

September 12th, 2013

The regular meeting of the Town Board was held on Thursday, September 12th, 2013 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Cochran, Councilman was absent. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 16 residents.

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

24 Medbury Road, (137.-1-12.2) Robert & Judith Belon - Supervisor Rowland reviewed the report submitted by the Code Enforcement Officer dated 9/12/2013. The structure has been demolished and approximately 90% has been removed. The property is still strewn with garbage, miscellaneous junk and an old oil tank that has been crushed which is believed to have been used as an old septic tank. Removal of the tank has created a large open hole. There is a deteriorated garage structure that should also be demolished. The roof is failing and the walls are deteriorated. Kinsella, C. stated that a great deal of progress has been made and it appears that the individuals are still working to clean up the property. Town Clerk instructed to send a letter to the property owners expressing the Board's concern regarding the hole that remains on the property and asking for them to take immediate action to take care of this matter.

The Board of Health portion of the meeting was closed at 7:27 PM.

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 Chandler, C. and seconded by Kinsella, C., the minutes of 8/8/2013 and 8/14/2013 were approved as submitted by all Board Members present.

Thank you letter from the Greenfield Food Pantry for the donation made to them from money raised at the Brookhaven Open House.

Small Claims Petition filed by David St. Louis

Letter of concern from Gregory Scarangelo regarding a complaint he made to the Attorney General's Office about a business which advertises in The Pennysaver warning seniors to be aware.

Received 2012 Financial Report for the Greenfield Fire District.

Received a letter from Pauline Levo giving a history of the Town Hall Christmas Tree and expressing her disappointment of the condition of the replacement tree and lawn surrounding the tree.

Paul Bouchard, 166 Denton Road – Mr. Bouchard stated that he realized that this was early on in the process for the proposed water district, however since this project would basically run through his property, he felt that he and the other property owners should have been notified rather than hear about it through rumor.

Phil Gargan, Locust Grove Road – Mr. Gargan stated that he has done some research on the proposed water district project. He has found that Stewart's has never formally requested to purchase water directly from the Saratoga County Water Authority. Mr. Gargan read a portion of the minutes from the April 26th Water Authority meeting. He found it strange that a corporation was making a presentation to the Water Authority on behalf of the Town of Greenfield. He added that on June 28th he submitted a FOIL Request to the Town asking for any and all correspondence between the Town and all entities regarding the proposed Water District excluding the report done by Chazen. He received a reply from the Town that stated that there had been no other correspondence regarding the water district other than the report. The first time he heard any mention of the water district was at the May 9th Town Board meeting. A presentation was made by Jim Norton, Vice President of Stewarts. Mr. Gargan asked if anyone else on the Town Board, aside from Supervisor Rowland, knew about this project. According to the report from Chazen they had been working on the project since December 2012. Mr. Gargan stated that Supervisor Lawler of the Water Authority has mentioned that they cannot sell water to anybody because of certain restrictions. Mr. Gargan sent a letter to the NYS Budget

September 12th, 2013 continued

Authority and questioned them about the Water Authority's reluctance to sell water to private corporations. He read the reply which stated that they were unable to find any restrictions on the amount of water that the County Water Authority can sell to private commercial customers. It appeared that the decision to limit the amount of water that could be sold was at the discretion of the Water Authority. Mr. Gargan stated that he has also done research regarding bonds and there was nothing that he could find that states that once a bond was sold there was anything that would affect the status as to what was done with them. He felt that there were many questions that needed to be answered. He noted that the Town Board could enter into a water district without approval, however they would have to have a public referendum on it and have a public meeting. Mr. Gargan stated that if Stewart's donates the infrastructure to the Town they can write it off as a tax exemption vs. if they were to do it as a capital improvement where they would only be able to depreciate it over a certain number of years. It is obviously more beneficial to Stewarts, not the Town of Greenfield, for them to donate the water system. According to the map provided in the Chazen report, he felt that the only people who would benefit were the Stewarts Corp. and Polo. There is no benefit to the Town of Greenfield. Mr. Gargan stated that he would be going to the Saratoga Water Authority meeting to ask them why they can't sell the water directly to Stewart's. He felt that this was a scheme hatched up during the past year between the Town and Stewart's and he was going to find out who was responsible for it and so was the Attorney Generals Office.

