

December 13<sup>th</sup>, 2007

The regular meeting of the Town Board was held at the Community Center on Thursday, December 13<sup>th</sup>, 2007 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, one reporter and approximately 8 residents.

At 7:05 PM Opening of Bids were held for a Snow Plow in accordance with Bid Specification No. 7-2007 and for a Multi Purpose Truck Body and Hydraulics in accordance with Bid Specification No. 8-2007. Clerk presented proof of legal publication. The following bids were received:

**Snow Plow**

T & T Body King, Inc.	\$5,373.00
Arrowhead Equipment, Inc.	5,995.00

**Multi Purpose Body & Hydraulics**

T & T Body King, Inc.	\$31,668.00
Arrowhead Equipment, Inc.	29,900.00

Bids were turned over to the Highway Superintendent for his review

At 7:10 PM Opening of Bids were held for #2 Fuel Oil and On-Road Diesel. Clerk present proof of legal publication. The following bids were received.

<b><u>#2 Fuel Oil</u></b>	<b><u>Brand</u></b>	<b><u>Price</u></b>	<b><u>Tank Car Price</u></b>	<b><u>Differential</u></b>
C. S. Pita Fuel Oil	Hess	2.8960	2.7165	.1795
Shaw Fuel Oil	Citco	2.772	2.572	.2000

**On-Road Diesel**

Shaw Fuel Oil	Citco	2.864	2.664	.2000
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At 7:15 PM Opening of Bids were held for Surplus Highway Equipment – 1964 Model 12 Caterpillar Motor Grader. Clerk present proof of legal publication. The following bids were received:

Darren Tracy	\$2,142.00
Jim LaMay	3,785.00
Elliot Older	2,327.00
Michael Chandler	2,865.00

At 7:20 PM a Public Hearing opened regarding Proposed Local Law #4-2007 – MS4 Illicit Discharge. Clerk presented proof of legal publication. There being no public comments either pro or con, the hearing was closed at 7:21 PM

At 7:25 PM a Public Hearing opened regarding Proposed Local Law #5-2007 – MS4 Stormwater Management Provisions. Clerk presented proof of legal publication. There being no public comments either pro or con, the hearing was closed at 7:26 PM.

At 7:30 PM the regular was called to order by the Supervisor and opened with the pledge to the flag. On motion of Osborne, C. and seconded by Coseo, C., the minutes of 11/8/07 were approved as submitted by all members present.

Letter from Ralph Stacey, on behalf of the Stacey Family Trust, advising the Town that he would like to donate approximately \$1,000. in stocks to be used toward the development of the new Town Park on Brigham Road.

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Letter from the Saratoga County Youth Bureau asking who would be the Town representative for the Year 2008.

Notice from David Meager, Adirondack Trust Insurance, regarding premium for higher disability insurance for employees.

Letter from the Saratoga County Fire Coordinator regarding the Fire Advisory Board Appointment. He would like to know who the Town representative will be.

Letter from Pam Young, Environmental Committee Chairman, stating that she will be stepping down as Chairman as of January 1<sup>st</sup>. Committee members Jan Hill and Ken Blom have volunteered to serve as co-chairman. This can be taken care of at the Organizational meeting of the Town Board.

Letter from the NYS Dept. of Transportation regarding a Safe Routes to School Program. Funds are available to make walking and bicycling to school safer for our children.

Letter from the Town of Greenfield Planning Board concerning public hearing notices for subdivisions. They would like to see the Town Code amended to have the same level of notification for subdivisions as there is for other Planning Board actions. Supervisor Janik felt that this should be acted on in connection with other possible Code changes that have been discussed.

Letter of Resignation from Daniel Cochran as member of the Planning Board due to his recent election to the Town Board.

Special Needs Committee – Pemrick, C. stated that the next meeting of the committee has been postponed until January. He noted that the County is trying to develop a special needs registry in conjunction with the “Are You OK” program. He spoke with the Greenfield Fire Commissioners at their recent meeting to discuss the program and to find out if there was any interest in helping the Town to pursue it. There were some individuals who were very knowledgeable about this program. The Maple Avenue Fire Company has a brochure that they are distributing to residents in their district. The Commissioners will provide the Town with a list of individuals who would be willing to work with the Town to pursue this program by helping to put together a flyer and get the information out to the community.

