

October 11<sup>th</sup>, 2012

The regular meeting of the Town Board was held on Thursday, October 11<sup>th</sup>, 2012 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Cochran was absent. Also present was Town Counsel Mark Schachner, Town Highway Supt. Walter Barss, Town Engineer Charlie Baker and 6 residents.

The Board met as the Board of Health at 7:20 PM.

99 Wilsey Road - Supervisor Rowland reviewed the Code Enforcement Officer's report dated 10/11/12. The original non-compliant fence has been knocked down in two places. A wooden frame with wire fencing was built and placed over part of the pool with the pool cover laid on top. Code Enforcement Officer McKenna stated that this actually made the situation more dangerous than it was before since the steps to the pool are now easily accessible allowing access to the shallow end under the "cover system" that was installed. There has still been no fencing installed. Kinsella, C. did not feel that the Board should fill the pool in. He realized that snow fencing was not compliant, however felt that some fencing was better than nothing. Pemrick, C. would like to try and find a way to take care of the situation at a minimal cost to the Town. Al Janik, King Road felt that this was a safety issue and that the least expensive option for the Town would be to fill the pool in with a couple loads of sand. If a new owner wants to make a pool out of it in the future, they can dig the sand out. Highway Supt. Barss suggested the possibility of getting some rough cut 4x4's and rough cut lumber and build a 4' high fence around the pool. He estimated that this could probably be done for a few hundred dollars. Pemrick, C. suggested that a letter be sent to the Bank notifying them of the Town's decision. Kinsella, C. agreed that they should be informed that the pool is not in compliance and inform them that the Town will be putting up a fence and placing a lean on the property for costs incurred.

RESOLUTION # 128 – Authorize Highway Dept. to Install Fence –  
99 Wilsey Road

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby instructs the Town Highway Superintendent to install a 4 foot fence around the pool, and

FURTHER RESOLVED that a letter be sent to the bank indicating that since they failed to bring the pool into compliance, the Town will install the fence and place a lean on the property for the costs incurred.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

4424 & 4422 NYS Route 9N - Supervisor Rowland stated that the Town Clerk had received an email on October 1<sup>st</sup>, 2012 which indicated that all the exterior debris had been removed and that the bank was working on getting bids to address the foundation. Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 10/11/12. All the exterior debris still remains on the property. He had no idea as to what foundation they were talking about. Supervisor Rowland added that the original unsafe building notice was sent regarding this property on April 13<sup>th</sup>, 2012. Kinsella, C. stated that we had previously notified the Bank that if the property was not brought into

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compliance by a specific date that the Town would do so. He felt that they have been given more than enough opportunity to do so and that the Highway Department should go on site to remove the debris. Highway Supt. asked if the home is to be removed as well or just the debris. Board members in agreement that the debris be removed and then have the Code Enforcement Officer take a look at it.

A public hearing opened at 7:32 PM for Proposed Local Law # 1-2012 – Override Tax Levy Limit. Town Clerk provided proof of legal publication. Al Janik, King Road, asked how much of an increase the Board was looking at. Supervisor Rowland explained that the cap would allow an increase of 5 cent increase in the tax rate. He added that he was looking at perhaps going to 10 cents above the cap. The total increase would be similar to what was adopted last year. It would mean about a \$64.00 increase for the average household and would get the Board closer to not depleting the reserve funds however they would still have to use some of the reserve funds. If they go ahead with the increase it would mean a total Highway Tax of \$1.58/thousand. There being no further public comments either pro or con, the hearing was closed at 7:35 PM.

The regular meeting was called to order by the Supervisor at 7:35 PM and opened with the pledge to the flag. On motion of Chandler, C. and seconded by Kinsella, C., the minutes of 9/13/2012 were approved as submitted by all Board members present.

Letter of Credit for Mary Griffin (Greenfield Manor Road) was automatically renewed and the expiration date was extended to September 30<sup>th</sup>, 2013.

Memo from the Saratoga County Sewer District stating that since the Town has recently become incorporated into the Sewer District, septage that is hauled from Town residents and dumped into the treatment plant will be charged \$25 per 1,000 gallons as opposed to the \$50 fee charged to municipalities outside the district. The Sewer District is in the process of notifying all of the septage haulers of this fee change as well.

Supervisor received a preliminary report regarding the Sustainability Plan for the Capital Region. There is going to money made available starting around February 2013 for sustainable green programs. Any resident or business may apply.

Proposed Local Law #1-2012 – Override Tax Levy Limit – Kinsella, C. noted that adoption of this local law does not bind the Board to go above the limit, it just gives them the option to do so if necessary.