Assessor Interviews - Supervisor Rowland advised that there have been 5 applications submitted to the Town and suggested that interviews be scheduled the evening of their agenda meeting on October 3rd. Chandler, C. stated that he would not be present for the October 3rd meeting. Kinsella, C. stated that looking ahead, the Request For Proposals for Ambulance Services are due on September 19th and the Board is going to have to have a workshop to review the proposals. He would like to see about scheduling a workshop prior to the agenda meeting, perhaps Sept. 25th. Pemrick, C. stated that he would not be available that week. Kinsella, C. stated that he did not want to wait until after everyone was back to look at the RFP's. Pemrick, C. clarified that this was just going to be a review of the RFP's and that no decision would be made. Kinsella, C. stated that it was not intended to make any decisions, just to look over the proposals and see if they have provided the right information. He added that Pemrick, C. would be able to get a copy of the proposals before he went away. Board members in agreement to hold a workshop meeting on Wednesday, September 25th at 7 PM to review the RFP's. Town Clerk directed to schedule interviews for the Assessor position prior to the workshop and the remainder prior to the agenda meeting on October 3rd.

Ambulance RFP - Kinsella, C. stated that Community Emergency is moving forward with providing an RFP. He added that Chandler, C. contacted Senator Marchione's office and there was a little bit of correspondence back and forth with them. The Senator's office spoke with the Dept. of Health and the Dept. of Health no longer says that Wilton cannot participate. The Dept. of Health stated that if Wilton wants to they will support that. Kinsella, C. notified Wilton and Nash came and picked up an RFP that they are working on. Kinsella, C. added that Wilton is still proceeding with obtaining their own Certificate of Need for the entire Town.

Supervisor Rowland stated that Senator Marchione sent a post card stating that she would like to have a Town Hall kind of gathering here on Sept. 18th from 6 to 8 PM. He made arrangements for the meeting to be held at the Community Center. Any resident that is interested in coming and speaking with the Senator should plan on attending.

Greenfield Manor Road - Highway Supt. Barss stated that the contractor is supposed to be paving on Sept. 14th. Hopefully, they will be able to complete all their paperwork after that and the road can be turned over to the Town. Pemrick, C. asked if this is the only road that will be added this

September 12th, 2013 continued

year. Highway Supt. Barss stated so far this is it. He has not heard anything from the other 2 subdivisions on Lester Park Road or Middle Grove Road.

Proposed Water District - Supervisor Rowland stated that he received a report from Town Counsel giving an estimate of legal fees in order to implement a water district to be approximately \$3,000. He added that the Town Board received a report from the Town Engineer with his comments/concerns today which he had not had the opportunity to look at very closely. He had some questions for the Engineer on what he did read and felt that there was more review necessary. The Town Engineer did have some additions to the Map, Plan & Report. There was some question as to the size of the pipe, etc. to be able to extend for future development. Kinsella, C. asked if there was going to be an issue with passing the lawyers fee onto Stewarts. Supervisor Rowland stated that his intent would be that any fees incurred would be passed onto the users via the rate. Kinsella, C. asked if that would include the Town Engineering fees as well. Town Counsel Schachner stated that typically all associated fees are included in the rate charged. Kinsella, C. stated that he would like to get a definitive answer as to whether or not the Town had to be an intermediary or can the County Water District sell straight to Stewart's. Supervisor Rowland stated that from the conversation he had with the Chairman of the Water Authority, it was their policy to only sell to municipalities, other than Global Foundaries. The waterline was built for Global and they sell directly to them because the line goes directly to them. Every subsequent user has been a municipality. Kinsella, C. stated that he would like to test the policy and have Stewart's apply directly to the Water Authority and see if they would be denied. Pemrick, C. asked why the Board didn't just request a letter from the Water Authority stating that this was their policy and that this was the only way that they sold water. Chandler, C. agreed. Supervisor Rowland will request a letter from the Water Authority. Mr. Gargan gave Board members copies of sections of the New York State Public Service Law which he stated says that they have to provide adequate service to everybody. He also read the Water Authority mission statement for the public to hear. He felt that their alleged policy violated their own mission statement.

