

February 12th, 2009

The regular meeting of the Town Board was held at the Town Hall on Thursday, February 12th, 2009 at 7:30 PM 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 25 residents.

Kinsella, C. stated that representatives of Marvin & Company were here this evening to provide the Board with information regarding the possibility of preparing a grant application on behalf of the Town for housing rehabilitation for qualified homeowners in the Town of Greenfield. Michelle DeGarmo and Marvin Olick were present. Michelle explained that they were a consulting company from Schuylerville which was founded in 1976 and they would be applying to the New York State Division of Housing and Community Renewal under the HOME Program. They would apply for \$400,000. and it could be used for owner occupied single family residences over the next two years. Each of the individual grants would be for approximately \$20,000. There are eligibility requirements that must be met. These guidelines are established by HUD. Michelle stated that it would not cost the Town anything to apply. All of the fees for administration are included in the grant. Marvin and Company would waive their \$5,000. fee for the grant packaging. If the Town receives the grant and chooses to use them to administer the grant then the fee would be waived permitting. If the Town is successful in obtaining the grant and decides to administer the program themselves or use someone else, than they would owe the \$5,000. The grant money can be used for new roofs, heating systems, windows, energy efficiencies, handicapped bathrooms, wheelchair ramps, etc. It is used mostly to address health and safety hazards. Coseo, C. asked what criteria was used to pick applicants if more people apply then grants available. Michelle stated that they would follow a set of program guidelines that were established by the Division of Housing and Community Renewal. Priority A would be for any health or safety issue that would be an immediate threat to the structure or people living in the house. Priority B would be for things that would help to maintain the life of the house and make it a little more habitable, but not necessarily life threatening. Priority C would be everything else, such as vinyl siding, replacement windows, etc. Another way would be to just provide funding to applicants meeting the Priority A requirements. She added that by applying for and accepting this grant, the Town would be committing to the State of New York that 16 projects would be completed. Not everyone will need \$20,000. to complete their project so there may be the possibility of doing more projects with the remaining money. Coseo, C. asked who insured the quality of work. Michelle stated that Marvin is the lead rehabilitation specialist and he has been working at this for over 25 years. He would oversee the construction to make sure that everything complies with all the guidelines. They also have another construction monitor with over 25 years experience that will be out on the job sites. No payments will be made until the project has been inspected and no final payment is made until the contractor signs warranty paperwork, release of liens waiver, etc. Michelle explained that if they were chosen to administer the program, they would handle all the paperwork and reporting to the State. They would take in the applications and process them doing income verifications, etc. They would complete an initial inspection of the home and complete all the required

February 12th, 2009 continued

testing, such as for lead base paints and conduct an energy audit. They would do all the construction monitoring, final inspections and complete an additional energy audit at the end of the project to see if the energy efficiency of the home was improved. The total amount of the grant that will be spent on the homes over the 2 year period will be \$368,000. The remaining \$32,000. would go toward administrative costs, testing fees, etc. Supervisor Rowland asked what other Towns they have worked with. Michelle listed a number of other municipalities such as the Village of Schuylerville, Town of Saratoga, Saratoga County Rural Preservation Company, Washington County Rural Preservation Company and several other villages. Michelle noted that the Town has to handle the movement of finances. When the proper paperwork is submitted and approved, the money is disbursed to the Town. Marvin and Company would then come to the Town and ask the Town to write the check to pay the contractor. Kenneth Blom, North Creek Road asked how fast the turn around time was. Michelle stated that it takes quite a while to be released originally. The awards will be announced in June. It would probably be December before a contract is completed with the Town. It could take until June of 2010 to get the go ahead to use the money. Once the money is available, the turn around time could be a little as 24 hours depending on the situation. If it is an emergency, life threatening situation they have the ability to waive the competitive bidding process. Otherwise, they have to go through the competitive bidding process which could take about a month. Ron Feulner, Coy Road asked if they would use local contractors. Michelle stated that most of the contractors they use are from Saratoga County. They will do marketing in Town to try and get local contractors. Michelle explained the requirements a contractor must meet and stated that they are always looking for contractors. Fred McNeary, Daniels Road questioned who would be liable in case of litigation. Michelle explained that the State has paperwork that the Town will sign that states that they are releasing themselves and the community from any legal liability. Anyone trying to sue would have to sue New York State and they would turn around and say that they have to sue HUD. The contractors and homeowners also have to sign a contract which states that the contract is between the homeowner and the contractor. Marvin and Company guarantees that all of the work performance would be up to rehab standards, but any kind of personal conflict that arises between the contractor and homeowner is out of their hands, as well as the Town. Kinsella, C. asked what the Town needed to do in order to move forward. Michelle stated that the Town would have to complete the application and get it back to them as soon as possible. They will also have to adopt a resolution stating that they wish to have their HOME money and that they intend to use the services of Marvin and Company to package the grant for the Town.

