

February 9, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, February 9th, 2006 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present was Town Counsel Schachner, Highway Supt. Barss, 1 reporter and 6 residents.

The meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Osborne, C. and seconded by Kinsella, C., the minutes of 1/12/2006 and 2/2/2006 were approved as submitted by all members present.

Letter from City of Saratoga of Saratoga Springs inviting the Supervisor to attend a meeting regarding the need for increased CDTA support in the area.

Letter from Steven Toussaint regarding zoning revisions for the Daniels Road area.

Announcement of Eagle Scout Ceremony for Greenfield resident, Timothy Hatlee to be held March 19th, 2006.

Letter from NYS Dept of Transportation acknowledging receipt of request for speed limit reduction for Daketown Road.

Letter from Ty Stacey, Vice President of Saratoga National Little League, regarding playing fields for the upcoming baseball season.

Junkyard Renewals – Supervisor Janik stated that the Board had received the report from the Building Inspector/Code Enforcement Officer, Gerard McKenna, regarding the four existing junkyards. He added that his intent was to raise this as a concern that he had regarding the blanket renewal of the junkyards and to tighten up on the procedures somewhat. It was not his intent to come down heavy handed on them. Coseo, C. recommended that someone from the Board or a committee be appointed to meet with the people and express the Towns concerns and try and find a way to reach some common ground. Kinsella, C. felt that the permits should be renewed and a letter should be sent along with them indicating that they have found them to be in non-compliance and will need to be brought into compliance by January of next year. Pemrick, C. felt that the permits should be withheld at this time. In addition, he would like to send a letter to the applicants informing them that the Board is looking at revising the Junkyard Law and seek their input. He would also mention at that time that there are a number of things with their junkyards that are not in compliance at this time and they will need to work to bring them into compliance. Town Counsel Schachner stated that you could certainly withhold the permit if the applicant was not in compliance with the regulations. Osborne, C. also felt that setting up a committee would be a good idea. She suggested that perhaps the Town Board could grant a conditional permit and send a letter along with it expressing the Towns concerns regarding their non-compliance. Town Counsel expressed a little concern over granting conditional permits when the Board was made aware that they were not in compliance. He suggested that the Board consider not granting a permit while they were going through the process of updating the code and working to bring the existing junkyards into compliance. Coseo, C. added that the Board needed to look at the original application to see if the original license was approved allowing the junkyard to be within 150' of a stream and/or wetlands. Supervisor Janik stated that his intent was to make the code more workable. He added that if the Code

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Enforcement Officer were to cite someone for having 10 junk cars on their property, there was nothing in the present code to prohibit someone for applying for a junkyard license. Coseo, C. wanted to make sure that the Town was not going to impose fines and penalties on these four individuals for not having the required permits. He was also concerned with the fact that it did not appear that there was anything in the Zoning Law that prohibits new junkyards anywhere in Town, including the Town Center. Supervisor Janik is to send a letter to the 4 existing applicants and invite them to attend a meeting to discuss the Town's concerns and work towards getting them into compliance. He will include a report of the violations and return the checks.

Assessor Position – Supervisor advised that the Board received the proposals from each of the 3 candidates. Supervisor stated that he checked some of the references provided and further discussion would be held in an executive session at the end of the meeting.

Part-Time Building Inspector & Highway Department Clerk – Supervisor Janik provided the Board with a copy of a proposed job description for the Part-Time Building Inspector. He stated that there was some question as to whether Mr. Gargan was a contract employee or part-time Town employee. The same was true for Duane Wright, Highway Department Clerk. It was determined that they were actually employees of the Town and not contract employees. As a part-time employee, they would be entitled to vacation time if they consistently worked more than 15 hours per week. Mr. Gargan achieved that status as of this past year and as of this year he would be entitled to vacation time. Supervisor Janik stated that this classification change would be effective retroactive to January 1st, 2006. Mr. Gargan addressed the Board regarding the issue of compensation and submitted information regarding what he thought the proposed compensation should be. He stated that the Town had hired an outside person in the past to conduct the fire safety inspections which are now handled through the Building Department. He added that he did not require benefits, which was also a savings to the Town. Coseo, C. stated that whatever happened in the past prior to the time he was on the Board is not an issue for him. He felt that the Board should discuss Mr. Gargan's request, but at the same time they need to look at what raises were given to other people this year. Kinsella, C. agreed and stated that the Board must be consistent with the pay increases. Supervisor Janik stated that his concern has been the issue of clarifying Mr. Gargan's status as a Town employee. The compensation in the past was set by prior boards during the budget process. He added that he compared the current compensation with other municipalities and found it to be right in line with them. He would like to move forward with this issue and added that when the budgets are set for next year the Board will consider what will be an appropriate rate of pay for Mr. Gargan and all Town employees. Osborne, C. felt that this year's budget was already set and the rate of pay appeared to be fair with other municipalities. Mr. Gargan will also receive vacation time and holiday pay this year. She believed that this was a step forward since he did not receive this in the past. Mr. Gargan questioned Councilman Coseo's comments regarding not wanting to be involved in what happened in the past. Coseo, C. clarified that everyone has worked to see that the status was changed from a contract employee to a part-time employee and he would receive all the benefits. If there was a dispute with