4 Roberts Drive - Town Clerk stated that she reviewed the minutes from the 1970's when the road was turned over to the Town. It appears that the reason that the lot was turned over to the Town was basically for drainage and for snowplowing purposes. There is no T-turnaround or cul-de-sac. In 1996 there was a small lot line adjustment made with NYSDOT when they were proposing to construct a turn lane for Middle Grove Road. Kinsella, C. asked if a simple lot line adjustment would give the Highway Supt. the area he needed to push snow and give the gentlemen looking to purchase the property enough to have horses on his property. Supervisor Rowland questioned what the Town needed in order to be able to properly maintain the road and wanted to be sure that we were covered before we considered any transfer. Board in agreement to table at this time.

Code Compliance Inspection – Fire Damage - Supervisor Rowland stated that he provided the Board with a copy of the response and recommendations that he received from the Code Enforcement Officer regarding inspections of properties after a fire. He also enclosed a copy of a section of the Fire Code. The Code Enforcement Officer suggested ways to handle fire inspections so that they were completed within 24 hours. Supervisor Rowland stated that there is a Town vehicle however it is shared between departments. Chandler, C. felt that it would be handier the way the Code Enforcement Officer has suggested to handle the inspections, however who says the family won't go back into the home prior to the inspection. The Code Enforcement Officer is the only one that has the power to tell the family that they cannot go back into the home. Supervisor Rowland stated that the Code Enforcement Officer is hesitant to authorize someone to be able to go back into the home without having engineering approval. Chandler, C. asked if the Town Code could be amended to state that when there is a structure fire the family cannot go back into the property until the proper inspections have

September 12th, 2013 continued

been made. Chandler, C. stated that ultimately the Town is liable. Town Counsel Schachner stated that the Town is one of the parties that could potentially be looked at, however he did not feel that the Town was ultimately liable. He felt that the Town would be more liable if the family was told they could go back into the home. He agreed that the fire personnel did not have the authority. Kinsella, C. stated they could get around the issue of the Town vehicle by having the Code Enforcement Officer charge for mileage if he had to drive his own vehicle. He felt that the real question was whether or not to require the Code Enforcement Officer to be on call 24/7. Kinsella, C. questioned who determines the restrictions based on the amount of damage, etc. As far as an engineer is concerned, the Code Enforcement Officer faces that issue when we have him go out and inspect unsafe properties. If he is not comfortable entering the property in question, he could ask for an engineer to inspect the property. Supervisor Rowland asked if the Town Board wanted the Code Enforcement Officer to be on call 24/7. Kinsella, C. felt that it was worth it for the 2 or 3 times a year that there might be a call. He felt that the compensation could be acknowledged when there is a call in. Supervisor Rowland stated that the Code Enforcement Officer is a salaried position. Chandler, C. stated that the firemen tell them they cannot go back into their house until it is deemed safe, but they do not listen. Supervisor Rowland did not feel that that would stop even if the Code Enforcement Officer was there. He did not feel that middle of the night reactions worked well and that the Code Enforcement Officer should be allowed to do his normal job and not called in the middle of the night. Pemrick, C. suggested that the Board follow up with some sort of revision/addition to the Town Code addressing this issue. Chandler, C. would be comfortable with that. He wanted to make sure that the Town was not liable. Paul Lunde suggested that the Town Code be amended to state that until such time the structure has been deemed safe by an engineer you are not allowed back into the structure. Chandler, C. stated that he was okay with what the Code Enforcement Officer has suggested, he just wanted to make sure that Town Counsel was okay with it. Town Counsel Schachner stated that he was not aware of any legal requirement that states that within "x" amount of time the Code Enforcement Officer needs to conduct an inspection. Supervisor Rowland suggested that this be made part of the next package of revisions to the Town Code.

Zoning Review Committee regarding Solar Power Installations - Town Clerk advised that she had received applications from 2 individuals. Supervisor Rowland felt that the Board should continue to look for a few more individuals. Pemrick, C. felt that there should be a representative from each of the Boards on that committee as well. Butch Duffney stated that he would be the representative from the Planning Board if no one else expressed interest.

Paul Bouchard, 166 Denton Road – Mr. Bouchard commented regarding the agenda item for a speed reduction for Daniels Road. He encouraged the Town Board to also consider Denton Road with that since the project that is generating extra concern will have an entrance on both Daniels Road and Denton Road.

Andrea Mann, 653 North Creek Road – Mrs. Mann encouraged the Board and UDAG Committee to support the application from Saratoga Health & Wellness. As a business owner she would welcome them to the community and felt that they were a very professional group.