Zoning Review Committee Update – Cochran, C. stated that the committee was formed in August 2008. The committee looked into the impact and feasibility of large wind power companies as well as private wind turbines. They also researched the compatibility of the Right-to-Farm Law and the current law related to outdoor wood burning furnaces. Committee member Ron Fuelner spoke about the Historical Impacts that a large wind power company may have. He stated that it was likely that a large wind facility would choose the Kayaderoseras Ridge on the west end of the Town. In that area there are three historical sites. The first one is known as the

February 12th, 2009 continued

Glass Factory and it is located a couple of miles above Lake Desolation. In the 1840's Oscar Grainger moved here from Central New York and built a Glass Factory to produce bottles for the spring water that was being bottled in Saratoga Springs and sold around the world. Mr. Grainger not only built the factory, but an entire Town. In the 1840's and 1850's it was one of the largest communities in the Town of Greenfield with approximately 200 inhabitants. If you go up there now, it is just woods. However, there are many artifacts still left in the area such as foundations, wells, the baseline of the factory itself and a lot of grass fragments. This is a very important historic site to the Town. The second site is the Graphite Mine. This is located just below the area where a large wind power company has expressed an interest in. A significant graphite operation began around 1906 and continued to provide graphite throughout the period of WWI. After WWI ended, the market for graphite dropped because of overseas supplies and the company went out of business. The site is still there and visited by many people. The third site is right in the vicinity that AirTricity has shown an interest in building a wind farm. It is known as Lucinda's Rock or Manville Rock. That story took place in 1806 and it is the sad story about a young woman who got pregnant out of wedlock and supposedly mourned herself to death at or near that site. This site has gained a lot of interest by women and women's studies around America. Mr. Fuelner did not see a problem with a wind power project as long as everyone is aware of these sites. He added that the committee visited the largest wind farm east of the Mississippi and talked to the Town Supervisor in that area and he indicated that the company that they dealt with was very willing to work with the Town. He believed that any corporation that was looking to come into this area would also be willing to do the same. Committee member Kenneth Blom spoke about the Right-to-Farm Law. The proposed legislation recognizes that farming is important and the community wishes to support it. There is a Right-to-Farm declaration which states that farming activities are not going to be deemed a nuisance as long as it is done responsibly. Mr. Blom stated that there were several specific points regarding what is responsible such as doing things that are necessary to farming and are accepted farming practice. The proposal is also recommending that there be a notification to real estate buyers where anyone that is going to buy property within 500 feet of a farming operation must be notified by the seller that the farm exists. The proposed legislation also includes a Resolution of Disputes. If someone has a concern regarding a farming operation, the Town would set up a dispute resolution board that would include a member of Town government, a farmer and an individual selected by those two. They would attempt to mediate the dispute. Committee member Stan Weeks spoke regarding outdoor furnaces. He stated that there was a lot of discussion as to why the Zoning Law required that in order to install a outdoor wood burning furnace the property needed to be a minimum of 5 acres and there must be a minimum of 100' setback. In looking at regulations from other Towns and following the manufacturer recommendations, the committee has proposed that there be a minimum setback of 50' and the height of the chimney will depend upon how close it is being installed to a residence. Mr. Weeks stated that one of the major issues with outdoor wood burning furnaces seems to be the low stack height. An example would be that if you were within 50' of a residence, the stack must be 2' higher than the eaves of the house. Committee

