

May 12<sup>th</sup>, 2011

The regular meeting of the Town Board was held on Thursday, May 12<sup>th</sup>, 2011 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Daniel Cochran and Walter E. Chandler, Councilman. Thomas Kinsella was absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss, 1 reporter and 7 residents.

At 7:25 PM the Board met as a Board of Health.

Unsafe Building – 353 Grange Road, Lot 19 – Supervisor Rowland reported that the debris was removed from the property by the property owner. This matter can now be closed. On motion of Cochran, C. and seconded by Chandler, C. the Town Clerk was instructed to file the Cancellation and Termination of Lis Pendens at the Saratoga County Clerk's Office. All Board members in favor.

Unsafe Building – 47 Main Street – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated May 12<sup>th</sup>, 2011. The Board had extended the compliance deadline until May 12<sup>th</sup> at which time all the debris was to be removed. As of 11:30 am on May 12<sup>th</sup>, large piles of debris still remained on the property. No work has been done on the site. The electrical service has been disconnected at the request of the Code Enforcement Officer. Chandler, C. stated that it was his understanding that the roadway was still too muddy to get into the property. It was the consensus of the Board to grant one last extension of time giving the property owner until June 2<sup>nd</sup>, 2011 to remove the debris from the property or the Town Highway Department will be instructed to do so and all costs incurred will be charged to the property owner.

Supervisor Rowland noted that there are other properties around the Town that have unregistered cars, lots that have some unsafe conditions & debris, etc. Now that the weather is better, the Town Code Enforcement Officer will be out doing more enforcement.

Unsafe Building – 181 Porter Road – Scott Germain - Supervisor Rowland stated that the structure suffered extreme fire damage on April 29<sup>th</sup>, 2011. The Code Enforcement Officer has requested a letter from the property owner stating his intentions to either secure or remove the structure and remove all debris from the property. As of this date there has been no formal communication from the property owner. On motion of Chandler, C. and seconded by Pemrick, C., the Board scheduled an Unsafe Building Hearing to be held on June 9<sup>th</sup>, 2011 at 7:25 PM. All Board members present voted in favor.

The regular meeting was called to order by the Supervisor at 7:40 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Cochran, C., the minutes of 4/14/2011 & 4/20/2011 were approved as submitted by all members present.

Supervisor Rowland stated that he had received a letter from the New York State Town Clerk's Association which he would like to read into the record. The Town Clerks Association is dedicated to promoting the professional development of Town Clerks across the State. In order to promote the continued education of municipal clerks and enable clerks to better serve their boards and communities, the Town Clerk's Association established the Registered Municipal Clerk Program. Certification is granted

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only after an applicant has demonstrated that they have met the stringent education and experience requirements established by the New York State Town Clerk's Association. Supervisor Rowland stated that this past year 40 Clerks in New York State were awarded the prestigious designation of Registered Municipal Clerk and it was his honor to inform everyone that MaryAnn Johnson has been awarded certification as a Registered Municipal Clerk. Supervisor Rowland added that having worked with MaryAnn over the past 3 ½ years, he has found her to be very dedicated to the Town. She spends a lot of time here at Town Hall and is always thinking about what is happening in the Town. She does her best to try and keep the Town Board in line.

Town Code Revisions – Cochran, C. stated that he was working on putting together a packet of proposed changes to the Town Code. They are mainly minor changes and he hopes to have everything ready for the next meeting. He understood that recently there had been some questions regarding the height restriction of buildings in Town that he would take a look at. Also, he would speak with Councilman Kinsella, who was not here this evening, to get his input regarding putting some sort of language together regarding development on Denton Road. He added that the Town had put a lot of time and money into a road that partially belongs to the City of Saratoga Springs. Supervisor Rowland stated that he spoke with Town Counsel regarding this matter. He stated that one of the things that can not be determined is the exact location of the Town boundary. The Town Engineer's have reviewed and what they have found for documentation is ambiguous. It was their opinion that the reason that the tax maps show the Town boundary as the centerline was because that was the easiest resolution at the time. They are still researching the issue.

Town Court Audit – Supervisor Rowland stated that the exit interview was held approximately 2 weeks ago. The Town has submitted a letter of response which the State Comptroller's Office has accepted. The Town now has 90 days to make a formal action plan and submit it to the Comptroller's Office. Supervisor Rowland stated that through the audit they were able to see that there were some deficiencies in the records and some deficiencies in information with the computer program. Fixes to those deficiencies have already been made. The Supervisor & Deputy Supervisor are auditing the records on an annual basis. They found an overage in each court account which was determined to be due to record keeping. The Comptroller's Office has suggested a resolution as to how to work with that. All of the recommendations to date have been implemented. Pemrick, C. added that the Town Justices are also now involved in a monthly audit as well. This is something that has not been happening in the past.