Bids – 2008 F550 Cab & Chasis – Supervisor Janik stated that after reviewing the bids, the Highway Supt. made a decision to purchase a truck off of State Contract. Highway Supt. Barss stated that upon closer review of the specifications and further discussions with other Highway Supt.’s, he did not believe that the truck would hold up to the body that they would be installing on the cab & chasis. Some of the other Towns have had some issues with the Ford engine and to do any major work on it you have to pull the entire cab off the truck. After taking all the input into consideration, he decided that he would be better off to reject the bids and buy the truck off of State contract. The truck is a little more money, however it is a larger, better truck.

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RESOLUTION # 188 – Reject Bids for 2008 F550 Cab & Chasis

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby rejects all bids received for the 2008 F550 Cab & Chasis that were opened on November 8<sup>th</sup>, 2007.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Bids – Snow Plow – Highway Supt. Barss stated that he reviewed the two bids received. Both are the same specifications for the same plow. He suggested that the Board accept the bid of T & T since it was approximately \$600. cheaper.

RESOLUTION # 189 – Award Bid – Snow Plow

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby awards the bid for a Snow Plow as per Bid Specification #7-2007 to T & T Body King, Inc. for the amount of \$5,373.00

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Bids – Multi-Purpose Truck Body – Highway Supt. Barss stated that he would like to put off any decision regarding this bid until the End of the Year meeting. He would like the opportunity to do a little more comparison on the hydraulic pumps to make sure that they are equal.

On-Road Diesel – Supervisor Janik noted that we only received one bid for On-Road Diesel from Shaw Fuel and the differential was 20 cents per gallon. Supervisor Janik noted that under the State Contract the best prices are available if you buy quantities of 6,500 gallons or more. The Town tank is only 2,000 gallons. We are not able to get as good of a differential price. Duane Wright, Highway Dept. Clerk put together an analysis of State contract pricing Shepard Fuels has a differential of .0688 if you purchase 6,500 gallons or more. He was not able to find out what the differential would be if you purchase less than 6,500 gallons. He stated that one other option would be to use the County contract. Bovee Fuels has a differential price of .195 per gallon for deliveries of less than 6,500. They are willing to let us purchase fuel off of their contract, however that is going to expire in February and they are not sure what the contract will be for next year. The State contract is good for 2 years. Kinsella, C. suggested that the Town send a letter to Shepard Fuels and see if we can get a differential price for purchases of less than 6,500 gallons. Highway Dept. Clerk to try and obtain that information for the End of the Year meeting.

#2 Fuel Oil – Supervisor Janik stated that we received two bids. C. S. Pita is willing to deliver #2 Fuel Oil for .1795 per gallon. He felt that it was in the best interest of the Town to accept this bid. C. S. Pita is our present supplier.

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RESOLUTION # 190 – Award Bid #2 Fuel Oil

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby awards the bid for #2 Fuel Oil to C. S. Pita at the differential price of .1795 per gallon.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Surplus Equipment – Used Grader – Supervisor Janik advised that the Town received three bids, with the highest being \$3,785. Highway Supt. did not believe that the Town would get a better offer. Most of the bidders were figuring what scrap would be and/or to use it for parts. It was his opinion that the Town Board accept the high bid. Coseo, C. asked if it would make sense to keep it since we would only get about \$4,000. for it. Highway Barss felt that it would cost him too much in maintenance and added that he really did not need it since they purchased the newer grader.

RESOLUTION # 191 – Award Bid – Surplus Highway Equipment

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby awards the bid for the Surplus 1964 Motor Grader to Jim LaMay for the amount of \$3,785.00

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 192 – Adopt Local Law # 4-2007 – MS4 Illicit Discharge and #5-2007 – MS4 Stormwater Management Provisions

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby adopts Local Law #4-2007 MS4 – Illicit Discharges, Activities and Connections to Separate Storm Sewer System, and Local Law #5-2007 MS4 – Stormwater Management and Erosion and Sediment Control.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Junkyard Application – M & J Construction – Supervisor Janik stated that the Code Enforcement Officer has supplied the Board with a copy of his report. Based on his most recent site inspection, it was his opinion that the property does not comply with Chapter 65 of the Town Code. There are a number of issues with fencing, vehicles, etc. within the required setbacks. Supervisor Janik added that at the request of the applicant's attorney, this matter has been adjourned until the January meeting. Town Clerk asked if this would now be considered a complete application and the application fee be deposited. Board members felt that since the matter had been adjourned until the next the meeting, the check should be held until that time. Kinsella, C. asked if a copy of the Code Enforcement Officer's letter had been forwarded to the applicant. Supervisor to forward a copy to the applicant.

