

August 14<sup>th</sup>, 2008

The regular meeting of the Town Board was held at the Town Hall on Thursday, August 14<sup>th</sup>, 2008 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, two reporters and approximately 10 residents.

The Board met as a Board of Health at 7:25 PM.

Mary-ellen Buda - Application for Variance of Chapter 105-114 -

Supervisor Rowland advised that the Board had received an application for a variance of the septic requirements in the Lake Desolation Overlay District. Mr. Buda stated that he would like to make an amendment to the application that was submitted. He suggested the possibility of installing a closed system. They would excavate the existing system and cap off the 1,000 gallon septic tank. The tank would be pumped out periodically rather than having a leachfield. Supervisor Rowland stated that the Board would require an engineered stamped plan. Coseo, C. felt that there would probably have to be an alarm on the system as well when it reached a certain level. He added that he felt that it would seem that a closed system would be more appropriate for that piece of property. Kinsella, C. reviewed the requirements for variance which state that the system must meet or exceed the standards for the NYS Dept. of Health and the Town of Greenfield and shall be verified by a Professional Engineer. Coseo, C. noted that the Town is a little more stringent than the Health Department and requires an additional 2 feet of separation from groundwater. Kinsella, C. stated that if the applicant obtains engineer approved drawings for a closed system that meets all the requirements then they would not have to come back to the Board for a variance. They would just have to get a permit from the Building Department.

Variance of Chapter 54 - A representative was present regarding property owned by John Bokus at the corner of Daniels Road and Route 9N. A proposed modular home has been placed on the middle lot of a subdivision that was approved in 2002. Due to the fact that a well driller was not able to go up the hill and back far enough on the property, they are very restricted as to where they can put the septic system. They designed a system that they were able to meet the State Health Department requirements, however they are unable to meet the Town requirements. The system that they designed is a shallow trench system. In order to meet the Town requirements they will to put in an additional two feet of fill. The slope will be about two feet into the Town right-of-way. A copy of the plan was provided to the Town Engineer for his review. They would like to see if a public hearing could be scheduled to see if a waiver can be obtained for this property. Philip Gargan, Locust Grove Road, stated that it was his understanding when the legislation was adopted that it would be for existing lots with failed systems and that it would not be for new construction. Town Counsel reviewed the Code and it was determined that the provision to apply for a variance only applied to failed or replacement of existing systems and not new construction.

Unsafe Building – 4000 Route 9N – Chwaz - Mr. Chwaz provided the Board with a copy of his engineer's report dated July 2<sup>nd</sup>, 2008. Board members reviewed the letter. As Mr. Chwaz stated at the last meeting, he was in agreement with the engineer's report that a section of the wall needed to removed. Supervisor Rowland

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asked how long Mr. Chwaz thought it was going to take him to get the rest of the debris removed from the building and take the wall down. Mr. Chwaz felt that he could have it done by the beginning of October. Board members agreed to give Mr. Chwaz until the October 9<sup>th</sup>, 2008 meeting.

At 7:45 PM the regular meeting was called to order by the Supervisor and opened with the pledge to the flag. On motion of Cochran, C. and seconded by Pemrick, C., the minutes of 7/10/2008 and 8/7/2008 were approved as submitted.

Open Space/Parks & Recreation Fees – Received check for \$500.00 for a minor subdivision for L & R Mobile Acres.

Small Claims petition – Chris & Christine Eberhardt.

Small Claims petition – Terry & Kathy Ryfa

Small Claims petition – Marie A Weeks Living Trust

Letter from Thomas Mina, Denton Road regarding the proposed Saratoga Polo PUD and the status of the sewer and water lines.

Notification from New York State Department of Transportation regarding speed limit reviews for Kilmer Road, Boyhaven Road and Daniels Road. NYSDOT has found that a 40 mph speed limit would be appropriate for the section of Kilmer Road between Boyhaven Road and Lake Desolation Road. They also determined that a 40 mph speed limit would be appropriate for Boyhaven Road between Middle Grove Road and Kilmer Road. As for Daniels Road, they believe that the 45 mph speed limit is appropriate and that the speed limit should not be lowered.

Philip Gargan, Locust Grove Road - Mr. Gargan stated that he was not against the garage project. However, with the tremendous cutbacks that the Governor has proposed he questioned whether it was prudent to go ahead with this project at this time. He added that if the Board was going to go ahead with the project he would like to see it go to a public vote. The Town may not get as much aid from the State in the future.