RESOLUTION # 129 – Adopt Local Law #1-2012 – Override Tax Levy Limit

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby adopts Local Law #1-2012 to override the tax levy limit established in General Municipal Law 3-C.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None                      Absent: Cochran

Zoning Referral – Peter Barber - Mr. Barber was present and stated that the survey had been completed. He was waiting to receive the maps. As soon as they have the information his Attorney will take the description and update the deed. Mr. Barber stated that he met with members of the Fire Department and they will be issuing a

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letter to the Town. They had a few recommendations which he has taken care of. Hopefully he will have all the necessary information for the next meeting.

Ramsey Settlement - Town Counsel Schachner stated that the original claim was made against the Town in 1997 relating to work allegedly done by the Highway Department in 1996. The amount claimed at that time was \$25,000. Over the past 15 years the amount has been knocked down to a proposed settlement of \$3,500.

RESOLUTION # 130 – Authorizing Settlement of Ramsey Litigation

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board authorizes settlement of the Ramsey litigation for the amount of \$3,500. contingent upon Town Counsel receipt of properly executed General Release and Stipulation of Discontinuance documents in appropriate form.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Ambulance Committee - Kinsella, C. stated that they have met a couple of times. He spoke with Town Supervisor Dick Lucia regarding their recent take over of ambulance service and has toured a couple of different facilities. Other members are also out visiting facilities to gather information. They will continue to meet twice a month. He anticipated that it could take several months before they have a chance to look into everything. Supervisor Rowland noted that he received a phone call from Empire Ambulance stating that they had received an unsolicited post card from a young man who had a motorcycle accident. He was very pleased with the service, care, etc. of the squad. Supervisor Rowland added that there has been some talk about the possibility of sending out a survey form through Empire to help get a feel regarding service and care. It is very difficult due to HIPPA Laws to put this together but it was believed that a form could be developed that did not contain specific information. Kinsella, C. stated that he would like to get information from individuals who have actually received care.

Brookhaven Park - Duane Wright stated that income for the month of September was approximately \$66,000. while expenses were around \$47,000. It is the hope to be able to break even during the month of October. Play is down at this point in the year and the weather has not been as good. They will be starting to do some closing up and begin preparation for winter. Duane added that they have also developed a survey to be sent to all the league and tournament organizers to get their feedback regarding their experience this year and what changes and/or improvements they would like to see. The draft 2013 budget has been put together, however the committee has not meet as of yet to talk about it.

Proposed Connection to County Water Line – Supervisor Rowland stated that he had been approached by Stewarts Corporation and Saratoga Polo regarding the possibility of connecting a water line to the County Water System. Jim Norton of Stewarts explained that they reached out to the County Water Authority and they are interested in running a line from Bloomfield Road down Denton Road to the Stewarts Plant. Saratoga Polo would also like to connect as well. Stewarts would bear the cost of

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the construction. At this time they are looking for an engineering firm to complete the map plan. Once that is completed it would be presented to the Board for approval before going to DEC for their approval. Gary Dake stated that they were proposing to put in a much larger line than they would actually need, allowing for expansion and they would also install fire hydrants along the line. Kinsella, C. asked if they were proposing to run the line within the Town right-of-way. Mr. Dake stated that they had to check into all the legalities, however they believed that if they ran the line in the Town right-of-way then they would not be required to obtain easements from all the landowners. He added that they were looking at a 12 inch line running down the north side of Denton Road. Mike Bucci of Saratoga Polo stated that when the PUD was granted several years ago, one of the conditions was that they connect to the County water when it became available. The line is now available basically at the base of their entranceway. Kinsella, C. asked if there would be a treatment facility. Mr. Dake stated that there was not one planned and that he did not believe that one was necessary since the County water was already treated. Pemrick, C. asked if there was a time frame for this project. Mr. Dake stated that they would continue moving forward and get this done as quickly as possible. They have received estimates regarding the cost of doing the work. The question is how long it is going to take to get the map, plan & report out from the engineering firm and get all the necessary easements cleared to make sure that everybody is happy. Supervisor Rowland stated that he has had some conversations with the Town Engineer and Town Counsel regarding this project. Mr. Dake added that everybody seems to be in agreement on “what”. There is a little bit of argument about the “how”. He believed that this would all be resolved in the map/report phase of the project. The rates, for example, would be an item of discussion. He would expect that if they pay for the project and put in all the infrastructure, they would pay a somewhat lower rate. Mr. Dake stated that if they do go in an open the right-of-way, they may want to have further conversation with Polo and Prestwick Chase to decide if a sewer line should be put in at the same time. Supervisor Rowland felt that it was great for the Town to be able to start to provide some businesses and residents in the Town with County water. Mr. Dake added that when they brought the County sewer to the plant, they worked with Mr. Ballestero and Utter’s Mobile Home Park to extend the sewer line from the plant to their property. He was not sure if they would be interested in a water connection, but suggested that was something they may be able to work out with them. Pemrick, C. asked what the Town would have to do at this point. Town Counsel Schachner stated that at this time the Board would not have to do anything. The map/plan & report had to be completed first. This is largely an engineering document, however it also has to include discussion of the economics, financing, paybacks, rates, etc. The Town would then have to take action in forming a water district, etc. Kinsella, C. asked what the required separation was between a water line and sewer line. Town Engineer stated that there must be a 10’ horizontal separation. Mr. Dake stated that he spoke with Skidmore and they are not interested in connecting to water and/or sewer. Mr. Dake mentioned that he also contacted the City of Saratoga Springs to inform them of the possibility of connecting to the County Water system since they currently purchase water from the City. Mike Bucci stated that as far as sewer was concerned, Polo has explored various possibilities and they were not committed to any of