February 12th, 2009 continued

member Keith Avellino spoke regarding the public hearing that the committee held. He stated that the hearing was very well attended and people were generally enthusiastic concerning the issues. Some of the concerns regarding the wind towers were where they were going to put in the power lines and how that could possibly adversely affect the landscape and concerns regarding the viewscape due to the height of the towers. Another concern was the potential for groundwater issues due to blasting during the installation of the towers. The committee believed that the Planning Board would be able to address these issues during the review process to make sure that the towers were constructed in a safe and environmental manner. There was an individual at the hearing from the Farm Bureau addressing individuals' questions. Mr. Avellino felt that this would not only protect the farmer, but homeowners as well. Cochran, C. stated that the committee has provided the Board with draft Code language for their review. In order for the Town Board to make any changes to the Code they will have to have a public hearing, so there will be another opportunity for the public to make comments.

On motion of Coseo, C. and seconded by Kinsella, C. the minutes of 1/8/09 and 2/5/09 were approved as submitted by all members present.

Letter of resignation from Stefen Strakos as Alternate Member of the Zoning Board of Appeals.

Thank you letter from Dennis Florence for the opportunity to fulfill his eagle scout requirements by building the road sign and kiosk in the new Greenfield Center Park.

Notice from the NYS Dept. of Environmental Conservation granting Peckham Materials Corp. their mining permit for their property on Coy Road in the Town of Greenfield.

Proposed Local Law – Cold War Veterans Exemption - Coseo, C. stated that as he has indicated in the past he has a hard time creating any new exemptions. Any time you create or enlarge an exemption, you shift the tax burden from one group on to someone else. He was not saying that the Town shouldn't honor its Veterans, however he thought there were other ways to do so such as a memorial, etc. He was not in favor of the proposed local law. Kinsella, C. stated that he had indicated before that he was in favor of this exemption. However, after thinking about it over the past couple of weeks and listening to some of the comments that were made by the public, he was not sure that he was in favor of shifting the burden for this exemption. Pemrick, C. understood what Coseo, C. and Kinsella, C. were saying and agreed that it does shift the burden. He stated that it was a very small group of people in the Town that would benefit from this exemption. His support for this law is based on the fact that veterans in each phase of war or conflict have been rewarded in this way and he felt that it would be unfair to not reward the Cold War Veterans. Cochran, C. stated that both of his parents are in Arlington Cemetery and he supports the veterans. Supervisor Rowland stated that the purpose of this legislation was to recognize veterans that served in a different period of time. There were several war type conflicts where the veterans were in harms way, however it was not a declared war. The Town has exemptions for all other types of veterans. Supervisor Rowland added that the County has also adopted this legislation and

February 12th, 2009 continued

as of this time only 9 individuals have applied, which would mean a total tax burden shift of less than \$100. He would be in favor of this exemption.

RESOLUTION # 34 - Adopt Local Law #1-2009 – Cold War
Veterans Exemption

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board does hereby adopt Local Law #1-2009 entitled “Providing for Maximum Exemption Allowable for Cold War Veterans Exemption from Real Property Taxation”.

VOTE: Ayes: Rowland, Pemrick, Cochran

Noes: Coseo, Kinsella

Junkyard License Renewal – M & J Construction – Supervisor Rowland reviewed the report from the Code Enforcement Officer dated 2/5/09. He stated that the trailers in question had been removed and the applicant was in compliance with the Junkyard Law.

