

April 9th, 2009

The regular meeting of the Town Board was held at the Town Hall on Thursday, April 9th, 2009 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Peter Coseo, Thomas Kinsella and Daniel Cochran, Councilman. Also present was Town Counsel Mark Schachner, Highway Supt. Walter Barss and approximately 10 residents.

At 7:20 PM Opening of Bids was held on the Surplus Gradall. Clerk presented proof of legal publication. Town Clerk advised that no bids had been received.

At 7:25 PM Opening of Bids was held on the Multi Purpose Dump Body as per Bid Specification #1-2009. Clerk presented proof of legal publication. The following bids were received:

T & T Sales Inc.	\$22,258.00
Henderson Truck Equipment	\$20,364.00
Loughberry Mfg. Corp.	\$19,200.00
Arrowhead Equipment Inc.	\$22,868.00

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 Cochran, C. and seconded by Pemrick, C., the minutes of 3/12/2009 were approved as submitted.

Notification from Balzer & Leary, PLLC on behalf of their client, MMG of Clifton Park, Inc., of their intention to apply for an on premise liquor license for Saratoga Polo Club on Bloomfield Road.

Notification from Prestwick Chase of their intention to apply for renewal of their on premise liquor license.

Check in the amount of \$4,545.62 from The Nature Conservancy in payment of their severance tax obligation.

Zoning Board of Appeals – Town Clerk advised that she had received 5 applicants. Board members instructed Town Clerk to scheduled interviews for Sat. April 25th, beginning at 8:00 AM. An alternate time was scheduled for prior to the agenda meeting on 5/7/09, if necessary.

Update on Denton Road - Supervisor Rowland advised that they spoke with DOT regarding what would be available as far as stimulus money at the State level. They have been informed that there is not any money available. All the money is distributed through a federal fund stream that the Town is not eligible for. The money is being used for other projects. Supervisor Rowland stated that he has since contacted Senator Farley and Senator Schumer to see if there were any other options available to the Town. A meeting had been set up with the City of Saratoga Springs, however it has been postponed until he can find out whether or not there is any money available that could be used to set up an inter municipal agreement to at least start to work on that road. At this point, the road has leveled out quite a bit. The Highway Dept. did a traffic count on the road. The count showed that even in the worse conditions that the road was from the frost, 90+ percent of the vehicles were traveling at or above the speed limit. In fact, three vehicles were approaching speeds of 100 mph. Supervisor Rowland agreed that the road was in need of repair and that they will continue to work to try to obtain funding and put together some sort of an agreement with the City.

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Veterans Committee Report - Pemrick, C. presented the Board with information that the Veterans Committee had put together regarding the installation of new honor rolls in the Town Board meeting room. He stated that they are in the process of putting together a finalized list of names. The new rolls could be ready in 3 to 4 weeks and the cost would be \$2,100. Kinsella, C. asked if the names would be etched in the back of the Lexan. Pemrick, C. stated that the names are actually printed on the back side. Coseo, C. asked if there was a possibility that there were other people that should be on the lists that were not on the ones downstairs. Pemrick, C. stated that throughout the winter they have had ads in the newspaper, notice in the Town newsletter, etc. and they have added an additional 26 names. Pemrick, C. noted that they will have the ability to update the rolls in the future. Pemrick, C. also stated that the sign company had extended an offer to the Town to provide entrance signs. They would provide two signs for the price of one - \$2,000. He would obtain a more formal proposal with all the specific information if the Board desired. Kinsella, C. did not believe that any of the proposed signs had been budgeted for. Therefore, he would not necessarily be in favor of the entrance signs, however he would be okay with going ahead with the Veterans Rolls. Pemrick, C. believed that during the budget process it was suggested that perhaps the cost of the Veterans signs could be paid for from the Celebration budget line.

RESOLUTION # 61 - Approve Veterans Memorial

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby approves the Greenfield Veterans Memorial for the cost of \$2,100.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

New Town Garage - Highway Supt. Barss stated that the doors are installed. They are working on installing the radiant heat and should begin pouring part of the concrete for the flooring next week. He added that they are waiting for National Grid to hook up the power. Town Clerk advised that Phoenix Electric had submitted their 2nd application for payment which was approved by the Engineer. The current payment due is \$37,019.31.

