to build a small cabin, no year round living, approx. 24x24, no electricity, just a get away. Capasso, C. asks what kind of septic he is looking at. E. Melville says that it would be a holding tank. She isn't sure of all of the details, he had to work tonight. Capasso, C. says that would be a major concern. Cochran, C. asks why an open development. E. Melville says she believes that he came to a ZBA meeting and they said he had to come to this Board and apply for Open Development. Chandler, C. asks if it is landlocked with a right-of-way. Cochran, C. asks if he owns the lot. E. Melville says she thinks so. She believes that part of the issue is that it is not a public road, it is a private road. Supervisor Pemrick reads from R. Fitzgerald's letter. Ryan Fitzgerald is seeking an Open Development permit to seek an area variance for building a cabin on a pre-existing non-conforming lot at Lake Desolation. The Lot does not have any road frontage, there is a private road, North End Road, that runs through it. Supervisor Pemrick states that our process is to, if we are so inclined, to accept this Open Development request and send it to the Planning Board for their review and recommendation. So there is some time involved in this, and could possibly end up in front of the Zoning Board if we get to grant this. Supervisor Pemrick asks the Board if they have questions. Cochran, C. says that Open Development is one of the items the Codes Committee is discussing. It is not in our code language, but it is recognized by the State. There are concerns relative to what our code language says. Chandler, C. says that it is not residential, most people don't come in for a permit to build a camp. Capasso, C. says that he understands that he does not own the property. E. Melville agrees but has the Authorization of Agent form. Capasso, C. says that if we authorize this now, he will still need to go in front of the Planning Board. He would have a problem with the septic. Chandler, C. says that if he's willing to come in and just build a camp, there are camps built everywhere, but he is willing to come in, can we put in stipulations if it is Open Development or do we just grant Open Development. Mark Schachner, Town Counsel says that we can put conditions on it. Chandler, C. says that it is something to be aware of. Johnson, C. says that the first thing as have to do is decide if we are going to entertain this,

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we have to send it to the Planning Board, they will have the opportunity to give us their thoughts before we do anything. Supervisor Pemrick we have some knowledge but which Board has the in- depth knowledge and experience to determine whether or not it is a good fit for that particular lot and within the concept of what the Town of Greenfield is looking for. Because we send it to the Planning Board does not mean that we think it should be accepted. We send it to the Planning Board for their recommendation and their advice as to what we should do next. Nathan Duffney, Planning Board member, states that they will scrub it. Supervisor Pemrick agrees and then the Planning Board sends the Town Board their opinion. He feels that the Town and applicant benefit from that process. He wants to dispel the notion that because the Town Board accepts an application for Open Development that it is approved, that is inaccurate. Supervisor Pemrick states that he is prepared to accept this and refer it to the Planning Board for their review and recommendation to the Town Board. The Board agrees. Supervisor Pemrick reminds them that there are a number of things to consider, it is an overlay district, so additional scrutiny is placed on all the properties there. Any variance they seek, the Town has the right to review the entire property and require updated variances. Johnson, C. says for instance septic, visual and other requirements in the overlay district

RESOLUTION # 88 –Accept Open Development application for Fitzgerald- Lake Desolation

Motion: Cochran, C.

Seconded: Capasso, C.

Resolved, that the Town Board hereby accepts the Open Development application for Ryan Fitzgerald for Lake Desolation and refers it to the Planning Board for their review and recommendation.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

Town Website Update & Town Clerks Credit Card Machine

Town Clerk states that the Towns website is out of date and some items cannot be added. We've had the website for 6 years. It is limited about we can do. She has been in contact with BAS and a new website would be \$4000.00. We would be able to add links and it would be more user friendly. We have looked at different Towns who use BAS and have ideas from each of them that would improve our site. Readers of the current site are unable to e-mail the departments. This will work with the new site. We can add the Facebook link and a lot of other information. She is looking for the Board's approval to go ahead and contact BAS to move forward. We would be able to add applications for the Building Dept. which we cannot do at this time. Also, during the 2016 Tax season we had a lot of phone calls, especially from those who live out of state for the winter, about using their credit card to pay taxes. The credit card fee will be paid by the card holder, not the Town residents. The credit card machine will be of no cost to the Town. They work together with BAS. There will be a link on the website to pay taxes with the credit card. The Town Clerk's office can accept payments for Town Clerk revenues such as dog licenses, hunting, fishing etc. It would be about 30 days to get the ball rolling and once started and approx.. 30 man hours to complete. Johnson, C states that the average website life is 6-8 years.

