

March 10th, 2011

The regular meeting of the Town Board was held on Thursday, March 10th, 2011 with the following members present: Deputy Supervisor Daniel Pemrick; Thomas Kinsella, Daniel Cochran and Walter E. Chandler, Councilman. Supervisor Richard Rowland was absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss, 1 reporter and 10 residents.

The meeting was called to order by the Deputy 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 2/10/2011 and 3/3/2011 were approved as submitted by all members present.

Notice from Whiteman, Osterman & Hanna, LLP regarding the proposed construction of a personal wireless service facility to be constructed east of Northway I-87 near Exit 15.

Linda Leary, Attorney with the Law firm of Donald Zee, PC stated that their office was just retained to represent the Elks Club with regard to a Site Plan Approval for a funeral home on property adjacent to theirs on Maple Avenue. One of the issues that their client has with the approval was with parking. The Town Code allows for 1 parking space for 400 square feet. Ms. Leary stated that this was an area where there was not any off street parking or municipal lot nearby. The concern was that it would only allow for 8 parking spaces for the size of the building that is being proposed to be used as the funeral parlor. These spaces would be quickly used up by staff, family, etc. She provided the Board with copies of ordinances from 4 different municipalities showing their parking requirements.

Mark Windsor, Secretary of Saratoga/Wilton Elks – Mr. Windsor stated that they were not contacted in any way by anyone regarding this proposal. He added that he has been told that the proposal meets the requirements of the Zoning Law. He did not feel that 8 parking spaces was sufficient and questioned when was the last time that anyone had been to a funeral where 16 people showed up. He was concerned that the Elks would have to go out to the front of their parking lot and stop people who are coming to mourn the loss of a loved one from parking in their lot. It would put them in a situation that would make their organization look bad. He understood that it met the criteria, however he did not feel that the criteria was applicable to this type of business.

Al Janik, King Road – Mr. Janik stated that he noticed in the minutes of the Special Meeting held on 3/3/2011 that the Board approved a transfer of \$50,000 from the recreation fund in the Trust & Agency account. Mr. Janik questioned whether this was an appropriate use of the money and asked if that transfer had been cleared with Counsel. He asked if anyone reviewed the language that created this particular account and stated that this money was paid in by developers to create recreational facilities for the Town. Deputy Supervisor Pemrick stated that according to the Town Bookkeeper this was an appropriate use of the funds. Chandler, C. stated that they referred to the language in the Code regarding Open Space and the Bookkeeper had recently spent 2 days with the Comptrollers Office setting up the Park Fund. Mr. Janik did not feel that the proposed use of the funds was a legitimate use of funds. Deputy Supervisor Pemrick stated that the transfer was made based on the opinion of the Bookkeeper. He stated that the Board has extreme confidence in her abilities and added that she has been caring for

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the accounts and monies of this Town extremely well for a number of years. He was very confident that she made the right decision. Kinsella, C. noted that this money was not coming out of the Recreation Fund. This was a line item that was contributed to by the developers. He added that the fees were collected from developers for the purposes of recreation. Mr. Janik was still not satisfied that this was an appropriate use.

Al Janik stated that at the last regular meeting there was a discussion on the purchase of equipment for Brookhaven Park and believed that the amount discussed was approximately \$135,000. which included \$15,000. for a hot & cold cart. In the reading of the minutes of the Special Meeting last week, he sees where the Board decided not to go with that and went with something a lot cheaper. However, the amount that was authorized was approximately \$145,000. Mr. Janik stated that he hasn't seen the list and questioned what was being authorized for purchase. Deputy Supervisor Pemrick reviewed the list and stated that he would be more than happy to provide Mr. Janik with a copy of the list.

Town Code Revisions - Cochran, C. stated that he had met with the Zoning Board of Appeals and Planning Board asking for their comments and recommendations for any proposed revisions to the Town Code. At this time he is waiting for their comments. Deputy Supervisor Pemrick asked if Cochran, C. had been made aware of the concern raised this evening. Cochran, C. stated that it was not on the list of items for review, however he would look into the issue.

Brookhaven Park - Deputy Supervisor Pemrick stated that Dozer's Bar & Grill has agreed to provide the food service during this upcoming golf season. They will be working with the Golf Pro Ben Andrews. Cochran, C. asked if they indicated if they would be offering any type of catering for weddings, etc. Pemrick stated that they may consider those things, however weddings and that type of venue were not established at Brookhaven. They were certainly willing to do and happy to talk to anyone regarding the tournaments and banquets that follow those tournaments. Town Counsel Mark Schachner stated that O. B. Beyer was looking to be reimbursed for the amount of tax payments that they have made or will make for the portion of the year that they will not own the property. He stated that this is similar to when you purchase a house or property. This is customary to do this. O. B. Beyer has agreed that they will use whatever money they have to pay off any remaining liabilities that they have and any remaining money will be turned over to the Town. Town Counsel Schachner stated that the actual title transfer should take place either Monday or Tuesday. Deputy Supervisor Pemrick asked if all the obligations, such as the leases which are in the process of being transferred, have to be completed prior to the transfer. Town Counsel believed that all of the obligations have either been transferred to the Town or are in the process of being transferred to the Town and part of the deal with O. B. Beyer is that once the property has been transferred to the Town, the Town would be responsible for any of these obligations.

RESOLUTION # 50 - Agree to Pro-Rate Taxes for Brookhaven Park
Motion: Chandler, C.