RESOLUTION # 35 – Approve Junkyard License – M & J Construction

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby approves the following
Junkyard License Renewal for the year 2009:

#2-2009 - M & J Construction Company

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

Noes: None

New Town Garage – Highway Supt. Walter Barss stated that the building is all framed and they are starting to install the windows and siding. The roof panels are ready to be shipped. The building should be enclosed within the next few weeks, weather permitting. Walt stated that he had a few items that the Board needed to consider. Originally a representative of National Grid had indicated that they would extend 3 phase power to the new garage at no cost to the Town. He was just informed that it will actually cost the Town \$3,600. A second item for consideration concerned the heating system. He noted that the heating system had been redesigned and will be completely in the floor. They removed the supplementary heat and there was a question as to whether or not they should have the mechanical engineer take another look at the design to make sure that there is enough heat in the floor to recover when you open the big doors in the winter time. He added that he spoke to a number of other Towns with buildings that have this heat without supplemental heat and they do not seem to have a problem. In addition, the builder is stemming up now for the addition of some portable heaters in the future if necessary. The cost to have the mechanical engineer review the plans would be between \$1,400. and \$2,200. The last item for consideration is that when the building is enclosed in order to continue to work they may have to bring in portable heaters until the heating system can be installed. The cost could be between \$5,000. and \$7,000. to rent the heaters. Kinsella, C. stated that the Town entered the contract with the builder to complete the building within a certain number of days with the understanding that it was going to be awarded in the winter and he did not feel that the Town was obligated to

February 12th, 2009 continued

provide heat for the contractor if he chooses to work during the winter. As far as the heating system was concerned, he was not sure how many BTU's the boiler had, however the density of the coils in the floor was already tight. The only way to get more heat would be to put in bigger pipes or put them more dense. He noted that the office space, lunch room, etc. were heated separately and would remain a constant temperature. He did not feel that they needed to spend the money for the mechanical engineer to review. As far as the 3 phase wiring was concerned, he was in favor of it. Board members were in agreement

RESOLUTION # 36 – Approve 3 Phase Wiring

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby authorizes the extension of the 3 phase electrical service by National Grid at a cost of \$3,600.

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

Noes: None

Fred McNeary, Daniels Road – Mr. McNeary asked for the proposed paving schedule to be read. Supervisor Rowland stated that they are proposing to do 5.18 miles at a cost of \$654,870. and the list includes parts of Porter Corners Road, Sand Hill Road, Barney Road and Strakos Road. Highway Supt. Barss stated that this is a “wish list” of roads. They have not heard what they will be getting from the State CHIPS Fund. It could be cut drastically and this whole list may have to be revised. Supervisor Rowland added that all the roads on this list with the exception of Barney Road were on last years list, however they had to be cut due to the increased cost in asphalt. Mr. McNeary stated he was here this evening to again express his concerns regarding Denton Road. At previous meetings he was told that this past year Denton Road had been moved to the “worst road” list. He added that it was also stated that in years past this road was overlooked due to possible development in the area, namely Saratoga Polo. He stated that in 2005 Denton Road was first listed as sub-par. He believed that it was one of the more heavily traveled roads in the Town. He felt that the condition of the road makes it dangerous and asked that the Town take a look at Denton Road and find money in the budget to take care of it this year. Mr. McNeary stated that last year Daniels Road was repaved and it was not anywhere near as bad of condition. He added that they pay a considerable amount of taxes to the Town and they would like some common services. Mr. McNeary also read a letter from Robert Hyndman of Denton Road who could not be present at the meeting. A copy of the letter was submitted to the Town Clerk. In his letter, Mr. Hyndman also expressed his concern regarding the condition of Denton Road and asked that Denton Road be put on this year's list of roads. Mr. McNeary again stated that they pay their taxes to the Town of Greenfield and their services are minimal. The Maple Avenue Fire Company services their facility. They have to travel over the end of Denton Road that seems to be the worst in order to get to Prestwick Chase. The response times are rather long. When there is an ambulance call, the ambulance is usually there and has the individual taken care of and loaded into the ambulance before the Fire Department arrives to assist. Mr. McNeary stated that in the past they have been told that they need to speak with the City of Saratoga Springs regarding the road condition.

