

August 13th, 2009

The regular meeting of the Town Board was held at the Town Hall on Thursday, August 13th, 2009 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Peter Coseo, Thomas Kinsella and Daniel Cochran, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and 4 residents.

At 7:25 PM the Board met as a Board of Health to discuss the following unsafe buildings.

Unsafe Building – 321 Bockes Road, Myland Corp. - Supervisor Rowland reviewed the report submitted by the Code Enforcement Officer. The building has been taken down and the debris has been removed from the site. This matter is now closed.

Unsafe Building - 19 Coombs Roadway - Halturewicz - Supervisor Rowland stated that the Board had a report from the Code Enforcement Officer dated 8/13/2009 and that there was also a fax/email from Mr. Halturewicz dated 8/12/2009. The Code Enforcement Officer recommended that an Engineer's report should be submitted no later than the agenda meeting to allow time for review and a follow-up inspection to verify the structural repairs. Mr. Halturewicz stated that the engineer that provided the prior report no longer works for Tommell and Associates, however the individual he spoke with stated that he would write a letter or call the Code Enforcement Officer. Cochran, C. asked if the Town Engineer reviewed the previous engineer's report. Pemrick, C. stated that the Board had a discussion regarding that and decided not to argue with an engineer stamped report. He asked if this matter was approaching the 60 day mark. Coseo, C. noted that it was actually closer to 90 days. Coseo, C. added that the letter that Mr. Halturewicz submitted did not seem to indicate that he was going to get a stamped engineers report. He felt that what he was going to do is have an engineer send a letter explaining what had been done to the premises the past two years to conform to the recommendations of the October 17th, 2007 report. Kinsella, C. agreed and stated that the Board had asked for a new report and not an update on the report from 2 years ago. On motion of Kinsella, C. and seconded by Coseo, C., a letter is to be sent to Mr. Halturewicz indicating that a new engineers report must be submitted by Sept. 3rd, 2009 which indicates that the building is structurally safe or it is the intention of the Board to order the removal of the building at that time. All Board members were in favor. Pemrick, C. felt that the letter should also indicate that is has now been almost 90 days. In addition to the engineer's report, the remaining debris on the property must also be removed.

The regular meeting of the Town Board was called to order by Richard Rowland, Supervisor and opened with the pledge to the flag. On motion of Pemrick, C. and seconded Cochran, C., the minutes of 7/9/09, 7/15/09 and 8/6/09 were approved as submitted by all Board members present.

Petitions for Small Claims Assessment Review were received from the following: Joan McDonough & Gregory & Laura Sanda.

Small Claims Assessment Review Stipulation of Settlement and Order - Bryan King.

Article 7 Tax Assessment Review - Prestwick Chase, Inc.

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Letter from the Uniform Court System requesting copy of most recent audit or examination of court records. Supervisor Rowland advised that the Town Bookkeeper would get the information together now. Since the Court Clerk has been here for a year, they should have a good basis to go ahead with the audit. The Board will have to take action on it at the next meeting and submit the required report.

Possible Abandonment of Portion of Old Porter Road - Coseo, C. stated that the Board held a public hearing at the last meeting at which time there was no public comment. The three adjacent landowners had been notified of the public hearing. Abandonment of this section of Old Porter Road would not deny public access to the lots that adjoin this section of road.

RESOLUTION # 111 – Abandonment of a Portion of Old Porter Road

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby abandons the portion of Old Porter Road from Porter Road to the Railroad Tracks, a distance of 295 feet, contingent upon the preparation of the Highway Superintendents Order.

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

Noes: None

Town Code Revisions - Cochran, C. stated that he sent all the Board members a word file containing the proposed changes to the Town Code. All the changes are shown in red. Coseo, C. asked if there was a way that he could send out just the pages with changes rather than having to print the entire document. Cochran, C. to send only the pages with changes. Kinsella, C. asked that the proposed changes also be sent to the Zoning Board of Appeals and the Planning Board. Coseo, C. asked that the Board consider an additional change to the Code in Section 105-45 – Regulation of nonconforming lots. Coseo, C. gave an example of why he was suggesting this change. There were two vacant pieces of land that were in existence prior to Zoning. Many years ago the homeowner across the street purchased one of the lots and another neighbor bought the other lot that was contiguous to his home. Two years ago when the Zoning changed, both the lots became non-conforming lots because they were not 5 acre lots. The homeowner who purchased the lot across the street can build on his non-conforming lot. However, the homeowner who had purchased the contiguous lot can not. Coseo, C. added that both of the lots had been assessed as building lots for many years and continue to be assessed as building lots. He did not feel that it was fair that one owner could build on their property and the other could not due to the fact that it was a contiguous lot. Coseo, C. could see some rationale if it was two unimproved contiguous lots. He did not think that it was fair that someone could pay taxes on a piece of property that has been assessed as a building lot for many years and then have the Zoning change and not be able to build on the property due to the fact that it is a contiguous lot when the person who owns the lot across the street, not contiguous, can. Coseo, C. added that there was still the provision that if the lot was under one acre they would have to obtain a variance. Pemrick, C. suggested that the proposed change be added and sent to the Zoning Board of Appeals and Planning Board to review with the other proposed changes. Kinsella, C. asked how Coseo, C. would like to see that section changed. Coseo, C. stated that he was