Zoning Updates – Cochran, C. stated that the Zoning Review Committee has submitted a report to the Board with recommendations regarding wind towers, Right to Farm and Outdoor Furnaces. What they would like to do now is put together the appropriate Code language that can be used to update the Town Zoning Law. Cochran, C. proposed that they meet here at the Town Hall on Wednesday evenings to work on the language. These would be informal sessions that would be open to the public outside of the formal public hearing process. The session will be held on Wednesday, April 22nd & April 29th at 7 PM. Additional nights will be scheduled if necessary. Once the language has been finalized it will be presented to the Board to proceed with the Local Law adoption process. Town Clerk to put a notice in the Pennysaver and on the Town website advertising the informal sessions. Coseo, C. stated that the Code Enforcement Officer had also submitted some amendments that he would like to see made to the Zoning Law

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and suggested that those proposals also be made available to members of the public who attend these sessions.

Lorna Dupouy, South Greenfield Road - Mrs. Dupouy believed that the installation of the new meeting board came about due to the fact that the last time the Town went through the Zoning process, the residents were not informed as to when the workshop meetings were going to be held. She felt that the meeting board was just being used to announce the regular meetings. She suggested that the Town look into the cost of purchasing a vinyl banner that could be installed on the Town Hall front lawn to announce the workshop dates regarding the Town Code. This might be a better way to inform the community.

RESOLUTION # 62 - Approve Summer Recreation Bus Contracts

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Supervisor be authorized to sign the Transportation Rental Agreement with the Saratoga Springs City School District for buses for the 2009 Summer Recreation Program.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Russell Road – Highway Supt. Barss stated that he had taken a look at Russell Road and that the dirt end was pretty bad. He believed that due to the decrease in asphalt prices at this time, he should have enough money left in his budget to repair the section of road in front of the houses. He is proposing to pave approximately 500’.

RESOLUTION # 63 – Approve Pavement of Portion of Russell Road

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Highway Supt. be authorized to pave a portion of Russell Road as long as he could stay within the paving budget.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochra

Noes: None

Planning Unit Development – Douglas & Lorna Dupouy - Mrs. Dupouy was present and presented the Board with an application for a Planned Unit Development for their property on South Greenfield Road. She stated that she is currently operating “The Etiquette School of New York in Saratoga Springs” as a Type II Home Business. She would like to also engage in a variety of businesses that are similar but that are not covered under the current permit. The proposed uses are: Etiquette School, Bed & Breakfast/Conference Center, Tea Room, Catering facility, Mercantile, Guest cottages and a Ceremonial/Cultural/Educational Uses/Banquet Hall. The list included everything that she thought that she could accomplish within the next 5 years. Mrs. Dupouy reviewed Appendix B which she submitted. She envisioned the project as a creative and viable means of preserving an important community asset. The applicant is looking for approval to use 4 of the 8 bedrooms in the main house as a Bed & Breakfast. The dining room is large enough to seat 50 people comfortably for any meal. They plan on converting what is currently the indoor pool room into a multi-purpose tea salon/conference room. The Etiquette School currently holds classes in the library and in

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the dining room. There is also a barn located on the property. They plan to renovate the 30' x 40' barn and provide electricity and water to it. When renovated, they would like to run a mercantile as a Co-op. Interested parties will sell their wares and each must take a turn working at the shop. Behind the main house there is currently a 3 car-brick garage. They hope to incorporate the old building into the design of a new and expanded cultural center where all different types of events can be held. Mrs. Dupouy stated that there are 3 driveways to the property. The main entrance at the top of the hill has virtually no site distance. This entrance would be used to enter the property only. The lower driveway on the east side of the property, adjacent to the property of the Greenfield Fire District, has the best site distance and would be used to exit the property. They would also like to construct seven cottages, each less than 550 square feet. The property consists of approximately 61.44 acres, of which they propose to use approximately 15 acres. Changing the zoning to a PUD would not change the current integrity of the property. It would allow for the beautification and rehabilitation back to this property's former grandeur. The proposed project would not have an impact on the school system since there are no year-round residential units. All utilities will remain private within the PUD. One of the goals of the project is to preserve the retreat like setting currently found on site. Special attention will be given to the meadows, farm fields, wooded areas, wetlands and streams through the creation of the PUD. Coseo, C. asked if the entire 61.44 acres would be included in the PUD. Mrs. Dupouy stated that it was. Coseo, C. noted that there would be 2 members of the Planning Board appearing in front of the Planning Board. He added that this was a substantial project and he would assume that there would be strict adherence to the codes. Kinsella, C. stated that generally he was in favor of the proposed project. He would like to see some kind of structure so that not all the uses can take place at the same time. Tonya Yasenchek stated that they would put together a formula with hours, etc. Cochran, C. also thought that this was a good project. He too expressed his concern since Planning Board members would be presenting to the Planning Board. He stated that the rest of the Board will have to look at this project very carefully and make sure they address all the issues such as lighting, traffic, etc. Lorna Dupouy stated that when anyone on the Planning Board comes before the Board with a project, they go through a more stringent review than a normal project. They do this just so that no one can say that the project was rubber stamped. Kinsella, C. stated that he would be in favor of sending the application on to the Planning Board and Environmental Committee. He noted that the required SEQRA was not submitted and would be necessary to go to the Planning Board. Tonya Yasenchek stated that what they submitted this evening was an overlay on an existing survey. They will provide a more detailed plan to the Planning Board, including drainage, etc. Town Counsel Schachner advised that State Law prohibits a member of the Board from representing another member of the Board. Tonya Yasenchek stated that she was not the principal of the firm and she would not be the representative of the firm going before the Board. She may do some of the work on the project, but she would present it to the Board. Tonya stated that she would look into this further to make sure that there would not be an ethical violation. Kinsella, C. asked Lorna Dupouy if she was ready to continue at this time or if she