February 12th, 2009 continued

Perhaps they should talk to the City of Saratoga Springs and see what services that would provide them and consider annexation. All they are looking for is a little service. Prestwick Chase has been located on Denton Road for 12 years. He did not believe there had been any work done to Denton Road in 20 years. Samuel Cahan, Saratoga Blvd – Mr. Cahan stated that he was a retired Fire Chief. He added that the condition of Denton Road was a fire safety issue. The heavy fire trucks have to proceed very slowly down Denton Road. The extra response time is a factor. In the case of a fire, the extra couple minutes it takes to respond is critical and could be a threat to life. He hoped that the Town would take care of Denton Road very soon. Philip Horan, Saratoga Blvd. – Mr. Horon stated that he was the Chairman of the Residents Council. Mr. Horon read a petition that was signed by 126 residents of Prestwick Chase and submitted the petition to the Town Clerk. Mr. Horon stated that the residents actually pay the taxes through their monthly payments. They wanted to put the Town of Greenfield on notice regarding the safety issues posed to them due to the condition of the road. They also requested that the Town take immediate corrective action to protect the public from the condition that exists on Denton Road. Mr. Horon stated that Denton Road is their only route of egress from Saratoga Blvd. He added that there were 107 cars on the property, in addition to 101 part time and full time employees. This does not include visitors. He asked that the Board give serious consideration to rethinking the budget problems which they certainly understand are difficult.

Stan Weeks, Ashlor Drive - Mr. Weeks stated that he would support the condo taxation proposal that the City of Saratoga Springs has presented to the County. However, he felt that the much bigger issue was where a school district covered several municipalities and especially when one of the larger municipalities, like Saratoga Springs, refuses to do a reassessment while the other Towns are maintaining 100% assessment. He felt that this put the Towns at a huge disadvantage and somewhere along the way the County needs to consider County-wide Assessment.

RESOLUTION # 37 – Authorizing Application for a New York
State Home Grant

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby retains Marvin & Company to submit a HOME Grant on behalf of the Town, and FURTHER

RESOLVED, That Marvin & Company shall be allowed to access the online application package and be designated, along with the Town Supervisor, to receive a user name and password to process the application on behalf of the Town of Greenfield.

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

Noes: None

Agreement to Spend Highway Funds - Highway Supt. Barss stated that he understood the concerns brought up this evening regarding Denton Road. He stated that Supervisor Rowland and himself met with Commissioner Scirocco from the City of Saratoga Springs. Since the boundary line runs down the middle of the road, the City of Saratoga Springs owns half of the road. He added that the Town of Greenfield offered to do all of the work if they would split the cost of materials. The City of Saratoga Springs