Review of Court Records – Supervisor Rowland provided the Board with a copy of a checklist that the Bookkeeper obtained from the Office of the State Comptroller. He also spoke with Town Justice Varley and asked that the two Justices have the books together and ready for the Board to review. Coseo, C. stated that he also received a list of items that the Unified Court System wanted to see reviewed. Pemrick, C. asked if the books needed to be reviewed at an open meeting or if this was something that the Town Bookkeeper could do and give a summary of the findings to the Town Board. Coseo, C. noted that the law states that the Board must review the books or give them to an accountant to review them. Supervisor to contact Town Justices and ask them to have their books available for the Sept. 4<sup>th</sup> Agenda meeting. At that time they will determine whether to appoint a committee to review the books or have the Bookkeeper review the books and submit a report to the Board.

Water at Porter Corners Town Park – Supervisor Rowland advised that he received a rather lengthy letter with additional items that they needed for review for the UV System at the Park, such as well curve ratings, well performance, etc. He stated that he spoke with the group that has run the food concession stand in the past. This summer they used bottled water and prepackaged product. Supervisor Rowland asked how they felt about continuing to operate in that manner rather than go back to a regular food

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service operation. He has not heard back from them as of this time. Supervisor Rowland noted that the Town is not running the food stand, yet the Health Department is requiring the Town to get the permit. He also added that as of September 1<sup>st</sup> of this year everybody who is operating a food stand needs to be serve safe qualified. Board members agreed to table this matter at this time until they get a report back from the baseball people.

New Town Garage – Town Clerk advised that the Town Engineer has all the bid information ready and are waiting for the Board to set the bid opening date and time. They will put this information into the bid specs and provide the Town with both hard copy specs and a PDF File to put on the Town website. Supervisor Rowland stated that if you open bids it does not necessarily mean that you will accept them. Town Counsel agreed and stated that the bid specifications should contain the language that the Town reserves the right to reject any and all bids. Supervisor Rowland felt that this was the only way that the Board was going to get a true picture of what the price is going to be. Kinsella, C. was concerned about putting this out to bid if the Board was not serious about going forward. Coseo, C. stated that if the price is right, he believed that the Board would go forward with the project but you are not going to know until you obtain bids. Supervisor Rowland added that a public hearing was held regarding the proposed garage and everyone was in support of it. Coseo, C. did not know of any objections, only concerns regarding the cost. He added that it was his understanding that recently another similar project went out to bid and came in below the expected cost. Kinsella, C. reminded the Board that if they decide to go through with this project, they will have to hire a Clerk of the Works to make sure that we are getting everything that we bid.

RESOLUTION # 113 – Schedule Opening of Bids – New Town Garage

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Clerk be directed to advertise for bids for the Construction of a New Highway Garage with said bid opening to be held on Thursday, September 4<sup>th</sup>, 2008 at 7:15 PM at the Town Hall.

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

Noes: None

Al Hilmeyer, Lake Desolation – Mr. Hilmeyer asked what the Board had found out regarding the sound system that he mentioned at the Agenda Meeting. Supervisor Rowland stated that they had not had the opportunity to look into it further this past week, however they will continue to work on.

Stan Weeks, Ashlor Drive – Mr. Weeks also encouraged the Board to do something regarding a sound system. He stated that it was very difficult to hear in the audience and should be used for all the Boards.

Phil Gargan, Locust Grove Road – Mr. Gargan commented regarding the Informational Meetings regarding the Assessment Process. He was concerned that that was what the Board was saying now. Over the past several months several things have been said by the Board about having the Assessor at a meeting and about why he would or would not appear. He added that Mr. Bonanno had submitted a letter to be on the agenda for the June 12<sup>th</sup> meeting. Mr. Bonanno did not attend that meeting and he felt that the Board gave the impression that they did not even know that he was going to be

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there. He found out later that there was another letter that he wrote to the Board which basically stated that he was told not to come to the public meeting. Mr. Gargan stated that when he came to the agenda meeting a month or so ago, the Board stated that he would be coming to the next Board meeting, however he would not be able to be here in July due to the fact that he would be out of the country. He would be here in August. When he came to the agenda meeting last week, he was told that Mr. Bonanno would not be at the August Board meeting and that they would be scheduling some information meetings. He asked why he should believe the Board that these meetings will be held in October when everything else they have said has not been true. He did not feel that he could rely on what the Board says.

Eagle Scout Project – Dennis Florence was present and presented the Board with a packet of information for his Eagle Scout Project. Dennis explained that he was looking to construct a road sign for the new park on Brigham Road as well as a kiosk at the entrance of the walking trail. The road sign would be L-shaped with a sign hanging down. The kiosk would be a box frame type with a roof where information can be posted. It would be similar to what DEC uses at their trailheads. Cochran, C. asked Dennis how he making out with his fundraising, etc. Dennis stated that he was in contact with the Department of Environmental Conservation and they have stated that if he had a letter from the Town that they may be able to provide a lot of the materials for him.