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wanted to put together more information. Mrs. Dupouy stated that she would like to move ahead with the project.

RESOLUTION # 64 – Refer PUD Application of Douglas & Lorna Dupouy to Planning Bd & Environmental Comm.

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby forwards the PUD Application of Douglas & Lorna Dupouy to the Planning Board and Environmental Committee for their review and recommendation.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Town Hall Repairs - Supervisor Rowland provided the Board with a proposal to make the necessary repairs to two entrances to the Town Hall. He explained that the delaminating material is separating from the building and falling off. The architect who completed the recent addition to the Town Hall suggested a company that would be able to do the repairs. The contractor has submitted a proposal to complete the work for \$3,380. He stated that the material was not installed properly and did not have the proper base. Cochran, C. stated that he took a look at the entrance and questioned whether or not the roof was shedding water correctly. He suggested that the Town Engineer be asked to take a look and see if changes need to be made to the roof before we pay to have this repaired only to have it happen again. Matter tabled until next meeting.

Hanging Flower Baskets - Lorna Dupouy submitted a letter to the Board suggesting that flower baskets be hung along the Route 9N corridor. She suggested that 30 baskets be hung on the power poles, beginning at the welcome sign by Mihaleks Garage and ending at the school. She suggested that this be a community project where private citizens, girl scouts, businesses, etc. could put together a basket and the Highway Department could hang them. Coseo, C. stated that the Town would have to obtain permission from National Grid to install brackets on their poles and he did not believe that they would allow that. Mrs. Dupouy stated that they do it in Saratoga Springs. Coseo, C. believed that they were installed on the light poles that were owned by the City and not on the National Grid power poles. He also felt that there would be an issue with watering the baskets and asked who would do that on a daily basis. Highway Supt. Barss to check with National Grid.

RESOLUTION # 65 – Approve Budget Amendments & Transfers

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor be authorized to make the following budget amendments:

\$40,519.76	From H0599	to	H5132.43
\$ 2,030.00	From H0599	to	H5132.41
\$ 2,617.16	From A0960	to	A1110.4

FURTHER RESOLVED, That the Supervisor be authorized to make the following budget transfers:

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\$42,549.76 From A0201 to A9950.9

\$42,549.76 From H5031 to H0599

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Veterans Park - Pemrick, C. announced that there will be a clean up day at the Veterans Park from 8AM to Noon on May 9th, 2009. Anyone interested in volunteering is invited to attend.

Multi Purpose Dump Body - Bids turned over to Highway Supt. for review. He will report to the Board at the next meeting.

Porter Road - Highway Supt. Barss stated that he met with NYS Dept. of Transportation and the Town Engineer regarding the intersection of Route 9N and Porter Road. When they reconstruct the road this year, they are looking into doing away with the "Y" entrance and have a single entrance. This would be much easier to maintain and safer. It would also provide more room around the caboose and train station.

Al Janik, King Road – Mr. Janik asked if the Board could consider posting the unapproved minutes of the meetings on the website. He felt that it would be easier for individuals who were not able to attend a meeting to review the minutes prior to the next meeting without having to go to the Town Hall to review the posted minutes. Town Counsel advised that the Town was not obligated to post unapproved minutes, however they could if they wanted to. He added that it was very important that the minutes be marked as "Draft". Board in agreement to have Town Clerk post Draft minutes on the website.