Brookhaven Park – Duane Wright gave an update on Brookhaven Park. The main parking lot has been paved and will accommodate approximately 60 vehicles. When the upper lot is completed, it should be able to accommodate an additional 50 vehicles. This should be adequate parking for tournaments, etc. The ATM Machine has been delivered. The Tee Box signs are finished and will be ready for the Open House. Duane added that it looks as if there are about 40 more members than there were last year at this time. Supervisor Rowland stated that there will be an Open House at the new Town Park on May 21<sup>st</sup> from 10AM to 2 PM and the event is open to everyone. There will be contests, such as Hole in One and Putting Contest. There will be samples of food

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available from the Food Service Operator. Local LPGA Champion, Dottie Pepper, will be in attendance. Supervisor Rowland added that her first coach was George Pulver, the designer of Brookhaven Golf Course. Chandler, C. felt that a lot of work has been done in a short period of time. He added that he has spent some time with some of the employees and they have expressed an interest in establishing a committee to work with them for ideas down the road.

RESOLUTION # 73 – Appoint Deputy Dog Control Officer

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby appoints Stephen VanDyk as Deputy Dog Control Officer, and

FURTHER RESOLVED, that the position shall be limited to up to 30 days per year, plus emergency situations, at the rate of \$35.00 per day.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

RESOLUTION # 74 – Appoint Planning Board Member

Motion: Cochran, C.

Seconded Pemrick, C.

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

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Supervisor Rowland advised that this appointment would mean that there will now be a vacancy on the Zoning Board of Appeals. Town Clerk was asked to place an ad for a vacancy on the Zoning Board of Appeals. Anyone interested should apply by June 2<sup>nd</sup>.

Report on Paving Costs - Highway Supt. Barss stated that part of the paving costs is also fuel costs. Gasoline is up 25% and Diesel Fuel is up 34%. Asphalt prices are going through the roof. As of May figures, the increase over what was budgeted for is approximately \$96,000. This means that they will have to cut a mile off the road program. If prices continue to rise, they may have to cut more. At the present time they are working on Bloomfield Road & Denton Road.

Dog Enumeration Report – Town Clerk reported that over the past month they have enumerated 89 licensed dogs and 70 unlicensed dogs. So far we are finding that almost half the dogs enumerated are unlicensed. In addition they have visited another 125 homes where there were no dogs.

John Herzog, MD was present. Supervisor Rowland explained that Dr. Herzog and his wife had an application before the Zoning Board of Appeals. They would like to build a new home which is taller than the height allowed in the Town Code. Dr. Herzog explained that they own property, approximately 36 acres, in the LDR Zone on Coy Road. They are looking to build a large home which would have a roof line greater than the current height allowed which is 35 feet. He stated that agricultural buildings in that area can be up to 75 feet. He proposed to the Board that they consider amending the Code to allow for residential structures in that area to be allowed up to 75 feet on a

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parcel greater than 20 acres. Cochran, C. asked how high the proposed roof was going to be. Dr. Herzog stated that the average height would be approximately 52 feet. He added that it was a two story building with French chateau steeple type roof. He felt that it would be good for the Town to develop a sub group of homes like this with large acreage. It would improve the tax base. Cochran, C. believed that there was some discussion regarding the height restriction when the polo project was being proposed. If the Board were to decide to amend the current code there would be a public comment period. Dr. Herzog stated that during the ZBA process there were no comments at the hearing other than there be adequate road and/or driveways to allow for access for emergency vehicles. Dr. Herzog stated that the front elevation of the building was actually 47 feet. However, due to the drop off of the property in the back with a walk out basement, the rear elevation was 52'. There would be no living space above the 2<sup>nd</sup> floor. It was an architectural style, not living space. Pemrick, C. asked if there was reluctance on the part of the Zoning Board to grant any sort of variance. Dr. Herzog stated that there was a mixed opinion. They felt that since there was a large difference it might be best to consider changing the Code. Cochran, C. stated that he would look into further and include any recommendations with his proposed Code changes.