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previous boards as to what compensation he should receive it was not something that he could go back and change. He felt that if the rate of pay was not appropriate at the time, he would have moved on and gone somewhere else.

RESOLUTION # 39 – Reclassification of Part Time Building Inspector

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby reclassifies the position of Part Time Building Inspector as a Town Employee, rather than a contract employee, and

FURTHER RESOLVED, That the proposed job description for Part Time Building Inspector be adopted and included in the Policy Handbook, and

FURTHER RESOLVED, That this reclassification be retroactive to January 1, 2006.

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

Noes: None

Highway Department Clerk – Supervisor Janik stated that Duane Wright was also considered a contract employee and felt that that came into being when his job description was changed to a job description that the Town can not have, Traffic Analyst. Supervisor Janik stated that the easiest solution to this problem would be to change the job description back to Highway Department Clerk and pay him at the rate of pay that was established at the time the classification was changed to traffic analyst.

RESOLUTION # 40 – Reclassification of Part Time Highway Department Clerk

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby reclassifies the position of Transportation Analyst to Part Time Highway Department Clerk, and

FURTHER RESOLVED, That the Part Time Highway Department Clerk, Duane Wright, shall continue to receive his present rate of pay.

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

Noes: None

RESOLUTION # 41 – Reappointment to Zoning Board of Appeals

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby reappoints Taylor Conard to the Zoning Board of Appeals, with said term to expire 2/16/2011.

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

Noes: None

RESOLUTION # 42 – Temporary Closing of Roads for Vehicles Over Four Tons

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Clerk give notice of the following:

NOTICE is hereby given that pursuant to Subdivision II of Section 1660 of the Vehicle and Traffic Law, the Town Board of the Town of Greenfield hereby

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directs and orders that all Town roads will be temporarily closed to any and all vehicles having a gross weight of over four tons.

Such temporary restrictions will become effective when notices are posted on the highways and continue until such time as conditions will permit opening.

Further notice is hereby given that any person or persons violating this order shall be subject to punishment as provided in Section 1800 of the Vehicle and Traffic Law.

By order of the Town Board

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

Noes: None

Agreement to Spend Highway Funds – Supervisor review the proposed list of road improvements submitted by the Highway Supt. He would like to repair approximately 7.92 miles at an estimated cost of \$464,700.

RESOLUTION # 43 – Agreement to Spend Highway Funds

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby approves the Agreement to Spend Highway Funds for the Year 2006 as submitted by the Highway Superintendent.

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

Noes: None

Privacy Notification – Supervisor Janik stated that the Town is required to have a local policy in place by April 6th, 2006 dealing with the inadvertent disclosure of private documents, such as social security numbers, credit card information, etc. Some of this information is contained in our payroll records, tax exemption forms, etc. Town Counsel Schachner is to provide the Board with a draft policy for the next meeting.

Health Coverage for Elected Officials – Supervisor Janik had Town Counsel review the Town Policy regarding health insurance for retired Town employees and retired elected officials. He asked that the Board members review this information for the next meeting. He felt that there were inconsistencies with the Policy that needed to be clarified.

Wage Progression Policy – Supervisor Janik stated that under the present policy, when a full or part time employee is hired there is a reduction in compensation of 25% for the 1st year of employment. The 2nd year the employee would make 85% of the salary; 95% the 3rd year and 100% the 4th year. Both the Town Clerk and the Highway Superintendent have experienced difficulties in filling positions given the salary restrictions. This was especially true with part-time highway employees where the rate of pay is \$10.76 per hour. The individuals starting pay would be \$8.00 per hour. Supervisor Janik felt that this was a pretty dramatic reduction. Pemrick, C. asked if a persons prior work experience could supersede a year or two of this wage progression. Coseo, C. stated that you may have a problem with someone who has been here 4 or 5 years making the same rate of pay as someone who has only been here 1 year. Supervisor Janik stated that someone could be here for 3 years and make the same amount of money as someone who has been here 20 years. The Town does not have merit pay or a pay scale tied to years of service. Osborne, C. felt that that was a trade off

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of working for public agency rather than the private sector. There are no benefits in the private sector. Kinsella, C. suggested that possibly the probationary period be reduced to 6 months. He felt that within 6 months time you would know if the person was going to work out or not. Pemrick, C. felt that people are interviewed and the best candidate and most qualified person is selected for the job. He did not see why they could not come on board and receive the wage for the position.