Ethics Violation – Supervisor Rowland advised that the Town Board had received a letter from Robert Catanzarita asking for an immediate investigation and ethics review with respect to present and past actions of the Planning Board, in particular the Planning Board Chairman. Coseo, C. believed that the matter should be referred to the Ethics Board for their review. It was his understanding, however, that it involved an individual who may be on the Ethics Board. This is a 3 member board and there would only be 2 members remaining. Coseo, C. asked if it may be necessary to appoint another individual to serve on that Board on a temporary basis. Town Counsel advised that there needed to be a majority of the Board.

RESOLUTION # 66 - Ethics Board

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby refers the matter of alleged ethics violations by the Planning Board to the Town Ethics Board.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Coseo, C. felt that before this matter goes to the Ethic Board, the Town Board should consider appointing a temporary member to fill the position. He stated that the Town Code indicates that the individual must be a Town employee. Pemrick, C. suggested that Board members take the next few days to compile the names of individuals to be considered for appointment. The Board tentatively scheduled a special meeting for 7 PM on April 15th, 2009 to make the appointment. Supervisor Rowland

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advised that in the meantime he would contact the other two members of the Board and make sure that they are still available to serve.

Historical Society Farmers Market - Supervisor Rowland stated that the Town of Greenfield Historical Society had submitted a letter asking for approval to use the Middle Grove Town Park for the Farmer's Market this year, rather than have it at Old Fellows Hall. They believe that it will be much safer than the current location and will provide ample parking, restroom facilities, etc. Board members felt that it was a great idea. They agreed that there were safety concerns with the current location. Coseo, C. noted that if it rains, they will be able to use the pavilion. He stated that the Historical Society has indicated that they will look into a rider on their insurance policy to name the Town as additional insured.

RESOLUTION # 67 – Approve Use of Middle Grove Park for
Farmers Market

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the request of the Town of Greenfield Historical Society to hold their Farmer's Market at Middle Grove Town Park on Friday afternoons.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Unsafe Building – 347 Greene Road - Supervisor Rowland advised that the Code Enforcement Officer submitted a report regarding an unsafe building at 347 Greene Road – Tax Map #113.-1-44. His report indicates that the rear addition to the mobile home appears to have been torn off. The roof is collapsing and support walls have buckled. It was his opinion that the building was unsafe and that it should be demolished and the debris removed.

RESOLUTION # 68 - Unsafe Building Notice

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board has made the determination that based on the information received from the Code Enforcement Officer, that the mobile home located at 347 Greene Road is unsafe and constitutes a serious health and safety risk and hereby authorizes the issuance of an Unsafe Building Notice, and

FURTHER RESOLVED, that a hearing before the Town Board shall be scheduled for May 14th, 2009 at 7:25 PM

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

Saratoga County Probation Department - Supervisor Rowland advised that he had received a letter from the Saratoga County Probation Department asking if there would be office space available for them to use 2 days per month for individuals to meet with their Probation Officers. Board members were in favor of request.

Monthly reports were submitted by the Dog Control Officer, UDAG Revolving Loan Fund, Supervisor (Feb. & March), Town Clerk, Highway Supt., Building Dept. and the Town Justices.

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The Annual Financial Report was submitted to the State Comptroller and available at the Town Clerk's Office for review.

Annual Report submitted by the Town Historian.

RESOLUTION # 69 - General Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills #144 to # 203 in the amount of \$26,447.80 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

RESOLUTION # 70 - Highway Bills

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills # 45 to # 61 in the amount of \$39,737.86 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

RESOLUTION # 71 - Capital Projects Bills

Motion: Cochran, C.

Seconded: Coseo, C.

RESOLVED, That Capital Projects Bills # 15 to # 18 in the amount of \$42,549.76 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

RESOLUTION # 72 – UDAG Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bill # 2 in the amount of \$119.70 be paid, subject to audit.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

RESOLUTION # 73 - Advertise for Bids – Surplus Equipment

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to advertise for sealed bids for the surplus 1988 Gradall with said bids to be opened on Thursday, May 14th, 2009 at 7:20 PM.

VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

UDAG Survey - Pemrick, C. provided the Board with a copy of the results of the recent UDAG Survey. They only had 34 responses. He believed that the committee was going to look to do it again in the future in a little bit different manor.

On motion of Pemrick, C. and seconded by Coseo, C., the meeting was adjourned at 8:55 PM.

Town Clerk