RESOLUTION # 89- Authorize agreement to update the Town website and obtain the Credit card machine.

Motion: Johnson, C.

Seconded: Capasso, C.

Resolved, the Town Board hereby agrees that the Town Clerk accept the agreement with Business Automation Services, Inc. (BAS) to update the Town's website & obtain a Credit Card machine.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

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The Town Clerk states she received a letter from Dave Vitti at BAS that the Town Highway Dept.'s should get 4 work stations and update with Bitdefender software. They will be able to connect in with the Towns server and complete back-ups on their computers. She is waiting on a price for the Highway Dept. Supervisor Pemrick suggests have BAS evaluate the Highway's entire system and give us a recommendation. Johnson, C. agrees and says for now at least do the back-up.

Discussion – Bounce House Regulations- Supervisor Pemrick states that the Town has been contacted by Dave Meager from our Insurance Co., regarding the use of Bounce Houses on Town property. The Supervisor gave him the 2 dates of Town functions where we will use the Bounces Houses. NYMIR recommends that Towns consider regulation laws that govern the use of those on Town property. Mark Schachner, Town Counsel states that we have choices, do nothing ; don't allow bounce houses at events on Town property, or adopt a policy that if bounce houses are going to be part of a function on Town property that there are certain requirements. Perhaps a certificate of insurance with the Town as additional insured. Johnson, C. states that we have always in the past, if someone rents or uses Middle Grove Park for a party, then they have to supply us with a Certificate of insurance naming us as additional insured. Her understanding is that the Town may not be covered with that. Will we still be liable? We still have a great amount of liability with that. Town Counsel Schachner states which is why NYMIR is recommending not allowing. Dave Meager says to use it at two functions. Johnson, C. says those are actual Town functions and we have to pay extra insurance for that. Town Counsel Schachner states that the Town of Malta are facing the same concerns. He feels Dave Meager is saying to allow them for Town held functions but not for private events. Supervisor Pemrick states Malta has asked their Town attorney to prepare a law or regulation. Johnson, C. asks if it is a local law or resolution? Town Counsel says it can be. Supervisor Pemrick asks Mark Schachner what he recommends. Town Counsel asks if the Town has a Town Board adopted policy for rental of Town Properties. Johnson, C. says yes, it is in the policy book. Town Counsel says from his standpoint the highest level of formality would be a local law or adopt a policy by Town Board resolution and then it won't happen presumably. Johnson, C. says that we can review our Town policy and make some updates. Chandler, C. asks if we regulate it would that take the liability off the Town? That would be a question for the insurance Company, Dave Meager. Supervisor Pemrick says that if we do allow them the Insurance Company wants the Town to have regulations. Town Counsel says that the Town should have Dave Meager and the Insurance to clarify for us. Supervisor Pemrick says that we should review our policy and he will check with Dave Meager and with the Towns that have Town events and find out what they are doing. The Board agrees.

Court Audit- Supervisor Pemrick states that he along with MaryAnn Johnson, the Town Justices and the Court Clerk, performed that annual audit that is required from us on the Town Court. Chandler, C. asks how did it look. Johnson, C. says that the information was very detailed and organized. They have a good system of checks and balances between those in the Court.

RESOLUTION # 90- Accept Court Audit

Motion: Cochran, C.

Seconded: Chandler, C.

Resolved, That the Town Board hereby accepts the audit of 2016 Court records conducted by Town Supervisor Daniel Pemrick and Deputy Supervisor MaryAnn Johnson, dated June 6th, 2017, and

Further Resolved, That a copy of the completed audit be sent to the NYS Office of Court Administration.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

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RESOLUTION #91- Transportation Rental Agreement for Summer Recreation Program

Motion: Capasso, C.

Seconded: Johnson, C.

Resolved, that the Supervisor be authorized to execute the Agreement with the Saratoga Springs City School District to provide transportation for the 2017 Summer Recreation Program.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

County Recognition of Deceased Veteran- Supervisor Pemrick says Saratoga County on a monthly basis honors a deceased veteran and for the month of June. It is the Town of Greenfield's opportunity to honor Mr. Howard R. Older from the Town of Greenfield. His name was submitted by the Town Historian and was selected to be honored. Tuesday the 20th at 2:15 Saratoga County will have a ceremony recognizing Mr. Older as the deceased veteran of the month, it is open to the public. It is the intention of the Town Board to recognize Mr. Howard R. Older as the Deceased veteran of the month.