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proposing that in Paragraph A the statement “which is not contiguous with another lot owned by the same party” be deleted. In addition, the last sentence in Paragraph B – “This shall include unimproved nonconforming lots contiguous to improved nonconforming lots held in the same ownership of record” should also be deleted. If both lots were unimproved the law would still require them to be merged. Cochran, C. to add the proposed change and forward to everyone.

Update on New Town Garage - Highway Supt. Walter Barss stated that they are beginning the punch list phase. Two engineers from the Town Engineer’s office have been on site. There is a small list of mechanical and electrical items to be completed, probably one day of work. They are waiting to get the final electrical inspection so that they can have the Town Building Inspector come up and go through the building. Coseo, C. asked how the issue regarding the exhaust fan was resolved. Highway Supt. Barss stated that they built additional steel frame work for the fans and louvers. One of the fans was moved down to the other end of the building, near the wash bay where it is protected by the roof. The other main garage fan is now on the east side end of the building with the two louvers on the west end of the building so that there is adequate air flow. There is some wiring remaining that needs to be completed for the fans and louvers. Highway Supt. Barss noted that in the wash bay there was insulation on the waterlines to keep the pipes from sweating. They just used normal fiberglass with a paper coating. It was suggested that a plastic seal coating be installed. The cost would be approximately \$750. Cochran, C. asked why they did not use Armor Flex. Highway Supt. Barss stated that it was not in the bid specs drawn up by the mechanical engineer. Board members decided to leave the insulation as is at this time. If it is necessary to replace the insulation in the future that was something that could be done by the Highway Dept.

County Mutual Aid Agreement - Supervisor Rowland noted that there was some question as to whether or not this was the final draft. He stated that what the Board had was a copy of what the County is scheduled to vote on next Tuesday. The document has gone through the County Public Safety Committee and has been adopted by some of the Towns already. Town Counsel Schachner advised that he had reviewed the document at the request of the Board after last months meeting. He felt that the intent was reasonably clear and makes sense. There are several typographical errors, most of which are minor. In Section X, the last sentence is not complete. In Section III, items A & B, it is very confusing as to whether or not personnel costs are reimbursed. Supervisor Rowland stated that he would bring the questions/concerns to the attention of County Emergency Services prior to the scheduled County vote on Tuesday. Board members in agreement with concept, however they felt that they needed further clarification. The matter will be placed on the agenda for next month.

Al Janik, King Road - Mr. Janik noted that the Supervisor had mentioned receiving a letter from the Office of Court Administration. He brought this matter up to the Board he believed back in March. Since then he has found an article regarding how these audits are supposed to be performed. It clearly states that the audit is to be performed by the Town Board or a Public Accountant, not by an employee of the Town.

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Also, once the audit has been accomplished, it must be read into the records of the minutes of the meeting. He did not know if the Board has ever done that. Supervisor Rowland stated that as of this time, they have not done so. The intent was to have the bookkeeper get together all the necessary information and then at least two members of the Town Board were going to review the information. There has been a delay in the process due to the fact that there was a new Court Clerk and the Board gave some time to allow for things to be settled.