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Unsafe Buildings – Cancellation of Lis Pendens – Supervisor Janik advised that the notices have been filed at the Saratoga County Clerk’s Office for all of the Unsafe Structures that have been brought into compliance.

Unsafe Building – 19 Coombs Roadway –Supervisor Janik advised that the Code Enforcement Officer made an inspection of the property. The property owner, Francis Halturewicz, has been there the last couple of weeks doing some repairs. These deficiencies were brought to his attention by his engineer. Code Enforcement Officer Gerard McKenna felt that the method of repair and stabilization was poor at best and that the Board would be revisiting the property in the future. However, at this time it was his opinion that overall the structure had been secured. Supervisor Janik noted that the building had been boarded up and was not in imminent danger of collapsing. The roof that was peeled off has been removed and taken away.

RESOLUTION # 193 – Remove Unsafe Building Status

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby declares that the property of Francis and Deborah Halturewicz at 19 Coombs Roadway is no longer unsafe, and

FURTHER RESOLVED, that a Cancellation and Termination of Lis Pendens notice shall be filed at the Saratoga County Clerks Office.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 194 – Appointment UDAG Committee Chairman

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Candace Merbler as Chairman of the UDAG Revolving Loan Fund Committee.

VOTE: Ayes: Janik, Pemrick, Coseo, Kinsella

Noes: None

Abstained: Osborne

Caboose Committee Report – Tony Bucca was present and gave a quick over view to the Board explaining what the Committee has done over the past year. Individuals first approached the Town Supervisor in November of last year expressing a desire to do something about the caboose site. At that time the property was overgrown and in need of some attention. In December, there was an accident where a car ran into the end of the caboose and the caboose caught fire. This past summer a committee was formed. They were able to put together a plan of what needed to be done and what materials would be necessary. The Town Board gave their approval to begin work on the caboose and allotted \$6,000. to do the work. The overgrown brush has been removed. They have peeled back parts of the roof. Gutters were made and installed and a new rubber roof has been installed. The handrails and grab irons have been removed and will be painted. V-Groove siding has been purchased and they are in the process of painting it. They plan on having that completed and ready to be installed in the Spring. Mr. Bucca stated that as of this time they have spent approximately \$3,200. The committee would like to request that the remaining budgeted money be made available to them in

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2008 so that they can complete the project. He added that they also plan on painting the railroad depot and sprucing up the property. Mr. Bucca stated that he would also like to comment on the placement of the sign that was installed on the corner of Porter Corners Road and Route 9N. He added that it was a beautiful sign, however they did not like the placement of the sign. The committee just spent a lot of time opening up the property so that the caboos and depot could be seen from the road and the sign has been placed directly in front of the building covering up what they did. He asked that the Board think about moving the sign to a different location on the property at some point. Supervisor Janik commended the committee for the fine job they had done to this point. He felt that it was going to look real nice when the committee finished with it. Stan Weeks agreed with the comments about the sign and how it obstructs the caboos and depot. Butch Duffney believed that the sign was actually put up by the Boy Scouts. He asked if there would be a problem with moving the sign in the triangle area between Porter Road and Route 9N. Supervisor Janik stated that he was not sure that the property belonged to the Town and that it might belong to the State. Tony Bucca suggested that the sign be moved closer to the railroad bridge. Coseo, C. felt that there might be site issues with placing the sign in the triangle.