RESOLUTION OF HONOR

Submitted by: Daniel Pemrick, Supervisor

Seconded by: MaryAnn Johnson, C.

WHEREAS, it is the desire of the Town of Greenfield, which throughout its history, has sent many of its residents to serve in the armed forces of the United States, to honor those of its citizens who have served their country, and

WHEREAS, **SSG Harold R. Older**, a citizen of Middle Grove entered into service with the United States Army where he was assigned to the 314th Infantry Regiment/ 79th Infantry Division, and

WHEREAS, a month after D-Day during the Normandy campaign, the 314th Infantry Regiment/ 79th Infantry Division helped capture the French Port of Cherbourg. **SSG Howard R. Older**, a part of General George Patton's 3rd Army, the 314th Infantry Regiment was the first to across the Siene River and helped liberate France, and

WHEREAS, the winter of 1944, the Germans launched their massive counter offensive known as the Battle of the Bulge, the 314th would again be in the middle of fierce fighting, and

WHEREAS, **SSG Howard R. Older** was killed in action and was awarded the Purple Heart and the Combat Infantryman Badge for his service,

BE IT RESOLVED, that the Town Board of the Town of Greenfield recognizes, remembers and honors the unselfish service of **SSG Howard R. Older**, and directs that this resolution of honor be spread upon the official record of this meeting, and the citizens of the Town of Greenfield, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to his family at the Special Recognition Ceremony at the County Offices on June 20th, 2017

Dated: June 8th, 2017

Bruce Towers Ormsbee Road- Bruce Towers states that he owns property on 509 Ormsbee Rd. His property has an abandoned Town Road that runs through it. The road was abandoned in the 1940's, most of the residents in that area travel on the road to get to their property. He owns a seasonal residence for which he pays taxes. He is looking for advice or a recommendation from the Town Board. The neighbors are in favor of an easement, but there is one that will not cooperate or let him cross his

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property to get to his camp. He is looking for an easement or document from the Town that says he can cross the road so that he can get to his property. Cochran, C. asks about his neighbor that will not let him cross that property. Mr. Towers was wondering what procedures he needs to take to get a notarization or amendment or something that he can submit to the County along with his deed so he can have a legal right to be on his property. Supervisor Pemrick says that the question is, is the Town able to help able to help you in this situation. Mr. Towers says yes, it is a Town Road, he has an established mailing address in the Town of Greenfield, he pays taxes on a residence, but now it has no basic legal right of way to it.

Capasso, C. everything was OK until this one person decided to stop you. Mark Schachner, says that he is not hearing a Town issue. He hears an issue with a neighbor, you may want your own Counsel. Mr. Towers says it was an abandoned Town Rd. Supervisor Pemrick states that because it was abandoned the Town no longer has a responsibility for it. Mr. Towers asks why does he have a mailing address there, why is he paying taxes on a residence. Town Counsel states that one has nothing to do with the other. Mr. Towers says that other houses that are not on the road do not have mailing addresses. But he is taxed. Supervisor Pemrick states the Town can't help, the best advice is to get an attorney who can help you. Mt. Towers thanks the Board for their time.

Monthly reports were submitted by the Town Clerk, Parks, Highway, Town Justices (May) and Supervisors Financial Report.

RESOLUTION # 92- General Bills

Motion: Johnson, C.

Seconded: Capasso, C.

Resolved, That the General bills # 332-403 in the amount of \$35,261.90 be paid, subject to audit.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

RESOLUTION # 93- Highway Bills

Motion: Capasso, C.

Seconded: Johnson, C.

Resolved, That the Highway Bills #104-121 in the amount of \$58,320.11 be paid, subject to audit.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

RESOLUTION # 94-Parks Bills

Motion: Capasso, C.

Seconded: Cochran, C.

Resolved, That he Parks bills 3105-138 in the amount of \$22,783.35 be paid, subject to audit.

VOTE: Ayes: Pemrick, Cochran, Chandler, Johnson, Capasso

Noes: None

On a motion by Capasso, C. and seconded by Cochran, C. the meeting was adjourned at 8:22PM.