February 12th, 2009 continued

was not interested in spending the amount of money that would be necessary to rebuild the road. They were willing to do some spot repairs. Highway Supt. Barss stated that Comm. Scirocco is also considering repaving the lower end of Locust Grove Road from Denton Road to Route 9N. Again, the Town offered to do the work if the City supplied the material. Highway Supt. Barss noted that he knew that Denton Road was in poor condition and he was willing to fix spots in the road himself. However, he did not feel that it was fair to the other taxpayers in the Town of Greenfield for him to spend a third of his budget when half of the road is in the City of Saratoga Springs. He added that the Town is responsible for 100 miles of Town roads. Twenty miles of roads have been rated as bad. Denton Road was rated as bad for the first time this year. The roads that they have chosen to rebuild this year have been on the bad list for as much as 6 years. They were hoping that they would be able to bump Denton Road up the list using money they were going to receive through an agreement with the developers of a proposed project. Highway Supt. Barss stated that he was more than willing do spot repairs to Denton Road, however he would like to leave his proposed list of roads as is. Ken Williams asked if the Town was going to wait until there was a catastrophe until they do something with the road. Highway Supt. stated that he was going to resolve the serious issues. Mr. Williams stated that Denton Road was not a quick fix. He did not know how the Board could say that just because the boundary line was in the middle of the road, that they would not protect the 200 senior citizens that live at Prestwick Chase and use Denton Road. Highway Supt. Barss stated that he did not believe that he could spend Town of Greenfield funds in the City of Saratoga Springs. Town Counsel Schachner stated that there would have to be an intermunicipal agreement. Supervisor Rowland stated that since he became Supervisor last January they have been trying to work this problem out. The process that they thought they had to work with the Saratoga Polo Project has been put on hold. Now they are trying to work with the City of Saratoga Springs to be able to do work on this road in a manor that is comfortable for everybody. Supervisor Rowland added that they have a verbal agreement with the City that they would share in the cost of the repairs to the road to the point where it is safe. They are in the process of determining the cost to complete the repairs. If they can come to an agreement regarding the cost, then there are legal agreements that will have to be completed. Supervisor Rowland wanted to make sure that the residents of Denton Road understood that this was not a dropped issue. Fred McNeary stated that the City of Saratoga Springs has at most 3 taxpayers on Denton Road and they are not interested in taking care of Denton Road. Mr. McNeary asked if the Town has been reimbursed for the patches that they have put on Denton Road to date. Highway Supt. Barss stated that the City supplied the culvert that was changed. They also have a plowing agreement where the Town plows Denton Road and the City plows another road for the Town. Mr. McNeary stated that he is paying taxes to the Town of Greenfield and he can only get one lane of the road paved. He asked if he should pay half of his taxes to the City of Saratoga Springs so that he can get the other half paved. He asked if he should go to the City and asked to be annexed. Supervisor Rowland stated that the Board has said that they are interested in working on that road to make it safe, however they do not have the money in the budget to pave the entire road. Highway Supt. Barss stated that it will cost close to \$200,000. just to make

February 12th, 2009 continued

spot repairs. Mr. McNearly questioned why the Board was looking for over one million from Polo to fix the road if they can do it for \$200,000. and added that it was a form of extortion. Kinsella, C. stated that it was for a much bigger project. The Town's estimate is for spot repairs. The original proposal with polo was for a total reconstruction with a walking/bike path and also included Bloomfield Road. Pemrick, C. stated that he told Mr. McNearly at a previous meeting that the Town has a very thorough way of examining and labeling their roads. This process was put into place over the past few years and we are following it. Denton Road is now on that list. Some of the same arguments that have been heard this evening apply to every other individual that lives on a road that is labeled as bad. The Town has the same responsibility to them. Pemrick, C. added that what the Board is saying is that the only thing that they can offer you this evening is the fact that they are going to continue to try to find a way to remedy the situation with Denton Road, however it will not be at the expense of the Town's total paving budget or the expense of other citizens in the Town who have equally as much concern as do the people on Denton Road. Cochran, C. asked how close Denton Road was to getting to the top of the list and asked if Denton Road was being neglected. Highway Supt. Barss stated he did not feel that it was being neglected. They are going to try and patch it up and make it safe until they can come up with a better agreement with the City. Coseo, C. stated that even if this was the worst road in the Town, the only way that the Town could do anything without a reciprocating agreement with the City would be to pave one lane. They are trying to work with the City of Saratoga Springs to come up with some sort of agreement. Mr. McNearly stated that they do not pay taxes to the City of Saratoga Springs. Coseo, C. stated that Denton Road was a road within their jurisdiction. If this is a dangerous road and there are going to be liability issues to the Town, there are also going to be liability issues for the City of Saratoga Springs. Mr. Williams asked if it wasn't for the boundary problem, when would this road be on the top of the list. Highway Supt. Barss stated that it would be within a year or two. Supervisor Rowland stated that last year the Town had planned on repaving 8 miles of road. However, due to the increase in asphalt, fuel, etc., they were only able to do 4 miles. The Town is not ignoring roads. They are constantly working on trying to find ways to improve roads.

RESOLUTION # 38 – Approve Agreement to Spend Highway Funds

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby approves the Agreement to Spend Highway Funds for the Year 2009 as submitted by the Highway Superintendent.