RESOLUTION # 44 – Amend Wage Progression Policy

Motion: Kinsella, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby amends the Wage Progression Policy as follows:

Effective March 1st, 2006, probationary full time and part time employees will receive the same benefits as the regular employee except the hourly rate of pay during the probationary period will be 10% less per hour than the established rate. At the time of successful completion of probationary period the employee's hourly rate will be adjusted to the established rate. Length of probation to be one year.

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

Noes: None

Biweekly Payroll – Supervisor Janik stated that at some point after the snow season, he would like to convert the payroll over from a weekly payroll to a biweekly payroll. They will set up a schedule that will have the least amount of impact on the employees as possible.

Wind Energy – He spoke with a company who has negotiated a lease for the use of the Finch Pruyn property. They will be coming into the Town in the near future to apply for a permit to place a 200 foot tower up for a period of one year to collect data to see whether or not the project would be feasible. A permit will be required from the Building Inspector and probably a variance from the Zoning Board of Appeals for the height. Supervisor suggested that the Board begin reviewing information regarding wind energy so that they can be prepared. Pemrick, C. stated that if the permit is denied, the applicant may be seeking relief which would put the Zoning Board of Appeals on the spot. He questioned whether the Town Board wanted to make decisions regarding this matter or leave it to the Zoning Board. Coseo, C. asked if the Zoning Board even had any authority to review this matter. The Town Zoning Law needs to set standards for either allowing or denying the use. Coseo, C. asked if a use was not listed in the Zoning Law if it would have to be allowed. Town Counsel Schachner stated that unless a use is prohibited, then the general rule is that it would be allowed. He reminded the Board that if they do have strong feelings regarding this type of use, they will not be able to do anything in the way of regulating it without taking action proactively somewhat. Anytime you make a change to the Zoning Law it will have to be done by Local Law which will require a public hearing and will be subject to certain referrals. Coseo, C. stated that if the Board were to allow this type of use in a specific zone, they would also have to ability to put together a list of requirements and/or restrictions to govern the use. Supervisor Janik would like to get more input from the Town residents as to whether or not they would be in favor of this type of use. Pemrick, C. stated that the Town was in

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the process of rewriting the Zoning Law and the committee could ask for some sample copies of existing codes which address this issue and ask for public input at the public hearing.

Town Newsletter – Coseo, C. stated that the Wind Energy Issue should be included in the first issue. He also felt that there should be something in there explaining to the residents why the Board is interested in keeping the values current and looking toward continuing the annual reval. Supervisor Janik also felt that it was important to communicate with the residents. He would like to add a Supervisor's Comments Page to the website. He asked how often the Board would be looking to send out this newsletter, since there would be a significant cost to the Town. Board members felt that 3 times a year would be appropriate. They would like to have the first one out in March or April.

Stormwater Maintenance Fees - Kinsella, C. stated that all developments that disturb greater than one acre must do post stormwater controls for runoff. Many of those require maintenance after they are turned over to the Town. For example, mowing retention ponds, removing sediment from storm drains, cleaning and replacing catch basins. The Town needs to decide how they want to cover the cost of the maintenance. Do they want to spread the cost over the entire tax base or set up special tax districts for the developments that have these maintenance issues. Kinsella, C. suggested that the Town Engineer, as part of the review process for developments, work with the developers engineer to come up with systems that are cheap to maintain. They should work together to determine what the maintenance costs will be on an annual basis, which could then be charged to a special tax district. Coseo, C. also felt that the special tax district would be the best way. Kinsella, C. to work with the Town Engineer and put together further information for the next Town Board meeting. Osborne, C. added that a note should be added to the subdivision plans so that the buyers will be aware that it will be an expense to them, like their property tax.