RESOLUTION # 114 - Approve Eagle Scout Project

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the Eagle Scout Project application presented by Dennis Florence to construct two signs for the Brigham Road Town Park.

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

Noes: None

RESOLUTION # 115 – Appoint Environmental Committee

Representative to Zoning Advisory Committee

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby appoints Kenneth Blom as the Environmental Committee representative of the Zoning Advisory Committee.

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

Noes: None

RESOLUTION # 116 – Appoint Town Health Officer

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby re-appoints Dr. Kenneth Hill as Town Health Officer with said term to expire 8/31/2012.

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

Noes: None

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RESOLUTION # 117 – Community Center Use Requests

Motion: Pemrick, C.

Seconded: Cochran, C.

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

Mulleyville Snowmobile Club – 2<sup>nd</sup> Tuesday of month – Sept. to April from 7:30 PM to 9:00 PM

Girl Scouts – Troop Leader Jeslyn Beebe – 2<sup>nd</sup> & 4<sup>th</sup> Thursday – Sept. to June from 5:15 PM to 6:45 PM

Boy Scouts of America – Committee Chair Gary Wine – One Sunday per month from 7:00 PM to 10:00 PM

AND FURTHER RESOLVED, that Saratoga P.L.A.N and the Adirondack Mountain Club be authorized to hold a meeting regarding the restoration of the Spruce Mountain Fire Tower on October 30<sup>th</sup>, 2008 at 7:00 PM.

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

Noes: None

RESOLUTION # 118 – Schedule Fall Clean Up Week

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be authorized to advertise for the Annual Fall Clean Up Week to be held September 27<sup>th</sup>, 2008 to October 5<sup>th</sup>, 2008.

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

Noes: None

Caboose Committee Update – Tony Bucca was present to give the Board a brief overview of what has been completed to date and a written report was also submitted to the Board. It was estimated that it has taken approximately 500 volunteer labor hours to get to this point. A new rubber roof and gutters have been installed to make the caboose water tight. They have installed new sheathing where necessary and placed new siding over the top. New windows have been installed, with the exception of the cupola, which they are working on finishing up. Originally the Town had received an estimate of \$30,000. to \$40,000. to repair the caboose. Following an unfortunate car accident, the Town received an insurance settlement of \$8,830.00. To date, the committee has used approximately \$6,000. from that settlement. The committee would like to ask for an additional \$2,700. to finish up some of the final work, such as painting of some of the railings, new paint on the Old Railroad Station, some painting inside the caboose, etc. Mr. Bucca stated that he was also looking into having an historical marker placed at the site. All Board members expressed their appreciation for all the time and effort put in by the committee and felt that they were doing an excellent job.

RESOLUTION # 119 – Authorize Addition Funds - Caboose Restoration

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes that up to an additional \$2,700. will be made available to the Caboose Committee to complete the caboose restoration project.

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

Noes: None

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RESOLUTION # 120 – Authorize Application for Funds from the  
2008 Justice Court Assistance Program

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes Town Justices Paul Varley and Deborah Hopkins to file an application for funding from the New York State Office of Court Administration 2008 Justice Court Assistance Program.

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

Noes: None

Court Clerk Hours – Supervisor Rowland stated that he received a request from the Town Justices for an increase in the number of hours the new Court Clerk could work per week. The Town Bookkeeper provided the Board members with a budget estimate as to how much was left in the current budget; how much in additional funds would be needed to increase the hours and an estimate of additional funds that will be necessary if an increase in the number of hours is approved. Coseo, C. noted that we have gone from two clerks to one clerk and questioned how many hours total the other two clerks were putting in per week. Supervisor Rowland stated that they were salaried employees and he did not believe that they were here anywhere near the number of hours the new clerk is here. He added that it was his understanding that during the training period it came to the attention of the Justices that there was a backlog of things that had not been completed and the new clerk was not only trying to take care of current files but take care of a backlog of old records as well. Pemrick, C. asked if this would be temporary since she was new and just getting started with the job. He suggested that perhaps this could be approved through the end of the year and have the Justices provide more details and proof for next years budget that the extra hours were necessary. Kinsella, C. agreed that the Board could consider authorizing an additional 4 or 5 hours per week for the rest of the year to catch up. He added that by that time the Board will have completed an audit of the Court records and then determine if the additional hours would be warranted past that time. Board members were in agreement to table the request until the next meeting to give them a chance to obtain more information. Kinsella, C. asked if there was a way to find out how the Town stacked up in relation to other Towns as far as the number of cases and the number of hours worked by the clerk.