Intermunicipal Agreement – Highway Supt. Barss stated that as was mentioned at the workshop, they were looking to see if the Town would be able to inspect their vehicles. There was some conversation that there should be an intermunicipal agreement in place. He added that maybe at some point down the road there would be the possibility of doing some light maintenance, such as oil changes, etc. The Fire District is willing to split the cost of the computer equipment that would be needed. This would allow the Town to be able to do all of our vehicles as well. As far as light maintenance was concerned, they would be paying for parts and materials. Town Counsel felt that this was an appropriate approach. Supervisor Rowland stated that one of the things that the State has been looking for is cooperation amongst municipalities. There has been some indication that there is grant money available for these types of agreements which the Town could look into. Cochran, C. asked if this agreement would lay out the ground rules, etc. Highway Supt. Barss felt that there should be some kind of an agreement. There is already an agreement in place for snowplowing and more recently for the shared fuel pump.

RESOLUTION # 75 – Prepare Intermunicipal Agreement with  
Fire District

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby instructs Town Counsel to draft an intermunicipal agreement to provide vehicle inspection and light maintenance for the Greenfield Fire District.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Tobacco Free Parks & Entrances – Supervisor Rowland stated that this would be a modification to the existing tobacco free park areas adding the new Brookhaven Town Park. Lauren Rowland stated that this does provide for an exception

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for the golf course itself. It would cover for the new growth at Brookhaven Park. This will provide for a fun family location and healthy areas for those families.

**RESOLUTION # 76 – Establish Tobacco-Free Parks & Entranceways  
Policy for Brookhaven Park & Future Parks &  
Building Entranceways**

Motion: Chandler, C.

Seconded: Pemrick, C.

WHEREAS, The Town of Greenfield owns and operates the Brookhaven Recreational Park and has the opportunity for future parks, playgrounds and buildings, and

WHEREAS, the American Lung Association in New York State has issued a Memorandum in support of tobacco free parks, playgrounds and beaches, with the purpose of promoting public health and well-being through the passage of legislation which restricts the locations in which individuals subject others to the deadly effects of secondhand smoke, and

WHEREAS, it has been determined that tobacco is a known asthma trigger and that children are particularly susceptible to the dangers associated with tobacco smoke even if out of door, and

WHEREAS, The Town of Greenfield, believes that tobacco use, including cigarette use, in the proximity of children, animals and adults is detrimental to their health and can be offensive to those entering town buildings and parks, and

WHEREAS, New York State Public Health Law 1399-r reaffirms the right of a property owner, including the government of any political subdivision of the State, to designate its entire property or any part thereof as a non-smoking area, and

WHEREAS, the visitors, staff and community residents indicated support for a ban of tobacco-products in outdoor areas, and

WHEREAS, cigarettes and chew products, once consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the aforementioned facility and pose a risk to children, animals and other wildlife due to ingestion, and

WHEREAS, to be consistent with town resolutions and federal and state law, it is the intent of the Town of Greenfield to establish tobacco-free parks and entranceways. This further develops the concept of a family friendly community focused on a healthy lifestyle.

NOW, THEREFORE, the Town of Greenfield hereby designates Brookhaven Recreational Park and all future parks and building entranceways smoke-free and tobacco-free.

**SECTION 1: TOBACCO USE PROHIBITED OUTSIDE THE ENTRANCES TO  
FUTURE TOWN BUILDINGS**

The Town of Greenfield is hereby designated as having tobacco-free entranceways. No person shall use any form of tobacco at the entrances to future town buildings.

**SECTION 2: TOBACCO USE PROHIBITED IN BROOKHAVEN RECREATIONAL  
PARK (EXCEPTION: BROOKHAVEN GOLF COURSE)**

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The Town of Greenfield is hereby designated as having tobacco-free parks and recreational fields. No person shall use any form of tobacco at Brookhaven Recreational Park

SECTION 3: NOTIFICATION

Appropriate signs shall be posted on the properties. The staff and community will be notified of this policy.

SECTION 4: COMPLIANCE

All individuals are expected to comply with this policy

SECTION 5: ENFORCEMENT

Staff will make periodic observations of entranceways and parks to ensure enforcement

SECTION 6: EFFECTIVE DATE

This policy statement is effective immediately upon the purchase and posting of signs and other notification.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None

Absent: Kinsella

Triple J Way – Andrew Fisher, a resident of Triple J Way, was present.