Seconded: Cochran, C,

RESOLVED, That the Town Board hereby agrees to reimburse O. B. Beyer for taxes paid for the portion of the year that the Town assumes ownership.

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they can talk to the Dog Control Officer and determine the number of days that might be needed. He suggested that the Board go ahead and advertise for an opening at this point.

RESOLUTION # 53 – Advertise for Opening – Deputy Dog Control

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk be directed to advertise for an opening for a Deputy Dog Control Officer, and

FURTHER RESOLVED, That anyone interested in applying for the position should submit their application by April 7th, 2011.

VOTE: Ayes: Pemrick, Kinsella, Cochran, Chandler

Noes: None

Absent: Rowland

Spring Clean Up - Highway Supt Barss stated that they would like to run the clean up from April 9th to April 17th. He added that the Board would have to decide if they wanted to collect tires at this time. Cochran, C. asked how much it costs the Town to do that. Highway Supt. Barss stated that it has averaged around \$5,000. or so. Cochran, C. asked if having this collection has helped. Highway Supt. Barss felt that it has. They are not finding as many tires dumped along the roads as they used to. Board members in agreement to accept up to 6 tires per household.

RESOLUTION # 54 – Spring Clean Up

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Clerk be directed to advertise for the Spring Clean Up to be held from April 9th to April 17th, 2011.

VOTE: Ayes: Pemrick, Kinsella, Cochran, Chandler

Noes: None

Absent: Rowland

Snow Budget - Highway Supt. Barss updated the Board regarding the snow budget. As of this time, they have used up the entire salt budget for the year. Over the past 9 years, they have used approximately 4,000 tons per year. Last year they were lucky and only used a little over 2,000 tons and were able to use the extra money in blacktop. He stated that they would not have enough salt for this Fall and possibly not for this Spring, depending on storms. Highway Supt. Barss estimated that based on averages, the cost may be up to \$50,000. to \$55,000. to finish out the year. Cochran, C. asked how the other expenditures were running. Highway Supt. Barss stated that fuel costs and overtime costs were also up. Deputy Supt. Pemrick believed that what has happened in the past is the Highway Supt. was asked to take the money from somewhere else with the understanding that if possible, the Board would try and reimburse the spending later on in the year. Highway Supt. Barss stated that the only place to take money from would be the paving budget. He added that that was already going to take a hit this year due to the higher fuel costs and the cost of asphalt. He estimated that they would probably have to cut at least a ½ mile of road. Kinsella, C. agreed that if more salt was needed prior to the next meeting, they should go ahead and take the funds from the paving budget and the Board would look into the possibility of giving it back.

Community Center Use Request - Town Clerk advised that she received a request for use of the Community Center by the Greenfield Community Garden Group

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to hold their meetings. They have recently formed and elected officers and as of this time they do not have insurance. Sherry Grinter was present and stated that the group originated with the Greenfield Lions and they can get insurance through the Lions Club.

RESOLUTION # 55 - Approve Community Center Use Request

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the request by the Greenfield Community Garden Group to use the Community Center to hold their regular meetings on the 1st and 3rd Wednesday night of each month.

VOTE: Ayes: Pemrick, Kinsella, Cochran, Chandler

Noes: None

Absent: Rowland

Greenfield Community Garden - Sherry Grinter asked if they go ahead with the permission to have a parcel at the Brookhaven Park for the Community Garden how much liability insurance they would have to have. She would like to start obtaining information regarding obtaining insurance as a private group, rather than going through the Lions Club insurance. Deputy Supervisor Pemrick stated that he was not aware of any decision that had been made to have anything take place at Brookhaven. Chandler, C. stated that one of the other options was the Caboose Park and that the Board had not had any further discussions regarding this. They needed further information from the Garden group. Town Counsel Schachner advised that the Town Insurance Agent would be able to advise the Board as to the amount of insurance that would be required. Kinsella, C. asked if they have looked at any of the proposed locations to see which might be suitable. Sherry Grinter stated that she was not aware of the proposed locations and that she was filling in for Doreen Emery. Doreen had been talking to someone at the Town regarding this. Deputy Supervisor Pemrick was not sure who Doreen had been speaking with and was not sure if it was anyone with authority from the Town. He suggested that she get in touch with someone here at the Town Hall.

Al Janik, King Road – Mr. Janik commented on a UDAG Loan that was granted on September 9th, 2010 to the Vet Clinic. The minutes of the meeting indicate that the loan was for \$200,000. He asked at that time about the adequacy of collateral and he was told that it was more than adequate to cover the loan. It was collateralized by a \$100,000. second mortgage on the principle's home residence and a lien on all business assets of Greenfield Animal Hospital. In connection with something else he was working on, he looked into this matter. The property that the Town has the 2nd mortgage on is valued at \$411,571. The property is encumbered by a 1st mortgage and a home equity loan to the tune of \$375,000. There is also an all encompassing mortgage guarantee. He stated that the equity in that home was zero. He assumed that Greenfield Animal Hospital was an LLC or C. Corp, but he was not able to come up with that name. The property in question was conveyed to GreenfieldVet LLC. He added that nothing that the Town had reflects the name GreenfieldVet. There was a UCC filed by Ballston Spa National Bank that encumbers all business assets of GreenfieldVet. He could find no chattel or lien filed by the Town of Greenfield to encumber the assets of this entity that would provide any kind of collateral for this \$200,000. He suggested that the UDAG Attorney or someone from the Town should look into this. The collateral on this loan is