RESOLUTION # 120 - Community Center Use Requests

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby authorizes the following organizations to use the Community Center for their regularly scheduled meetings:

Girl Scout Troop 3053, Siobhan Dahl, Leader - 1st & 4th Tuesday from 4 to 6 PM

Girl Scout Troop 3105, Jenn Ginley, Leader - One Thursday night per month from 6:30 to 8 PM

Mulleyville Snowmobile Club – 2nd Tuesday from 7 to 9 PM

September 12th, 2013 continued

Girl Scout Troop 3025, Jessica Bruchac, Leader – 1st Monday from 5:30 to 7 PM

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 121 – Mulleyville Snowmobile Club Agreement

Motion: Chandler, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor is authorized to sign the 2013-14 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

Town of Day EMS - Supervisor Rowland stated that the Board received a letter from the Town of Day stating their desire to establish emergency medical services to their Town. As the Board did with the Saratoga Springs Fire Department, the Town of Day is looking for a letter in support of their application.

RESOLUTION # 122 – Support Town of Day Application to Establish Emergency Medical Services

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby support the Town of Day application to establish emergency medical services for their Town.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Repairs to Porter Corners Park Pavilion Roof - Supervisor Rowland stated that the roof at the Porter Corners was pulling off and in need of repair. He did not feel that it was something that the Parks staff could do on their own. He obtained a quote from Peter Champagne & Son for replacing the metal roof along with all the necessary supplies to complete the job. The proposed cost would be \$5,668. Supervisor Rowland suggested that it would have to be paid for out of the Contingency Fund.

RESOLUTION # 123 – Approve Repairs to Porter Corners Park Pavilion Roof

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby accepts the quote from Peter Champagne & Son to replace the roof on the Porter Corners Park Pavilion Roof at the cost of \$5,668.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Supervisor Rowland stated that the Parks staff will be replacing the roof to the restrooms at Middle Grove and possibly the pavilion which are both in need of repair.

Speed Limit – Daniels Road - Supervisor Rowland stated that the Board received a letter from the Planning Board regarding concerns that were raised regarding traffic issues on Daniels Road during the public hearing for Prestwick Chase, such as speed and overweight vehicles, etc. Supervisor Rowland stated that they have requested speed reductions for the road from the State before and have been turned down. Supervisor Rowland explained that the Town cannot set the speed limit on Town roads. They have to apply to the State and NYSDOT determines the speed limit. Supervisor Rowland asked the Highway Supt. if they have conducted any studies along that section of road recently. Highway Supt. Barss stated they had in the past, however nothing in the past couple of years. The last counts indicated that Daniels Road had over 5,000 cars per day and Denton Road about

September 12th, 2013 continued

2,500 cars. The counters indicated that there was some truck traffic. There was not a lot of speeding. Pemrick, C. stated that it did not hurt to submit another request and try again for a speed reduction. Supervisor Rowland suggested that the Highway Supt. do another traffic count prior to the Town submitting their request and include that information with the application. Thomas Paton, Country Squire Court – Mr. Paton stated that he has been a NYS Trooper for 26 years and has lived at Country Squire Court since 1994. In the past 18 years, the traffic has at least tripled. Daniels Road is being used as a bypass around the City of Saratoga Springs. He stated that he has written numerous speeding tickets and has written a ton of overweight vehicle tickets. Mr. Paton stated that one of the biggest problems is with other municipalities, i.e. Town of Wilton, South Glens Falls and Town of Moreau, constantly using Daniels Road for their trucks. He spoke with the Wilton Highway Supt. and was told that he was only going to the asphalt plant to get materials because they were paving a road. By law, each truck has to have a letter from the Town of Greenfield Highway Supt. stating that they have permission to use the road and they do not. He stated that he is going to start writing tickets to the Town of Wilton who uses the road constantly and do not have letters. They damage the road because the road is not built for the heavy truck traffic. They abuse the privilege by speeding, crossing the yellow line, etc. He felt that any permission they have should be revoked. Mr. Paton stated that there is a problem with site distance where Country Squire Court enters onto Daniels Road. There is a hump in the road and you cannot see if you are driving a smaller compact car. Mr. Paton stated that the Town has the power to go to NYSDOT and petition for a lower speed limit and they should do so and look for a 30 mph speed reduction from Route 9N to Braim Road. Highway Supt. Barss stated that he could remember at least 6 times that the Town has petitioned the State and they have never reduced the speed limit. Kinsella, C. suggested that the Town submit a recent traffic count and have the Town Engineer do a site distance study to submit as well. Highway Supt. Barss stated that the State does their own traffic study each time you submit a request. Fred McNearly stated that he had a traffic study recently completed for his project. His traffic engineer stated that when you apply to the State you can give them all the traffic counts you want, including vehicle size, etc. but that doesn't really matter to them. The State engineers will look at their own numbers to determine whether or not they met certain thresholds. If they were under the thresholds, they will not lower the speed limit unless there was a dangerous situation. The only way to prove a dangerous situation was to have historical information from accidents and fatalities. Mr. McNearly stated that the Town was welcome to use his traffic study that was completed about 1 month ago if they wished. Kinsella, C. asked if the report contained any site distances. Mr. McNearly stated that site distance was addressed at the location of the proposed driveway onto Daniels Road. Mr. Paton stated that all accident reports are done electronically. He stated that he could look into getting a count of accidents through the NYS Police. Supervisor Rowland stated that he would check with the Saratoga County Sheriff's Dept. as well.