Complaint – Locust Grove Road Residents – Paul Davis stated that for the last couple of years they have been having issues with the farm that is next to them. There are approximately 30 horses and they have been getting out quite a bit. Just recently they were out again running across Wilton Road in front of vehicles. They have been trying to deal with the situation, however they have come to the point where his young daughter will no longer even go out into the yard to play because she is worried about the horses and dogs coming into the yard. This past time the NY State Police and the SPCA were both there trying to corral the horses. At that time, they asked that he call the Town Code Enforcement Officer. When he did he was told that it was not a Town issue that it was more of a police issue and no one is doing anything. Mr. Davis stated that it is a constant problem and he felt that it was a life safety issue. He asked if there was anything that the Board could do to help them. Supervisor Janik stated that the Town is not unsympathetic about the situation. He added that the Town has control over dogs. However, the Dog Control Officer has no jurisdiction over other farm livestock. New York State Dept. of Ag & Markets controls the care, fencing, etc. related to all over animals. It was his understanding that any law enforcement officer could issue a citation based on what he sees that is a violation of Ag & Markets Laws, such as failure to keep a proper fence. The Dog Control Officer has no authority to do so. Mr. Davis stated that he was not against the farm. He was only concerned about them being loose all the time. Attorney Eleanor Mullaney was present representing Lee and Cathy Peyser. She recently provided the Board with copies of pictures, etc. showing the potential dangers that exist. Her clients are also very concerned about the health and safety issues. She realized that property owners have the right to keep the horses on their property, however she believed in reading the Town Code that this property would fall into the definition of a public stable. There are 30 or more horses on 8 acres of land. The Town also has performance standards which state that it prohibits any use that creates a hazard.

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Mrs. Mullaney stated that if there is not proper fencing to keep the horses properly corralled, then it is creating a hazard. She also believed that there were other violations of Town Codes with the abandoned vehicles, unused horse vans, pieces of machinery, etc. If you look at this as a whole it is in enhance a junk yard. The property owner does not have a license to operate a junk yard and does not have the proper fencing required for a junk yard. Mrs. Mullaney stated that she also provided the Board with copies of three statements from passerby's who stopped and tried to get the horses back into their yard and out of the road. She appreciated that the Town was limited in some degree. She suggested that the Town consider the adoption of some sort of statute which would require adequate fencing for public stables. She also asked that the other violations be dealt with accordingly. Supervisor Janik stated that to his knowledge this property has had horses on it since he moved here 25 years ago. Mrs. Mullaney stated that the property was purchased by Don Carpenter in 1984 and his daughter's name was added to the deed in 1992. Mr. Davis stated that when his grandfather was still alive and they still had animals of their own, they would maintain the fence line. They did it not to keep their animals in as much as to keep her animals out. They no longer have animals and now no one has been maintaining the fence. Town Counsel Schachner stated that he agrees with what the Supervisor has said. The Town is limited in what it can do. He added that he has been involved in horse related matters in adjacent counties which have been prosecuted by the District Attorney. In one case, a court order was issued requiring the removal of all but two of the horses. The State Police, County Sheriff's departments and the District Attorney have the authority to prosecute under the New York State Ag & Markets Law. The Town does not have the legal authority to enforce this law. As far as Town Zoning, if the use has been in existence since 1984 it is likely a grandfathered use. Town Counsel felt that the definitions of private and public stables may have a tiny loophole in them. It appeared that if you have more than 5 horses for your own personal use, you would not be covered under either definition. He added that the property owner has been prosecuted successfully for some of the dog related violations, where the Town Court has issued fines and orders to change the behavior. If the person does not abide by the orders then the Town can continue prosecuting. Supervisor Janik stated that the property owner has also been cited for junk violations. Part of the agreement was that the vehicles that the Code Enforcement Officer was aware of be removed. At that time, he was unaware of the clustering of 5 or 6 vehicles that are way in the back of the property. Town Counsel Schachner felt that as far as the potentially most serious problem was concerned, the failure to confine this large number of horses, the Town did not have any jurisdiction. Ms. Mullaney felt that the horses and junkyard would go hand in hand. If the property owner had to put up the required fencing for a junk yard, then the horses would be fenced. Supervisor Janik stated that if this were a proposed new stable, the Town could impose all kinds of requirements on the applicant to provide fencing, etc., however this is not a new use. Ms. Mullaney again asked why the Board couldn't pass a statute that would require that there be adequate fencing if there a certain number of horses on a property. Coseo, C. said to do so would mean that we would have to go to every farm in Town and tell them that they would have to replace fences. He added that there are also Right to Farm laws and questioned what to do about the used farm