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

Noes: None

RESOLUTION # 39 – Reappointment Zoning Board of Appeals Member

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby reappoints Michelle Granger as member of the Zoning Board of Appeals with said term to expire February 16th, 2014.

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

Noes: None

February 12th, 2009 continued

RESOLUTION # 40 – Approve Junkyard License – Gaba Brothers

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the following
Junkyard License Renewal for the year 2009:

#3-2009 - Gaba Brothers Auto Parts

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

Noes: None

Support County Regarding Condo Taxation - Coseo, C. stated that he would like to encourage the Supervisor to support the proposed resolution at the County Board of Supervisors to repeal Real Property Law § 339-y. Supervisor Rowland explained that what the County is looking at adopting is a resolution in support of Senator Betty Littles bill which allows communities under Home Rule to adopt a process of full assessment for condominiums if they wish to do so. It is not a total abolishment of the law. Coseo, C. stated that he would like to see an abolishment of the law. He stated that he also wanted to talk about taxing districts which involve multiple municipalities, such as with our school taxes. There is a recent report by the State Commission of Property Tax Relief that suggests that the only fair way is to shift to county wide assessing or by the State establishing uniform assessment standards. Coseo, C. stated that he would like to consider a resolution to not only talk about the condominium assessment process, but the whole assessment process in general. People have asked him what he was going to do about what he believed was a problem with the equalization rate. He felt one thing would be to pass a resolution on to the Legislature or the County making suggestions regarding the uniform assessment of all residential property. Perhaps they could also suggest that anytime there is a municipality in a multiple municipality district that they have the right to challenge another municipalities equalization rate.

RESOLUTION # 41 – In Support of Reform to Condominium
Assessments

Motion: Coseo, C.

Seconded: Pemrick, C.

WHEREAS, Real Property Law, §339-y has been interpreted by courts to limit an assessor's method of establishing a condominium assessment to the income approach, resulting in the assessment for each unit significantly under market value, sometimes by as much as 50% or more; NOW THEREFORE, BE IT

RESOLVED, that Town Board of the Town of Greenfield hereby requests that the Saratoga County Board of Supervisors support a resolution calling upon the New York State Legislature and the Governor to amend or repeal Real Property Law, §339-y so as to provide equal treatment for all types of residential housing and to prevent continuing abuses of §339-y.

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

Noes: None

Park Equipment Purchase - Supervisor Rowland stated that the Parks Department was looking to purchase a leaf blower to be used to blow snow off the ice rink, rather than use the sweeper. He took a look at the sweeper unit, along with the

February 12th, 2009 continued

Highway Supt. and they felt that they could replace the brushes for a lot less money than buying a new leaf blower. If the Board had no objection, he would have the brushes ordered and the Highway Department will replace them. Board members in agreement.

RESOLUTION # 42 - Approve Budget Amendments & Contractors
Applications for Payment

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Supervisor be authorized to make the following
Budget Amendments:

\$346,415.62	From H5031	to	H0599
339,030.65	From H0599	to	H5132.43
3,710.00	From H0599	to	H5132.41
3,674.97	From H0599	to	H5132.42

AND FURTHER RESOLVED, that the following applications for
payment be approved:

\$11,329.00	Phoenix Electricians Co. Inc.
37,968.65	Collins Mechanical , LLC

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

Noes: None

Blanket Undertaking – Town Clerk advised that certain Elected Officials are required to execute an Official Undertaking along with their Oath of Office. Rather than individual undertakings, the Town has a blanket undertaking as part of their Government Crime Policy. In reviewing the policy, it was discovered that the Highway Supt. and the Town Justices had been left off of the list of covered positions. The additional premium to add the three positions would be \$541.

RESOLUTION # 43 - Add Covered Positions to Government Crime
Policy

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby authorizes that the Highway Supt. and Town Justice positions be added to the list of covered positions in the Government Crime Policy at the annual premium of \$541.