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them at this point. Rick Schwartzbeck, Plank Road, asked who would be responsible for maintenance of the water system. Would a water department have to be created? Supervisor Rowland stated that the Town would either have to create a department, add it to the Highway Department or hire the service out. Mr. Dake noted that any expenses to the Town would be recouped through the water rates.

RESOLUTION # 131 – Community Center Use Request

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Greenfield Community & Business Association be authorized to use the Community Center for their regular meetings to be held on the 2<sup>nd</sup> Monday of each month through August, 2013.

VOTE: Ayes: Rowland, Pemrick, Kinsella

Noes: None                      Absent: Cochran              Abstained: Chandler

RESOLUTION # 132 - Mulleyville Snowmobile Club Agreement

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor is authorized to sign the 2012-2013 Snowmobile Trail Landowner Permission agreement with Mulleyville Snowmobile Club allowing them to cross Town property with their trail system.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None                      Absent: Cochran

RESOLUTION # 133 – Re-Appointment of Board of Assessment Review Member

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby re-appoints Richard Lindenmann as member of the Board of Assessment Review with said term to expire 9/30/2017.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None                      Absent: Cochran

RESOLUTION # 134 – Schedule Budget Workshop

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules budget workshop/special meetings to be held on Monday, October 22<sup>nd</sup>, 2012 & Wednesday, October 24<sup>th</sup>, 2012 (if necessary) to be held at the Town Hall at 7 PM.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None                      Absent: Cochran

RESOLUTION # 135 - Transfer of Funds

Motion: Chandler, C.

Seconded: Pemrick, C.

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

\$ 2,516.90      From    A1420.4              to              A1440.4

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247.00	From	A8160.4	to	A8810.4
335.73	From	A1630.4	to	A1630.1
1,459.54	From	DA5142.4	to	DA5140.4
\$ 6,685.21	From	CR7110.2	to	CR7110.47
5,089.81	From	CR1990.4	to	CR7110.41
850.13	From	CR7110.46	to	CR7110.48
1,625.75	From	CR7180.42	to	CR7110.4
38,178.79	From	CD8662.4	to	CD8662.2

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Park Entrance/Bockes Road - Highway Supt. Barss stated that he is going to have some salt money left over from the mild winter. He would like to seek approval from the Board to complete a few projects. The first item is a sign for the new garage. He received a price from one company for around \$1,700. The second thing he would like to do is pour a concrete retaining wall with some wing walls for storage areas for various materials. This would also clean up the entrance to the Park. He has a quote for a company to pour the 16' high concrete walls with anchors for safety and wing walls 10' out to create 4 bays. The cost would be approximately \$17,000. Highway Supt. Barss explained that there is currently a 20' height difference from the top of the ridge down to the park road. He added that they looked at salt usage for the last 3 months of the year for the past 10 years. In the worse case scenario, they used approximately 950 tons of salt. Taking that into consideration, they would still have approximately \$22,000. left in that fund which they would like to use for these projects. He stated that there really was not enough money to consider doing anymore road improvements. They were able to complete 7 ½ miles of road this year.

RESOLUTION # 136 – Authorization to complete Highway Department Projects

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Highway Supt. to build a materials pit and purchase a sign for the new Town Garage.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Monthly reports were submitted by the Highway Supt., Dog Control Officer (July & August), Town Clerk, Town Supervisor and Town Justices.

RESOLUTION # 137 – Highway Bills

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Highway Bills # 227 to # 250 in the amount of \$92,391.93 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

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RESOLUTION # 138 – Park Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That Park Bills # 267 to # 298 in the amount of \$20,662.64 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 139 – General Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 511 to # 559 in the amount of \$28,941.85 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

On motion of Kinsella, C. and seconded by Chandler, C., the Board adjourned to Executive Session at 8:22 PM to discuss pending litigation. Town Clerk was not present for session and no minutes were filed. On motion of Pemrick, C. and seconded by Chandler, C., the Board returned to regular session at 8:44 PM. Supervisor advised that no decision was made and no action was taken.

On motion of Chandler, C. and seconded by Pemrick, C., the meeting was adjourned at 8:45 PM.

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Town Clerk