He stated that there are three houses located on the private road. He has lived there 4 years now. The road is currently owned by Anthony Vaccarielli. It is very poorly maintained. Mr. Fisher felt that is was more of a safety issue than anything else and he was not sure what the Board could do to help them. The snow removal during the winter is very poor. He plows whenever he gets around to it. In the summer, especially with the recent rains, the road is completely washed out with large ruts. He was not sure if the roadway was even accessible to emergency vehicles. Mr. Vaccarielli has promised to complete the road for over 4 years now and has not done anything with it. Mr. Fisher was looking for advice and any assistance the Town might be able to give him. Mr. Fisher added that he has been to Planning & Zoning meetings to support Mr. Vaccarielli, hoping that he would then complete the road. His subdivision approvals have expired. Cochran, C. asked if there was any shared driveway agreement or homeowners association in place. Supervisor Rowland stated that Mr. Vaccarielli was able to put in the homes because the subdivision was originally approved with a private road. There was no intention for the road to become a Town road. There have been discussions with Mr. Vaccarielli as to what would be necessary in order to develop the road as a Town road. Basically at this point, this is just a shared driveway. The Town has no authority to fix or develop the road. Unfortunately, it may take legal action by the 3 homeowners against Mr. Vaccarielli. Supervisor Rowland stated that any further development of the property would have to be re-approved by the Planning Board and that any future development would most likely be contingent upon a road agreement of some sort. Cochran, C. stated that when this comes before the Planning Board again, it would be the perfect opportunity to plea their case. Pemrick, C. felt that his choosing to go back to the Planning Board/Zoning Board of Appeals was probably good news for the homeowners because he is thinking about making some improvement there. In that process the Boards will require him to upgrade what is there and provide him with the standards that the Town would need if he wanted to eventually turn the road over to the Town.

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Stormwater Management Program – Supervisor Rowland stated that the Town Engineer, Highway Department and Building Department worked together to put together the Annual Stormwater Management Report. A recent audit was conducted by NYSDEC and the State was pleased with what the Town has been doing. They conducted a site visit at the new Town Garage and found the Town to have adequate mitigation measures in place. A copy of the report should be available on the Town website in the near future.

Town Hall Meeting Room Air Conditioner – Supervisor Rowland stated that it has been brought to his attention that the air conditioning unit for the meeting room has suffered extensive damage due to substantial ice damage. It was an older unit which had already probably exceeded its life span. He has received a quote for a replacement unit with a 5 year warranty at the cost of \$2,350.

RESOLUTION # 77 – Authorize Purchase of New Air Conditioning Unit for Town Hall Meeting Room

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby approves the purchase of a new air conditioning unit for the Town Hall from Middlebrook Plumbing at the cost of \$2,350.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None Absent: Kinsella

RESOLUTION # 78 – Transfer of Funds

Motion: Cochran, C.

Seconded: Pemrick, C.

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

\$5,000.00	CR7110.48	to	CR7180.4
5,000.00	CR7180.2	to	CR7180.4
500.00	A7510.2	to	A7510.4
2,440.00	A4540.4	to	A9010.8
2,864.00	DA9060.8	to	DA9010.8

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None

Municipal Credit Card Agreement – Supervisor Rowland stated that some suppliers will not accept Town vouchers to purchase items. Some places do not offer the type of business card that we can use to charge a purchase. The Town Bookkeeper, Joan Stunzi, was able to find a Municipal Credit Card through the bank which could be used to make purchases from vendors who do not accept Town Vouchers. The card can be limited in its amount. It can be used to purchase items that we can not purchase from standard procedures and allow us to still take advantage of the tax exempt process. Pemrick, C. stated that it appeared as if the Board would have to select the authorized users and set the limits. Board members would like to look at the limits set in other policy areas and have more information for the next meeting.

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Reports were submitted by Town Justices, Highway Supt., Brookhaven Park, Town Clerk, Building Dept. (March & April) and Town Supervisor (March & April).

RESOLUTION # 79 – General Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 214 to # 272 in the amount of \$28,321.43 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None                      Absent: Kinsella

RESOLUTION # 80 – Highway Bills

Motion: Cochran, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 64 to # 85 in the amount of \$12,451.32 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: Nones                      Absent: Kinsella

RESOLUTION # 81 – Parks Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That Parks Bills # 27 to # 53 in the amount of \$33,955.66 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None                      Absent: Kinsella

RESOLUTION # 82 – UDAG Bills

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bills # 4 to # 7 in the amount of \$58,043.51 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Cochran, Chandler

Noes: None                      Absent: Kinsella

Pemrick, C. noted that the UDAG Bills were for equipment that was previously approved for purchase in February or March.

On motion of Chandler, C. and seconded by Cochran, C., the meeting was adjourned at 8:47 PM.

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Town Clerk