Lorraine Fiorino expressed concerns regarding the new wage progression policy that was approved this evening. She did not feel that it was fair to the other clerks who had to go through that wage progression. She added that the new Deputy Town Clerk could be making as much, if not more than her, within 2 years. Lorraine added that a few years ago she asked for more money and was told it would not be fair to the other clerks and that the Town needed to keep the wages in line with the rest of the County. She questioned how it was now fair. Supervisor Janik stated that this Board is looking to move forward. We recognized a problem in hiring quality employees in the Town and one of the issues was the reduction in pay. They can not go back and revisit what happened in the past. Lorraine asked if money was put into the next budget for the Deputy Town Clerk to receive extra money for tax collection, would the Town Board revisit the salaries of the other clerks, since she would then actually be making more than other clerks who had been there longer. Coseo, C. felt that salaries could be addressed at any time during the budget process. Supervisor Janik agreed and stated that in a new budget year salaries will be addressed. He added that nothing that was done this evening would have an impact on the current budget. Supervisor Janik suggested that if she was unsatisfied with her amount of pay, she should feel free to come in and discuss that with the Board during the budget process.

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Stanley Weeks – He stated that he lived in Madison county where there are 2 sets of wind towers. The companies who operate these towers not only look for hills, but they also look for an area no too far from power lines. They do not want to have to transport power too far to get to the high tension lines. Mr. Weeks felt that the tax income to the Town would be fairly large due to the fact that these towers were very expensive to put up. Kinsella, C. stated that one of the things that the Zoning Review Committee was considering was a Visual Overlay District on the Kayaderosseras Ridge which will limit the amount of clear cutting that will be allowed.

Log Loader & Truck – Highway Supt. Barss stated that he mentioned at last weeks agenda meeting that they would like to look into the possible purchase of a newer log loader and truck. He would like to propose that the Board approve up to \$50,000. to be used from the Reserve Fund so that he could start looking for a newer vehicle. Most of the money will be replaced from the sale of the surplus equipment. Supervisor Janik noted that the piece of equipment that they are looking to replace is a 1977 Mack Cab & Frame with a loader mounted on it. Kinsella, C. asked if this was something that could be leased when needed or was it used on a regular basis. Highway Supt. Barss stated that they used it year round for wood, stumps, culverts, etc. It is taken on every road construction job. Coseo, C. suggested that they may be able to get a better price in the Spring. Highway Supt. noted that if they find something out there available, they would have to write up bid specifications and advertise for bids.

RESOLUTION # 45 - Authorization to Solicit Bids for a Used Truck & Log Loader

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby authorizes the Highway Superintendent to solicit bids for a Used Truck & Log Loader at a cost not to exceed \$50,000.

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

Noes: None

On motion of Pemrick, C. and seconded by Osborne, C., the Board adjourned to Executive Session at 9:20 PM to discuss personnel matters. Town Clerk was not present for the session and no minutes were filed. On motion of Osborne, C. and seconded by Kinsella, C. the Board returned to regular session at 10:05 PM.

RESOLUTION # 46 – Termination of Dog Control Officer

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby terminates Thomas Sprung as Town Dog Control Officer, effective February 28, 2006.

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

Noes: None

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RESOLUTION # 47 – Advertise for Opening – Dog Control Officer

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Town Clerk to advertise for opening for the position of Dog Control Officer, and

FURTHER RESOLVED, that applications should be submitted by February 24th, 2006.

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

Noes: None

RESOLUTION # 48 – Appoint Town Assessor

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby appoints John C. Bonanno to the position of Town Assessor to fill the unexpired term of MaryEllen Hill-Pierce who resigned, with said term to expire September 30, 2007, and

FURTHER RESOLVED, That this appointment shall take effect immediately and compensation shall be in accordance with his February 2006 proposal.

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

Noes: None

Dog Control Vehicle - Supervisor Janik stated that the motor was shot in the Dog Control Van and that a new vehicle would have to be purchased. The Highway Supt. will check and see if he can locate a suitable vehicle and report back to the Board at the next meeting.

The Supervisors Annual Financial Report has been completed and has been filed with the State of New York and the Town Clerk.

Monthly reports were submitted by the UDAG Revolving Loan Fund Committee, Town Clerk, Town Justices, Supervisor, Highway Supt. and Dog Control Officer.

Annual report was submitted by the Highway Superintendent.

RESOLUTION # 49 – General Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 19 to # 99 in the amount of \$46,906.11 be paid, subject to audit.

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

Noes: None

RESOLUTION # 50 – Highway Bills

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills #1 to #24 in the amount of \$85,857.01 be paid, subject to audit.

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

Noes: None

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RESOLUTION # 51 – UDAG Bills

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That UDAG Bills # 1 to # 6 in the amount of \$33,885.75 be paid, subject to audit.

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

Noes: None

On motion of Osborne, C. and seconded by Pemrick, C, the meeting was adjourned at 10:20 PM.

Town Clerk