Mr. Janik stated that the other question he had was concerning the Town newsletter. He was surprised by the advertisement for the Farmer's Market. He did not remember hearing any discussion about the newsletter containing this ad. He questioned how the whole thing came about. Kinsella, C. stated that he was approached by the Historical Society and Farmer's Market committee as they were struggling to find a location to hold the market. When they decided on the Town Park, he was asked if information could be put in the Town newsletter so that everyone in Town would be aware of it. Kinsella, C. did not see any reason why this could not be included. It is not a for profit operation for the Town. It was for the benefit of the Historical Society. Mr. Janik questioned the endorsement by the Greenfield Community Business Association and asked how that came about. Kinsella, C. stated that they decided this year to help the Historical Society in sponsoring the Farmers Market. Mr. Janik asked if they had the same status and if they were a tax exempt or not-for-profit organization. Supervisor Rowland stated that they were a not-for profit organization as well. Mr. Janik questioned when they received that status. Supervisor Rowland stated that they filed a 501C3 when they formed. Mr. Janik stated that he would have thought that something like this would have been discussed at a Town Board meeting and did not feel that ads should be part of the newsletter. He did not think that the newsletter should contain anything that was not directly affiliated with the Town, such as the Youth Committee, etc. All the rest of the articles are Town related and that is the way it should be. Kinsella, C. stated that all the Town Board members were provided with a draft copy of the newsletter for their review prior to publishing it. Pemrick, C. stated that he never thought that there would be a problem with including that when he reviewed the draft.

RESOLUTION # 112 – Community Center Use Request

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the following organization to use the Community Center for its regular meetings:

Girl Scouts – Troop Leader Jenn Ginley – 2 Thursday nights per month – Sept. to June from 6:30 to 7:30 PM

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

Noes: None

RESOLUTION # 113 – Approve Youth Committee Petty Cash

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk be given an additional sum of \$200. for use by the Youth Committee for the Fall Soccer Program.

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

Noes: None

Update Status of Road Paving Program - Highway Supt. Barss stated that they are working on their last large project. They are in the process of totally reconstructing Greene Road, 2.6 miles. They have done a little blasting to remove some ledge rock. To date they have hauled in almost 3,500 yards of gravel to reinforce the sub base. In addition they have changed culverts and put in a lot of drainage. He stated that they will hopefully be putting down the binder the week of August 25th. It will take over 6,000 ton of blacktop to complete the road. This will use up the remaining money in the paving budget. When the road is completed they will have completed 7.1 miles of road this year. Supervisor Rowland stated that that total was very commendable based upon the budget that they had to work with. Highway Supt. Barss stated that they were very fortunate that the cost of asphalt and fuel came down.

RESOLUTION # 114 – Budget Amendments & Transfers

Motion: Kinsella, C.

Seconded: Pemrick, C.

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

Budget Amendment to General Fund –

\$36,693.61 From A0960 to A9950.9

Transfer from General Fund to Capital Projects Fund –

\$36,693.61 From A0201 to A9950.9

Amend Capital Projects Budget for Expenses –

\$ 3,500.00 From H0960 to H5132.41

33,193.61 From H0960 to H5132.44

Amend Capital Projects to Revenues –

\$36,693.61 From H031 to H0510

Amend General Budget for Grant Expenditures by Town Justices

\$437.05 From A0960 to A1110.4

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

Noes: None

Pemrick, C. asked if the Town Justices could provide the Board with a summary of what has been done to date with the grant money received. Supervisor to ask for a report.

Open House at New Town Garage - A discussion was held regarding scheduling a date for an Open House at the new garage. The Open House was tentatively scheduled for October 3rd from 10 AM to Noon with coffee and donuts.

Fall Clean Up - Fall clean up was scheduled for September 19th to September 27th, 2009. Town Clerk authorized to place regular ads. No tires or construction debris will be accepted.

Monthly reports were submitted by the Dog Control Officer, Highway Supt, Town Clerk, Town Justices, Building Inspector (June) and the Town Supervisor.

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RESOLUTION # 115 – General Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 410 to # 479 in the amount of \$32,837.13 be paid, subject to audit.

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

Noes: None

RESOLUTION # 116 – Highway Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 124 to # 145 in the amount of \$130,126.46 be paid, subject to audit.

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

Noes: None

RESOLUTION # 117 – Capital Project Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Capital Projects Bills # 43 to # 54 in the amount of \$36,693.61 be paid, subject to audit.

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

Noes: None

Kinsella, C. asked how much was being held from the contractors for retainage. Highway Supt. advised that 10% was being held. He added that there were no bills paid this evening to the contractors. There will be no additional payments made to them until the project is complete.

RESOLUTION # 118 - UDAG Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That UDAG Bill #3 in the amount of \$5,750.00 be paid, subject to audit.

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

Noes: None

On motion of Coseo, C. and seconded by Kinsella, C., the meeting was adjourned at 8:12 PM.

Town Clerk