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equipment on many farms. Would this be considered junk vehicles? He understood their concern, however having been involved in several Ag & Markets Law prosecutions, the laws are there to enforce. He is not sure why law enforcement has not issued tickets when they have the authority to do so. They also have the authority to bring a proceeding for animal abuse and neglect. Ms. Mullaney stated that she was not suggesting that the Town go around to every piece of property. This would be something that would be enforced when there is a violation only, not when someone is keeping their animals under control. She felt that there was a safety problem with these horses that is going to continue. The Town has been put on notice that this problem exists. Mr. Davis stated that the SPCA has been working with the property owner to try and adopt out some of the horses. Pemrick C. asked if there were any resources at the County level that may be able to aid the property owner. Ms. Mullaney stated that Ann Arnold owns the property with her father. They are represented by John Sutton in the private action that her clients have started with regard to trespass on their property. She believed that Mr. Sutton has also been representing her regarding the dog cases. Coseo, C. again stated that there are current provisions in the Agricultural & Markets Law that provide for adequate fencing. If the Town were to enact their own statute it would be a duplication of effort and we would have to hire someone to go out and look at all the fences in Town and enforce our statute. He added that some one needs to make a complaint to either the State Police or the Deputy Sheriff. A private citizen can file an information with them and if they will not do so, then they should go to the District Attorney's Office to file it. Town Counsel stated that the Town could contact the State Police, Sheriff and/or District Attorney and try to add some impetus to this effort. Dick Rowland stated that there is a County Animal Rescue Team if the animals are in distress or not being cared for properly. In addition, Cooperative Extension has an Equine Support Group. Ms. Mullaney stated that the SPCA has stated that the conditions that the horses were in was substandard, however the horses were not neglected. They are trying to reduce the size of the herd by removing some of the horses.

RESOLUTION # 195 – Reappointment to UDAG Committee

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby reappoints Mary Anne Palmatier as member of the UDAG Revolving Loan Fund Committee, with said term to expire December 31<sup>st</sup>, 2012.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 196 – Establish Petty Cash for Tax Collector

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves a petty cash fund in the amount of \$200. for the Town Tax Collector.

VOTE: Ayes: Janik, Osborne, Pemrick Coseo, Kinsella

Noes: None

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Assessor Report – Supervisor Janik stated that the Assessor has advised him that he would be looking at smoothing the values. He would be looking at the land schedules, neighborhoods, etc. He has already received some feedback from the State that indicates that in spite of everything you are hearing on the news, land values in the Town of Greenfield continue to rise. Based on sales, the State is projecting anywhere from a 4 to 6 percent increase in values. Kinsella, C. was concerned that the Assessor had indicated that during last years analysis and as part of the hearings he found some irregularities and they were not fixed prior to the final roll. Supervisor Janik felt that the irregularities were based on formal hearings after the close of the roll. Kinsella, C. felt that the sentence implied that he knew of the irregularities prior to finalizing the roll. Kinsella, C. stated that the Assessor also indicated that he was going to look at the lower third of the Town and he wondered whether that was geographically or the lower third in values. He felt that it would be inappropriate to look at the lower third in values. Coseo, C. and Pemrick, C. felt that he meant the lower third geographically.

Comp. Time vs. Overtime – Supervisor Janik stated that there was a suggestion made by one of the Highway employees that perhaps the Town could consider giving an employee an option of comp. time rather than overtime. Some of the Town Hall employees also like that idea because many of them work less than the Federal 40 hour standard where overtime would apply. They would have the option of rolling the extra hours into comp time, which could be added to vacation time, rather than be paid for the additional hours at straight time. Coseo, C. stated that you could run into a problem if everyone wants to use up their comp time at the same time and you wind up having to pay someone else overtime to make up for the people off. Highway Supt. felt that the Board needed to make sure that it was voluntary. There has only been one employee that really wants this. He added that it should also be limited to a certain number of hours. There had been some discussion about having to use the time within the year. He did not believe that it would work because this is the time of year when there is a lot of overtime. He would not like to have somebody taking off 4 or 5 days in a row at the end of December because they have to use up their time. Osborne, C. asked if that would have any effect on the retirement contribution. Supervisor Janik stated that it would be considered just like vacation time and that it would not effect the retirement contribution in any way. Osborne, C. was concerned about too many people opting for comp time rather than overtime and then there would be a need to hire more people. Coseo, C. agreed that there could be an issue as to when they take comp time and the possibility of having to bring in additional people to cover. Pemrick, C. asked if there was enough interest in the matter to make it worth pursuing any further. Board members were in agreement not to pursue this any further at this time.