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

Noes: None

Greenfield Community & Business Association - Nathan Duffney wanted to let the Board know that the group was looking at holding a car show at the Wayside Inn on June 7th, 2009. They will be applying for a Mass Gathering Permit within the next month or so. They already spoke with the Code Enforcement Officer and he has indicated that this was something that would be allowed under the PUD.

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

Annual reports were submitted by both Town Justices and the Building Department.

February 12th, 2009 continued

RESOLUTION # 44 – General Bills

Motion: Coseo, C.

Seconded: Cochran, C.

RESOLVED, That General Bills # 15 to # 90 in the amount of \$34,726.70 be paid, subject to audit.

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

Noes: None

RESOLUTION # 45 - Highway Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 1 to # 25 in the amount of \$269,902.57 be paid, subject to audit.

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

Noes: None

RESOLUTION # 46 – UDAG Bills

Motion: Coseo, C.

Seconded: Cochran, C.

RESOLVED, That UDAG Bill #1 in the amount of \$5,750.00 be paid, subject to audit.

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

Noes: None

RESOLUTION # 47 - Capital Project Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Capital Project Bills # 9 to # 12 in the amount of \$56,682.62 be paid, subject to audit.

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

Noes: None

Coseo, C. asked if the final figures were available yet for 2008.

Supervisor Rowland advised that the Bookkeeper has had some issues with her software program. She is working on putting together the final report and the Annual Report that needs to be submitted to the State Comptroller.

Coseo, C. asked if there was any way that the report submitted by the Zoning Review Committee could go on the website. Cochran, C. is going to provide the Town Clerk with an electronic copy of the report. Town Clerk was also asked to provide members of the Planning Board and Zoning Board of Appeals with a copy of the report for their review and comments.

On motion of Pemrick, C. and seconded by Coseo, C., the Board adjourned to Executive Session at 9:30 PM to discuss possible litigation. Town Clerk was not present for session and no minutes were filed. On motion of Kinsella, C. and seconded by Coseo, C., the Board returned to regular session at 9:40 PM.

February 12th, 2009 continued

RESOLUTION # 48 - Authorizing Settlement of Pending Article 7 Real Property Assessment Case Commenced by Bryan King

Motion: Coseo, C.

Seconded: Cochran, C.

WHEREAS, in 2007 Bryan King commenced an Article 7 Real Property Assessment Review case against the Town of Greenfield concerning his commercial property located at 465 Route 9 (Maple Avenue) (Tax Map No.: 153.13-1-29), and

WHEREAS, the Town Board has reviewed the case with Town Counsel and the Town Assessor has recommended a settlement proposal to the Town Board, and

WHEREAS, the Saratoga Springs City School District has not intervened or otherwise taken any part in the proceedings, and no approval from the District is needed to settle this matter,

NOW, THEREFORE, BE IT RESOLVED, that the Greenfield Town Board hereby approves the settlement of the pending Article 7 case brought by Bryan King (Petitioner) concerning his residential property at 465 Route 9 (Maple Avenue), Tax Map No.: 153.13-1-29, in accordance with the following revised assessments:

<u>Year:</u>	<u>Current Assessment</u>	<u>Revised Assessment</u>
2007	\$897,800	\$775,000
2008	\$897,800	\$775,000

AND BE IT FURTHER, RESOLVED, that the assessment on Petitioner's property shall remain at \$775,000 on the Assessment Rolls for 2009 and 2010, subject to exceptions provided for under NYS Real Property Tax Law Section 727, and

BE IT FURTHER, RESOLVED, that the Town Board authorizes and directs payment of any and all refunds without interest to Petitioner's counsel, Brown, Craig & Hunt, within thirty (30) days from the date that a Demand for Refunds is served upon the Town of Greenfield and the Saratoga County Treasurer, and

BE IT FURTHER, RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Assessor and/or Town Counsel to execute settlement documents and take any additional steps necessary to effectuate the proposed settlement in accordance with the terms of this Resolution.

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

Noes: None

On motion of Cochran, C. and seconded by Pemrick, C., the meeting was adjourned at 9:42 PM.

Town Clerk