RESOLUTION # 121 – Budget Amendments & Transfer of Funds

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Supervisor be authorized to make the following

Budget Amendments:

\$30,125.71	From DA0599	to	DA5112.2
\$40,000.00	From DA0599	to	DA5110.4
\$60,000.00	From DA0599	to	DA5142.4

FURTHER RESOLVED, That the Supervisor be authorized to make the following Transfer of Funds:

\$16.10	From A1110.2	to	A1110.4
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VOTE: Ayes: Rowland, Pemrick, Coseo, Kinsella, Cochran

Noes: None

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Assessment Informational Meetings – Supervisor Rowland stated that the Town Assessor has scheduled two informational sessions to give an overview of the assessment process. He has also put together a tentative outline of what he will be presenting at those sessions. The sessions will be held at the Community Center on Saturday, October 4<sup>th</sup> at 10:00 AM and Thursday, October 16<sup>th</sup> at 7:00 PM. The information session will provide general information regarding the assessment process and not specific information regarding individual assessments. Supervisor Rowland stated that the Board felt that this would be the best way to provide the information that residents have asked for during various Board meetings. Coseo, C. stated that he could understand why some people got the impression that the Assessor was going to appear at a Board meeting. The Board was tending to go that way at first. The Assessor has come up with an idea that will better serve the community. He will be able to spend about 1 ½ hours as opposed to having about 15 or 20 minutes of time when the Board is trying to conduct a meeting. He felt that the Board had decided that this would be a much better service to their constituents to have the special sessions. He could understand why some people feel that they were talking about having a Board meeting, however what the Board has been talking about was trying to get him to a meeting to discuss his process in public. This is what is being done and it will be in much more of an open forum where a longer period of time will be given in order for people to find out what the process is all about. Supervisor Rowland agreed and added that the purpose was to give everyone the opportunity to hear how the Assessor arrives at his figures, how the process works, what the alternatives to the process are, etc. That is why the Board decided to go in this direction. Pemrick, C. stated that the proposed outline is very thorough and asked if there was any way that it could be made available to the public. Coseo, C. suggested that perhaps it could be mentioned in the newsletter that there is an outline available which can be picked up at the Town Hall and/or make it available on the Town website.

Old Stone Ridge – Bond Reduction - Town Clerk advised that Witt Construction is looking for a reduction in their Road Bond. They did not have all the necessary information together for last month. She advised that she spoke with the Town Engineer this morning and Witt Construction has now provided all the necessary information and they have come to an agreement that the current bond could be reduced from \$500,000. to \$227,823.60. Highway Supt. Barss stated that he had met with the Town Engineer and the engineer for Witt Construction and he was also in agreement with that figure. The Town Engineer was to provide the Board with a letter of recommendation, however it was not received as of this time. Coseo, C. stated that he would like to have the official recommendation from the Town Engineer prior to taking any action. Board members in agreement to put on the agenda for the September meeting.

Albert Janik, King Road – Mr. Janik stated that a few months ago the Board approved the Junkyard License Application of M & J Construction. He noted that one of the reasons that the prior Board did not grant a renewal was due to the lack of fencing as required by the Town Code. He added that the applicant does not have a fence around the entire property and for him to utilize the berm in lieu of a fence requires a variance approved by the Planning Board. He did not believe that this application ever went to the Planning Board. Mr. Janik added that when the Board considered the application they received a report from the Code Enforcement Officer

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indicated that the applicant was in full compliance. He believed that at that point there was an unlicensed trailer that was parked in front of the screen along with a pile of woodchips that were within the required setback. He did not feel that he was allowed to keep that material within the 150' setback. He felt that the Code Enforcement Officer was in error when he provided his recommendation to the Board and believed that a Planning Board referral was required. Coseo, C. felt that this was something that the Board could address when they look at all the renewal applications this year. Town Counsel Schachner added that the Code Enforcement Officer could also issue a citation for any violation, such as the woodchips within the setback.

On motion of Cochran, C. and seconded by Kinsella, C. the Board adjourned to Executive Session at 8:50 PM to discuss a pending legal matter. Town Clerk was not present for session and no minutes were filed. On motion of Pemrick, C. and seconded by Cochran, C. the Board returned to regular session at 9:15 PM.

Monthly reports were submitted by the UDAG Revolving Loan Fund, Dog Control Officer, Town Justice Varley (June & July), Town Justice Hopkins (July), Building Department, Town Clerk, Highway Superintendent and Town Supervisor.

RESOLUTION # 122 - Highway Bills

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills #118 to #137 in the amount of \$493,413.96 be paid, subject to audit.

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

Noes: None

RESOLUTION # 123 – General Bills

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That General Bills #475 to #555 in the amount of \$34,669.62 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 9:18 PM.

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Town Clerk