New Highway Garage – Highway Supt. Barss stated that he brought up the possibility of doing a conceptual study for a new garage in order to come up with an estimated cost for the new building. He would like to be able to see if there is any State or Federal funding available. In order to do so, they really need to know how much is in the reserve fund and approximately how much more is necessary to complete the building. The Town Engineer could do a layout, including space requirements, lifts, heat types, office space, etc. Highway Supt. Barss stated that they have looked at a couple of

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garages and some blueprints. Supervisor Janik added that knowing what a couple other Towns recently paid for their garages, he believed that it was going to cost at least \$850,000. for a suitable building. Osborne, C. asked if there was an estimate of the cost to do this study. Highway Supt. Barss believed that it would be somewhere around \$2,000. Coseo, C. stated that he would like to see the concept study completed now since we are getting so close to spending a substantial amount of money. Kinsella, C. stated that he agreed with the need to do it. He added that he would like to know what the Town Engineer is going to provide in his study and the cost to do it. Highway Supt. Barss will have the information for the end of the year meeting.

Schedule Town Board Meetings – The End of the Year Town Board meeting was scheduled for December 27<sup>th</sup>, 2007 at 7:30 PM. The Organizational/Agenda meeting will be January 3<sup>rd</sup>, 2008 at 7:30 PM.

RESOLUTION # 197 – Transfer of Funds

Motion: Pemrick, C.

Seconded: Kinsella, C.

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

\$ 500.00	From A3510.2	to	A3510.4
46.99	From A3520.4	to	A3510.4
1,618.45	From A6410.4	to	A6772.4
158.76	From A8020.4	to	A8010.4
1,583.60	From A9060.8	to	A7140.4
3,143.32	From A1990.4	to	A5132.4
35.67	From A7510.4	to	A7520.4
1,503.40	From A1910.4	to	A1440.4
1,503.40	From A8015.1	to	A8015.4
147.15	From A1355.2	to	A1355.4
1,310.82	From A1355.2	to	A1355.15
689.18	From A9060.8	to	A1355.15
3,728.97	From A1990.4	to	A7310.4
1,824.09	From A9060.8	to	A3310.4
1,949.35	From A1990.4	to	A5182.4
474.09	From A1990.4	to	A1420.4
970.50	From A8015.1	to	A8010.1
4,092.66	From DA5130.2	to	DA5110.4
67,942.74	From DA5110.1	to	DA5142.1

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Stacey Family Trust Donation – Supervisor Janik stated that when the donation was made last year, it was placed in a special reserve building fund. This year the donation was somewhat specific to be used for a well and restroom facilities at the new park. He asked Mr. Stacey if he would object if they transferred it into that same fund. Mr. Stacey agreed that that would be fine. He added that the only reason that he had specified those two items was because at the last meeting the Board had indicated

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that the next step would be to drill a well and provide restroom facilities. Supervisor Janik thanked Mr. Stacey on behalf of the Town for the generous donation.

Disability Premium – Coseo, C. stated that the insurance agent has indicated that it would only cost the Town an additional \$367. to cover the Town employees. Supervisor Janik stated that initially when this matter came up, the Town insurance agent indicated that. It was later determined that the Town was getting a premium that was less than the prevailing rate. We were being charged \$986. The correct charge for the annual premium is more like \$2,000. He added that if the Town were to go up to the \$350. coverage for the employees, it would go up approximately another \$1,000. They clarified that with the insurance agent and he indicated that he spoke with the insurance carrier for this particular policy and he convinced them to continue covering us at the current rating. Supervisor Janik stated that the issue is whether it is a voluntary program or not. As voluntary, the premiums are much higher and we are actually voluntary. The Town does not have to provide this. Supervisor Janik added that his concern was that they will continue to charge us that premium for this year, but what is going to happen after that if they decide to change it to the voluntary premium. The premium could very well be only \$1,486. per year, but it could easily exceed \$3,000. per year. He did not believe that the insurance agent could say that he could continue to get the same coverage.