RESOLUTION # 124 – Re-Appointment to Board of Assessment Review

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby re-appoints Karen Foster to the Board of Assessment Review with said term to expire 9/30/2018.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 125 – Transfer of Funds

Motion: Kinsella, C.

Seconded: Pemrick, C.

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

September 12th, 2013 continued

\$ 61.05	From	A5010.1	to	A5010.4
1,312.50	From	A1420.4	to	A1440.4
28.24	From	A7310.4	to	A7310.1
766.01	From	A7140.2	to	A7140.1
456.01	From	DA5130.4	to	DA5120.4
730.76	From	DA5130.4	to	DA5140.4
130.00	From	CD8662.2	to	CD8662.4
3,493.34	From	CR1990.4	to	CR7110.46
1,078.28	From	CR1990.4	to	CR7110.41
3,272.25	From	CR7180.4	to	CR7550.4
3,463.29	From	CR7180.4	to	CR7180.44
1,318.87	From	CR7110.45	to	CR7180.4
834.90	From	CR7180.2	to	CR7110.47
2,000.00	From	CR7110.43	to	CR7550.4
1,272.25	From	CR7110.45	to	CR7550.4

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

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

RESOLUTION # 126 – General Bills

Motion: Chandler, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 443 to # 496 in the amount of \$44,668.93 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 127 – Park Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Park Bills # 201 to # 230 in the amount of \$25,173.11 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 128 - Highway Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 195 to # 214 in the amount of \$112,637.03 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Fred McNeary stated that at the last Planning Board he was asked by the Board what the status was on the parcel of land that was put aside for an ambulance squad. They wanted to know if it was going to be used and if they should take it into consideration when completing the SEQRA process. He did not have an answer for them because he did not know what the Town Board was doing with the ambulance issue. He did not want it to look like he was offering something and then taking it back. He asked if a letter or recommendation could be sent back to the Planning Board indicating

September 12th, 2013 continued

whether or not the Town wanted to take up the offer of having a EMT facility built or not. Kinsella, C. stated that in his opinion the Town was not interested and would not be pursuing that. He did not feel that he needed to tell the Planning Board and that was Mr. McNeary's private application and he could tell them what he wanted to do with that lot. Supervisor Rowland felt that it was the consensus of the Board that they were not going to accept the offer. Chandler, C. stated that it was a great offer, however it would cost the Town a lot more money.

On motion of Kinsella, C. and seconded by Chandler, C. the Board adjourned to Executive Session at 8:40 PM to discuss a personnel matter and a UDAG Loan application. 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 9:45 PM.

RESOLUTION # 129 – Hire Part Time Parks Worker

Motion: Kinsella, C.

Seconded: Chandler, C.

RESOLVED, That the Town Board hereby hires Stephanie Fanelli as a Part-Time Parks Worker for 15 hours per week at the rate of \$13.30 per hour.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

RESOLUTION # 130 – Approve UDAG Loan for Saratoga Health & Wellness

Motion: Pemrick, C.

Seconded: Chandler, C.

RESOLVED, That Town Board hereby accepts the recommendation of the UDAG Revolving Loan Fund Committee and grants a loan in the amount of \$126,000. to Saratoga Health & Wellness with conditions as presented by the UDAG Loan Committee.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

On motion of Chandler, C. and seconded by Pemrick, C., the meeting was adjourned at 9:50 PM.

Town Clerk