RESOLUTION # 198 – Appoint Representative to Fire Advisory Board

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Supervisor be authorized to forward the name of Ed Petkus to the Saratoga County Fire Coordinator to be appointed as the Town representative to the Fire Advisory Board.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes; None

Planning Board vacancy – Due to the resignation of Daniel Cochran, there is an opening on the Planning Board. Town Clerk was authorized to advertise for applicants, with the deadline for submission to be January 10<sup>th</sup>, 2008.

Letter of Credit – Friendship Hills – Town Counsel advised that he received a letter from Ballston Spa National Bank indicating that they will not be extending the maturity date of the letter of credit for Monarch Acquisitions past the September 26th, 2008 maturity date. Supervisor Janik stated that based on the recommendation of the Town Engineer, the Town had continued to obtain extensions on the letter of credit do to deficiencies with the road, drainage, etc. He would contact the Highway Supt. and Town Engineer regarding this matter.

Kinsella, C. noted that he did not see where the fund transfers to the Highway Building Reserve that were authorized at the last meeting had been made. Town Clerk noted that the Bookkeeper was in the process of obtaining a new CD and the transfer will be reflected in the December monthly statement.

Kinsella, C. stated that he was going to start to put together the next newsletter shortly and was looking for ideas. He was thinking about enlarging it to 11” x

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17” and including a map of the new Town Park. Supervisor Janik asked that he contact the Rec. Director to see if she had anything to add.

Stan Weeks, Ashlor Drive – Mr. Weeks commented on the Assessor’s term of “smoothing out values”. He stated that last year the Assessor sent out a letter regarding reassessments. That letter indicated that some people were of the opinion that increased assessment would mean increased taxes and stated “NO. NO. NO.” Mr. Weeks noted that his school taxes went up 15% and now the same thing is going to happen with the County taxes. He suggested that if the Assessor used the same statement next year he should say “Possibly, Maybe, Could Be”. Mr. Weeks was really concerned about the Town continuing with full assessment when the City of Saratoga Springs is not. Coseo, C. noted that the Town of Wilton was working on a reval this year.

On motion of Osborne, C. and seconded by Pemrick, C., the Board adjourned to Executive Session at 9:10 PM to discuss litigation and property acquisition. Clerk was not present at session. No minutes were filed. On motion of Osborne, C. and seconded by Pemrick, C., the Board returned to regular session at 9:20 PM.

Monthly reports were submitted by Town Justices, Building Department (Sept., Oct. & Nov.), Highway Supt., Town Clerk, Dog Control Officer, UDAG Revolving Loan Fund and Town Supervisor.

RESOLUTION # 199 – Highway Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 212 to # 231 in the amount of \$39,224.86 be paid, subject to audit.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

RESOLUTION # 200 – General Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 766 to # 836 in the amount of \$37,002.85 be paid, subject to audit.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Coseo, C. asked Town Counsel if generally, the Town Zoning Ordinance would apply to Town property. Town Counsel advised that it used to be crystal clear that the answer was “no”. There was recently a case where the highest court in the State has decided that local Zoning Laws may apply to a municipal entity depending upon the nature of the activity. Coseo, C. stated that there is a sign issue at the Old Railroad Station. There was a question as to whether or not our Zoning Law would apply to it since it was a public sign on public property. He suggested that we get over that hurdle first and decide if any approval is necessary. Then we can discuss whether there is a better place for it. Town Counsel Schachner stated that most municipalities do not have their own signs go through their local sign permit process on the basis that it is a public sign for public use. Supervisor Janik agreed that the sign was probably in an inappropriate location on the site. It was put there with the Board’s permission, however

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he felt that there was no reason why it could not be moved. Coseo, C. stated that the Boy Scouts will move it again. They just need to know where it needs to go. Supervisor Janik felt that the most suitable location would be further up toward the railroad embankment. Somewhere beyond where you are in line with the caboose and near where the driveway curves out. Coseo, C. believed that if the Town could come to a consensus as to where it should be located as far as site distance, etc. they could move it in the Spring.

On motion of Osborne, C. and seconded by Coseo, C., the meeting was adjourned at 9:25 PM.

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Town Clerk